

# AUSTRIA

## ANNUAL POLICY REPORT

# 2017

Alexander Spiegelfeld

**AUSTRIA – ANNUAL POLICY REPORT 2017**



International Organization for Migration (IOM)

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The UN Migration Agency

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International Organization for Migration,  
Country Office for Austria  
Nibelungengasse 13/4, 1010 Vienna  
Tel.: +43 1 585 33 22 0  
E-mail: [iomvienna@iom.int](mailto:iomvienna@iom.int), [emnaustria@iom.int](mailto:emnaustria@iom.int)  
Internet: [www.iomvienna.at](http://www.iomvienna.at), [www.emn.at](http://www.emn.at)

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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 for 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 Austria is – pursuant to an agreement with the Federal Ministry of the Interior – located in the Research and Migration Law Department of the Country Office for Austria of the International Organization for Migration (IOM). The IOM office 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 work programme of the EMN including the drafting of the annual policy report and topic-specific studies, answering Ad Hoc Queries launched by other NCPs or the European Commission, 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 and information. Exceptions might occur when these are not sufficient. EMN studies are elaborated in accordance with common study templates in order to achieve comparable results within the EU and Norway. Since the comparability of the results is frequently challenging, the EMN has produced a glossary, which ensures 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 selected topics and compare national results in a concise manner. All national studies, synthesis reports, informs and the Glossary are available on the website of the European Commission Directorate-General for Migration and Home Affairs.

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## EXECUTIVE SUMMARY

The *Annual Policy Report 2017* has been produced within the framework of annual reporting by the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant political and legislative developments in the field of asylum and migration in Austria in 2017 and provides related information on policy and public debates. The topics covered are: legal migration and mobility; international protection; unaccompanied minors and other vulnerable groups; integration; return; irregular migration, including smuggling; countering trafficking in human beings; and migration and development.

The most important developments in Austria for 2017 are:

- On 15 October 2017, Austria elected a new **National Council** with the Austrian People's Party (ÖVP) winning the election and forming a coalition with the Austrian Freedom Party (FPÖ). The government programme for 2017–2022 has a strong focus on migration and asylum-related topics (see 2.1).
- **The Integration Act (FLG I No. 68/2017, in the version of FLG I No. 86/2017) and the Integration Year Act (FLG I No. 75/2017)**: These acts were introduced with effect as of June 2017 with the overall objective of facilitating and supporting the integration of third-country nationals in Austria. The Integration Act provides for language training as well as value and orientation courses. The Integration Year Act entails measures specifically envisaged to support labour market integration of persons granted asylum and beneficiaries of subsidiary protection as well as asylum seekers who will most likely receive protection status (see 6.2).
- **2017 Act Amending the Aliens Law (FLG I No. 145/2017)**: The act went into force in November 2017 with far-reaching effects on Austrian migration legislation. The act provides for new rules regarding legal migration, which serve to implement EU legislation as well as to introduce new initiatives, including an amendment of the Red-White-Red Card (see 3.2). The act also resulted in legislative reforms related to international protection and return. The changes related to topics including: cooperation obligations for individual applying for international protection, housing, detention during the asylum procedure, withdrawal of international protection, as well as issuing return decisions and travel bans (see 4.2 and 8.2).
- In regards to **Schengen**, the controls at the internal borders with Hungary and Slovenia were prolonged until 10 May 2018 (see 3.3). Furthermore, in the government programme for 2017–2022 the Austrian Federal Government announced that it would prolong border control until the external borders of the EU are effectively secured against irregular migration (see 2.1 and 2.3).
- In August 2017, the Expert Council for Integration presented the 2017 edition of the annually published **Integration Report**. The report cautions that due to the high numbers of immigrants, Austria is facing an extraordinary challenge through integration. Education and employment continue to be the bottlenecks hindering a successful integration path of migrants in Austria (see 6.1).

- In 2017, the topic of **return** continued to be one of the focus areas of the Austrian authorities. The Federal Office of Immigration and Asylum counted 11,974 departures in 2017, which is an increase of 11 per cent compared with 2016. Besides implementing new return policies in the context of the 2017 Act Amending Aliens Law, the Federal Office for Immigration and Asylum developed a new, two-stage model, based on the principle of providing more assistance benefits to asylum seekers who return to their countries of origin at an earlier stage (see 8.3).
- The fourth National Action Plan on **combating human trafficking** was completed and a new Action Plan for 2018–2020 is in preparation. This action plan is intended to reflect the change in the situation resulting from the increased influx of migrants in 2015–2016 and foresees measures such as additional training and awareness-raising activities (see 9.1).
- In July 2017, the Federal Government pledged to make EUR 3 million available for the North of Africa Window of the EU Emergency Trust Fund (EUTF) for Africa, for the purpose of combating the root causes of irregular migration. Alongside the contributions to the EUTF, in a total of 42 cases in 2017, funding amounting to roughly EUR 32 million was approved for **migration and development** (10.1).

# 1 INTRODUCTION

## 1.1 Purpose

The *Annual Policy Report 2017* has been produced within the framework of the European Migration Network (EMN),<sup>1</sup> which was established by Council Decision 2008/381/EC in May 2008.<sup>2</sup> The EMN provides up-to-date, objective, reliable and comparable information on migration and asylum matters, with the aim of supporting policymaking at European Union (EU) and national levels as well as of disseminating this information among the general public.

This is the fourteenth annual policy report<sup>3</sup> compiled by the National Contact Point (NCP) Austria in the EMN, covering the period from 1 January to 31 December 2017. The purpose of the annual policy report is to provide an overview of the most significant political and legislative developments relating to asylum and migration in Austria; it is also intended to summarize the political and public debates in the area of asylum and migration. The report covers the following topics: legal migration and mobility; international protection; unaccompanied minors and other vulnerable groups; integration; return; irregular migration, including smuggling; countering trafficking in human beings, and migration and development.

## 1.2 Methodology and definitions

In preparing the *Annual Policy Report 2017*, the NCP Austria in the EMN has followed common specifications developed by the EMN, in order to facilitate comparability of the findings from all Member States. At the same time, the format allowed flexibility to a certain degree, so as to enable output that targets the national audience. The terminology used in the context of this report is based on the terms and definitions given in the EMN Glossary 3.0 (EMN, 2014).

In order to allow concise reporting and to facilitate comparability, the *Annual Policy Report 2017* only reflects significant developments and debates as have been defined on the basis of the criteria listed in the study specifications. Hence, for the present report, proposals for amended or new legislation or policy changes were considered to be significant developments, while a significant debate was defined as an event that had been discussed in national parliament, by relevant ministries, political parties or civil society stakeholders and, consequently, had been widely reported in the media.

Based on the methodology used in previous annual policy reports, the referenced sources of information include: press releases and websites of relevant ministries, journals, studies, reports, draft and enacted legislation, court rulings, parliamentary debates, as well as online media articles from the main daily newspapers in Austria. In the latter case, press articles dealing with migration and asylum issues were collected throughout the year, within the framework of continuous media monitoring, in order to gain an overview of the most important public discussions.

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<sup>1</sup> More information on the EMN is available at [www.emn.at/en](http://www.emn.at/en) (accessed on 24 April 2018).

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

<sup>3</sup> Previous versions from 2004 to 2016 are available at [www.emn.at/en/publications/annual-reports](http://www.emn.at/en/publications/annual-reports) (accessed on 24 April 2018).

The basis for the *Annual Policy Report 2017* is provided by the *Annual Report 2017 on Migration and Asylum in Austria – Contribution to Commission and to EASO Annual Reports*, which was developed in cooperation with the Federal Ministry of the Interior as well as the Criminal Intelligence Service Austria, the Federal Ministry for Europe, Integration and Foreign Affairs, the Federal Ministry of Labour, Social Affairs and Consumer Protection, and the Federal Office for Immigration and Asylum.

This report was prepared by Alexander Spiegelfeld (Research and Communications Associate, IOM Country Office for Austria) under the supervision of Julia Rutz (Head of Research and Migration Law Unit, IOM Country Office for Austria). Thanks go to Özlem Cansu Culhaci (Administrative Assistant, IOM Country Office for Austria) for her support in researching and preparing the bibliography.

## 2 CONTEXT OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

### 2.1 General political developments

In 2017, the dominant political development in Austria was the announcement in May by the Austrian People's Party (ÖVP) to dissolve the coalition and the subsequent **election of a new National Council** on 15 October 2017. The ÖVP received the majority of the votes (31.5%), followed by the Social Democratic Party of Austria (SPÖ) (26.9%) and the Freedom Party (FPÖ) (26.00%). The NEOS (5.3%) and the party known as "Liste Pilz" (4.4%) surpassed the four-per cent threshold, allowing them to enter the Austrian National Council, while the Austrian Green Party received 3.8 per cent of the vote and therefore is not represented in the Council any longer.<sup>4</sup>

Shortly after the elections the ÖVP and the FPÖ started negotiations, announcing on 15 December 2017 the intention to form a coalition with Sebastian Kurz (ÖVP) as new Austrian chancellor and Heinz-Christian Strache as vice-chancellor.<sup>5</sup> The coalition is founded on the **government programme** titled *Together: For our Austria*, which focuses strongly on migration-related topics, specifically irregular migration, asylum and integration (Austrian Federal Chancellery, 2017). This did not come as a surprise as migration was already the dominant topic during the election campaign.<sup>6</sup>

The programme announces that Austria will continue with controls of its borders with neighbouring countries until the EU external borders are secured. It is the new government's intention to fight and stop irregular migration to Austria. More generally, the government refers to the need to see migration as a security threat as well as a risk to the cohesion of Austria society (Austrian Federal Chancellery, 2017:31–32). In regards to asylum, the new government plans to increase efficiency in the asylum procedure by amending applicable legislation relating to asylum and aliens, in addition to the Federal Basic Welfare Support Act.<sup>7</sup> The programme also ushers in a paradigm shift, towards coercive measures in cases of failing to comply with statutory integration provisions. In this context, more emphasis on German language training can be expected (Austrian Federal Chancellery, 2017:32–38). The programme also provides for a stronger focus on the immigration of qualified workers, based on (regional) needs (Ibid.:144).

### 2.2 Main legislative developments

From June to November 2017, the Austrian Federal Government implemented several legislative amendments solely targeting foreigners residing or planning to reside in Austria.

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<sup>4</sup> Federal Ministry of the Interior, *Nationalratswahl 2017*, available at <https://wahl17.bmi.gv.at/> (accessed on 23 April 2018).

<sup>5</sup> See, for example, Profil, *Koalition - ÖVP und FPÖ: „Gemeinsam Veränderung sicherstellen“*, 15 December 2017, available at [www.profil.at/oesterreich/koalition-oevp-fpoe-regierung-8575496](http://www.profil.at/oesterreich/koalition-oevp-fpoe-regierung-8575496) (accessed on 24 April 2018).

<sup>6</sup> See, for example, Kurier, *Migration war das Top-Thema*, 13 October 2017, available at <https://kurier.at/politik/inland/wahl/migration-war-das-top-thema/291.796.355> (accessed on 22 December 2017).

<sup>7</sup> FLG I No. 405/1991 in the version of FLG I No. 145/2017.

In June, the adoption of the **Integration Act**<sup>8</sup> and the **2017 Integration Year Act**<sup>9</sup> were promulgated. After a delay due to a procedural error, the **2017 Act on Amending the Aliens Law**<sup>10</sup> was published in October 2017. The next section describes the main resulting legislative changes; for a more detailed overview, refer to the respective chapters on legal migration (chapter 3), international protection (chapter 4), and return (chapter 8).

### 2.2.1 Integration Act

The objectives pursued through the Integration Act are to enable persons legally residing in Austria to be successfully integrated as soon as possible, as well as to provide a legislative basis for the related institutional structures. The latter objective involves task-sharing between the responsible institutions, namely the Austrian Integration Fund and the Austrian Employment Service (Art. 4 para 2 Integration Act). The main legislative changes include the implementation of a central framework for integration measures that includes language, value and integration courses for persons granted asylum and beneficiaries of subsidiary protection aged 15 and over. Furthermore, the integration agreement for third-country nationals legally residing in Austria was moved from the Settlement and Residence Act<sup>11</sup> to the Integration Act.<sup>12</sup>

### 2.2.2 Integration Year Act

The Integration Year Act, implemented with the Labour Market Integration Act, has the sole objective of ensuring the integration of persons granted asylum and beneficiaries of subsidiary protection as well as asylum seekers who will most likely receive protection status. The measures set forth in the act include language training, the evaluation of competencies, and career counselling, in order to support labour market integration as well as integration into society as a whole.<sup>13</sup>

### 2.2.3 2017 Act Amending the Aliens Law

The main objectives of the 2017 Act Amending the Aliens Law are: (a) harmonization with EU migration policies regarding third-country nationals migrating for economic reasons; (b) increased flexibility when issuing national long-term residence titles for economic reasons or exceptional circumstances; (c) more efficient and stricter sanctions for illegal stay; and (d) increased attractiveness of the Red-White-Red Card for highly qualified workers. Thus, the Act affected a broad scope of legislation relating to both economic migration and international protection.<sup>14</sup>

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<sup>8</sup> FLG I No. 68/2017 in the version of FLG I No. 86/2017.

<sup>9</sup> FLG I No. 75/2017.

<sup>10</sup> FLG I No. 145/2017.

<sup>11</sup> FLGI No. 100/2005 in the version of FLG I No. 145/2017.

<sup>12</sup> Act Amending the Integration Act, Anti-Face-Covering Act, Settlement and Residence Act, Asylum Act, Government Proposal, Preamble, available at [www.parlament.gv.at/PAKT/VHG/XXV/II/II\\_01586/imfname\\_624802.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/II/II_01586/imfname_624802.pdf) (accessed on 24 April 2018).

<sup>13</sup> Labour Market Integration Act, Ministerial Proposal, Preamble, available at [www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\\_00291/imfname\\_614795.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00291/imfname_614795.pdf) (accessed on 24 April 2018).

<sup>14</sup> Act Amending the Aliens Law 2017, Government Proposal, Preamble, available at [www.parlament.gv.at/PAKT/VHG/XXV/II/II\\_01523/imfname\\_619000.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/II/II_01523/imfname_619000.pdf) (accessed on 24 April 2018).

In relation to economic migration, the main changes include the adoption of EU legislation relating to the specifications laid down in Directive 2014/36/EU (Seasonal Workers Directive)<sup>15</sup> and Directive 2014/66/EU (ICT Directive).<sup>16</sup> Furthermore, the requirements for obtaining a Red-White-Red Card in the case of start-up founders and self-employed key workers were defined, the conditions applying to residence permits for groups including artists and researchers were amended, and the rules governing family reunification were simplified.<sup>17</sup>

The main changes affecting international protection include the introduction of an assigned area of residence for asylum seekers and, under certain circumstances, for other persons in cases of a return decision or order of removal from the country. Other changes include the possibility of issuing a return decision despite protection against removal, the increase of the normal maximum period of detention pending removal, and an expanded scope of entry bans imposed due to criminal offences or suspicion of individuals having a close relationship with an extremist or terrorist group (Szymanski, 2017:1–9).

### 2.3 Austrian Presidency of the Council of the European Union

In the **second half of 2018**, Austria will take over the Presidency of the Council of the European Union as part of the trio presidency<sup>18</sup> with Estonia and Bulgaria. The trio programme consists of five thematic areas, of which the area referred to under *A Union of Freedom, Security and Justice* specifically names as one of its top priorities the management of migration, both internally and externally. Related tasks include the development and implementation of effective migration management measures, the finalization of the reform of the Common European Asylum System, and the strengthening of cooperation with third countries.<sup>19</sup> In addition, the government programme for 2017–2022 specifically names effective EU external borders as one of its top priorities for the Austrian Presidency (Austrian Federal Chancellery, 2017:33).

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<sup>15</sup> Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ 2014 L 94/375.

<sup>16</sup> Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ 2014 L 157/1.

<sup>17</sup> Act Amending the Aliens Law 2017, Government Proposal, Explanatory Notes, p. 2–7, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_01523/imfname\\_619001.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_01523/imfname_619001.pdf) (accessed on 7 January 2018).

<sup>18</sup> Three “presidency” member states develop a common work program for a period of 18 months.

<sup>19</sup> Council of the European Union, *18-month Programme of the Council*, 9934/17, available at [www.eu2017.ee/sites/default/files/2017-07/Programm%20des%20Dreivorsitzes.pdf](http://www.eu2017.ee/sites/default/files/2017-07/Programm%20des%20Dreivorsitzes.pdf) (accessed on 24 April 2018).

### 3 LEGAL MIGRATION AND MOBILITY

#### 3.1 General developments and trends

In total in 2017, 458,545 **valid residence titles were granted to third-country nationals**, only slightly more than in 2016 (454,788). The Permanent Residence – EU title accounted for 58.88 per cent of the total, making it the most common residence title issued to third-country nationals in 2017, followed by the Red-White-Red Card Plus at 21.02 per cent and the Family Member residence title at almost 8.47 per cent (see table 1).

**Table 1: Valid residence titles of third-country nationals by type of title – 2017**

	<b>Total</b>	<b>Per cent</b>
<b>Permanent Residence – EU</b>	269,991	58.88%
<b>Red-White-Red Card Plus</b>	96,374	21.02%
<b>Family Member</b>	38,827	8.47%
<b>Temporary Residence Permit</b>	23,732	5.18%
<b>Permanent Residence – Fam. Member</b>	10,877	2.37%
<b>(Former) Proof of Settlement</b>	9,529	2.08%
<b>Settlement Permit</b>	6,992	1.52%
<b>Red-White-Red Card</b>	1,908	0.42%
<b>EU Blue Card</b>	315	0.07%
<b>Total</b>	458,545	100.00%

*Source:* Federal Ministry of the Interior, Settlement and Residence Statistics October 2017, n.d.; Settlement and Residence Statistics 2016, n.d.

At the beginning of 2017, Austrian policymakers and media widely discussed the possibility of restricting the posting of workers from other EU Member States in Austria. According to the Federal Ministry of Labour, Social Affairs and Consumer Protection, the number of foreign EU citizens registered as either self-employed, employed or unemployed increased from 273,435 in 2011 to approximately 477,000 in 2015. This increase was mainly ascribed to workers from new EU Member States, such as Bulgaria, Hungary and Romania.<sup>20</sup> The Austrian People's Party (ÖVP) in particular argued that the increased immigration of foreign EU citizens put pressure on the Austrian social welfare system and argued for a cut in the social benefits paid out to foreign EU citizens living in Austria.<sup>21</sup> However, the discussion receded due to the general elections. Nonetheless, the programme of the new Austrian Federal Government demands a **revision of the EU Posting of Workers Directive** to consider (regional) labour demand and to focus on qualified workers (Austrian Federal Chancellery, 2017:144). In this context, a review of the Red-White-Red Card is also planned (Ibid.:146).

<sup>20</sup> See, for example: Wiener Zeitung, *Billige Grenzgänger*, 25 January 2017, available at [www.wienerzeitung.at/nachrichten/oesterreich/politik/870019\\_Billige-Grenzgaenger.html](http://www.wienerzeitung.at/nachrichten/oesterreich/politik/870019_Billige-Grenzgaenger.html) (accessed on 17 April 2018).

<sup>21</sup> See, for example, Salzburger Nachrichten, *Kurz will EU-Ausländern Sozialhilfe fünf Jahre verweigern*, 19 March 2017, available at [www.sn.at/politik/innenpolitik/kurz-will-eu-auslaendern-sozialhilfe-fuenf-jahre-verweigern-6578935](http://www.sn.at/politik/innenpolitik/kurz-will-eu-auslaendern-sozialhilfe-fuenf-jahre-verweigern-6578935) (accessed on 17 April 2018).

A turbulent debate over **Schengen governance** continued in 2017. Recently, the controls at the borders with Hungary and Slovenia were prolonged until 10 May 2018.<sup>22</sup> Beyond that, border controls with Italy were also envisaged with the argument that the EU was not capable of protecting its external borders.<sup>23</sup> The protection of EU borders is also one of the preconditions stated by the new Austrian Federal Government for suspending border controls in future (Austrian Federal Chancellery, 2017:33).

## 3.2 Legislative developments

### 3.2.1 Economic migration

As part of the **2017 Act Amending the Aliens Law**<sup>24</sup> legislative changes were implemented, introducing far-reaching changes to the legislation governing the rules of economic migration to Austria. The following section analyses the amendments based on the different categories of economic migrants.

#### 3.2.1.1 Highly qualified workers

To facilitate the admission and labour market integration of qualified workers from third countries under the Red-White-Red Card, the Settlement and Residence Act<sup>25</sup> and the Act Governing the Employment of Foreigners<sup>26</sup> were amended. The system, in which weighted criteria are applied to control the immigration of skilled workers in shortage occupations, was revised. Now language competence and professional experience are rated higher than age, in order to allow older skilled workers from third countries to enter the labour market under the **Red-White-Red Card**.<sup>27</sup>

Additionally, the period of validity of the Red-White-Red Card was extended from one to two years (Art. 41 para 5 Settlement and Residence Act). According to the Federal Minister of Social Affairs, this step has been taken to counteract wage and social dumping.<sup>28</sup> The extended validity provides a longer period for assessing whether admitted workers are in fact employed in accordance with admission requirements.<sup>29</sup>

In this regard, the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection published the annual list of occupations that fall under the category of “**shortage occupation**”, also known as the Regulation for Skilled Workers, in December 2017.<sup>30</sup>

<sup>22</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>23</sup> See, for example, Die Presse, *Grenzschutz: Doskozil will "eindeutige Signale nach Brüssel senden"*, 4 July 2017, [https://diepresse.com/home/innenpolitik/5246247/Grenzschutz\\_Doskozil-will-eindeutige-Signale-nach-Bruessel-senden](https://diepresse.com/home/innenpolitik/5246247/Grenzschutz_Doskozil-will-eindeutige-Signale-nach-Bruessel-senden) (accessed on 23 April 2018).

<sup>24</sup> FLG I No. 145/2017.

<sup>25</sup> FLG I No. 100/2005 in the version of FLG I No. 145/2017.

<sup>26</sup> FLG I No. 218/1975 in the version of FLG I No. 66/2017.

<sup>27</sup> Act Governing the Employment of Foreigners 2017, General Social Insurance Act, Amendment, Preamble, available at [https://www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_01516/fname\\_618783.pdf](https://www.parlament.gv.at/PAKT/VHG/XXV/I/I_01516/fname_618783.pdf) (accessed on 13 December 2017).

<sup>28</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Stöger: Weitere Verbesserungen bei Rot-Weiß-Rot-Karte*. Press Release, n.p., 28 February 2017, available at [www.sozialministerium.at/site/Service\\_Medien/Presse/Presseausendungen/Stoeger\\_Weitere\\_Verbesserung\\_en\\_bei\\_Rot\\_Weiss\\_Rot\\_Karte](http://www.sozialministerium.at/site/Service_Medien/Presse/Presseausendungen/Stoeger_Weitere_Verbesserung_en_bei_Rot_Weiss_Rot_Karte) (accessed on 13 December 2017).

<sup>29</sup> Act Governing the Employment of Foreigners, General Social Insurance Act, Amendment, Government Proposal - Explanatory Notes, p. 1, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_01516/fname\\_618784.pdf](https://www.parlament.gv.at/PAKT/VHG/XXV/I/I_01516/fname_618784.pdf) (accessed on 4 January 2017).

<sup>30</sup> FLG II No. 377/2017.

For the year 2018, the list included 27 occupations (Art. 1 Regulation for Skilled Workers).<sup>31</sup> The number of occupations constitutes a significant increase, as in 2016 the list only consisted of eleven (The European Migration Network, 2016:9).

### *3.2.1.2 Intra-corporate transferees (ICTs)*

Two **new types of temporary residence permits** were introduced as part of the 2017 Act Amending the Aliens Law. (a) Temporary Residence Permit for Intra-Corporate Transferees (ICTs) (Art. 58 para 1 Settlement and Residence Act); and (b) Temporary Residence Permit for Mobile Intra-Corporate Transferees (mobile ICTs) (Art. 58a para 1 Settlement and Residence Act). The amendment, which was implemented as part of the Directive 2014/66/EU (ICT Directive),<sup>32</sup> is intended to facilitate the admission of managers, specialists and trainees transferred within companies in the EU.<sup>33</sup> The period for deciding on admission is set at eight weeks and therefore similar to that for the Red-White-Red Card.<sup>34</sup>

The Act Governing the Employment of Foreigners was correspondingly adapted to allow such individuals access to the labour market; the specific changes include the terms used in the act and the rules applying to corporate posting of employees and cross-border temporary agency work as well as to foreigners transferred within companies (Art. 2 para 13, 18 para 13, 18a and 20f Act Governing the Employment of Foreigners).

### *3.2.1.3 Seasonal workers*

**Directive 2014/36/EU (Seasonal Workers Directive)**<sup>35</sup> was implemented by introducing a new Visa D for seasonal workers that is valid for a maximum of nine months (Art. 20 para 1 subpara 9 Aliens Police Act). Such visas can also be renewed in Austria. Another change provides for preferred approval of seasonal workers previously admitted in this capacity once during the past five years (Art. 5 para 3 Act Governing the Employment of Foreigners and Art. 20 para 2 subpara 2 Aliens Police Act).<sup>36,37</sup> In this context the requirement for a certificate of non-impediment was lifted (Art. 31 para 2 Aliens Police Act). Previously, a seasonal worker obtained either a Visa C (travel visa) or a Visa D (long stay visa), depending on the duration of stay, or was allowed to enter Austria without a visa if a citizen of a third country exempt from visa requirements. In the latter case, it was necessary to present a

<sup>31</sup> Agricultural machinery mechanical engineers, asphalt roofers, carpenters, carpenters and joiners, concrete workers, university-level data processing engineers, data processing technicians, electricians, university-level high-voltage electrical engineers, university-level mechanical engineers, high voltage electrical technicians, university-level low-voltage electrical and telecommunications engineers, mechanical engineering technicians, metal turners, milling machinists, motor mechanics, nursing professionals (limited), other high-voltage electrical technicians, other locksmiths, other mechanical engineering technicians, other sheet metal workers, pipe fitters, roofers, secondary-level technicians if not otherwise classified, tilers, floor tilers, tool and die makers, and welding operators/flame cutters.

<sup>32</sup> Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ 2014 L 157/1.

<sup>33</sup> Act Amending the Aliens Law 2017, Ministerial proposal – Explanatory Notes, p. 2, available at [www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\\_00279/imfname\\_582633.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00279/imfname_582633.pdf) (accessed 3 January 2018).

<sup>34</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>35</sup> Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ 2014 L 94/375.

<sup>36</sup> FLG I No. 100/2005 in the version of FLG I No. 145/2017.

<sup>37</sup> Act Amending the Aliens Law 2017, Government Proposal, Preamble, p. 5, available at [www.parlament.gv.at/PAKT/VHG/XXV/II/I\\_01516/fname\\_618783.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/II/I_01516/fname_618783.pdf) (accessed on 3 January 2018).

certificate of non-impediment (*Unbedenklichkeitsbescheinigung*).<sup>38</sup> This rule had to be lifted based on the requirements of the Seasonal Workers Directive. This means that persons from third-countries generally exempt from visa requirements must now apply for a Visa C or a Visa D.<sup>39</sup>

It may be mentioned in this context that the 2018 Settlement Regulation<sup>40</sup> allows for a maximum of **6,120 residence titles** subject to quota as specified in Art. 13 para 2 Settlement and Residence Act, up to 4,000 work permits for temporarily employed foreigners (seasonal workers) and up to 600 work permits for harvest workers (Art. 1 and 2 2018 Settlement Regulation) in 2018.<sup>41</sup>

#### 3.2.1.4 *Migrant entrepreneurs*

The conditions for the admission of individuals from third **countries who intend to start up a company** were amended to promote innovation in Austria. The new provisions define the requirements for obtaining a Red-White-Red Card for start-up founders and detail the conditions for admission as a self-employed key worker.<sup>42</sup> To obtain a Red-White-Red Card for self-employed key workers, an individual must either invest at least EUR 100,000 in capital or contribute to employment by creating or securing jobs (Art. 24 para 1 Act Governing the Employment of Foreigners). The Red-White-Red Card for start-up founders is open to persons who “develop and bring to market innovative products, services, processes or technologies” and are able to provide evidence of at least EUR 50,000 in start-up capital (including 50% owner’s capital) (Art. 24 para 2 subpara 2 Act Governing the Employment of Foreigners). Individuals who qualify can change to a Red-White-Red Card Plus or a Settlement Permit after two years (Art. 24 para 4 Act Governing the Employment of Foreigners).<sup>43</sup>

#### 3.2.1.5 *Artists, researchers, scientists and students*

Other changes affected residence titles for scientists and researchers, artists and university graduates. The permits previously available to scientists, researchers and artists, specifically the Temporary Residence Permit – Researcher and the Temporary Residence Permit – Artist, were replaced by the Settlement Permit – Researcher (Art. 43c Settlement and Residence Act) and the Settlement Permit – Artist (Art. 43a Settlement and Residence Act). When meeting other conditions, persons holding such permits can switch to Permanent Residence – EU after five years (Art. 45 Settlement and Residence Act). This also applies to certain groups falling under “special cases of dependent gainful employment”, which include ministers of religion, journalists with foreign media organizations and teaching staff at specified international schools.<sup>44</sup>

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<sup>38</sup> Act Amending the Aliens Law 2017, Ministerial proposal – Explanatory Notes, p. 3, available at [www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\\_00279/imfname\\_582633.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00279/imfname_582633.pdf) (accessed on 3 January 2018).

<sup>39</sup> Act Amending the Aliens Law 2017, Government Proposal, Explanatory Notes, p. 4, available at [www.parlament.gv.at/PAKT/VHG/XXV/II\\_01523/imfname\\_619001.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/II_01523/imfname_619001.pdf) (accessed on 7 January 2018).

<sup>40</sup> FLG II No. 23/2018.

<sup>41</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>42</sup> Act Amending the Aliens Law 2017, Government Proposal, Explanatory Notes, p. 7, available at [www.parlament.gv.at/PAKT/VHG/XXV/II\\_01523/imfname\\_619001.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/II_01523/imfname_619001.pdf) (accessed on 7 January 2018).

<sup>43</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>44</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

**University graduates' right of residence was extended** to twelve months to allow them to seek employment (Art. 64 para 4 Settlement and Residence Act). The maximum number of working hours for school pupils and students was increased to a uniform level of 20 hours per week (Art. 63 and 64 para 1 Settlement and Residence Act). A labour market test is now no longer required for pupils and students employed for a maximum of 20 hours per week (Art. 4 para 7 subpara 2 Act Governing the Employment of Foreigners).<sup>45</sup>

### 3.2.2 Family reunification

The **rules governing family reunification were simplified** as a result of the 2017 Act Amending the Aliens Law. Family members of persons granted asylum who apply for the Red-White-Red Card Plus are not subject to the requirement to provide evidence of proficiency in German, specified in Art. 21a para 1 of the Settlement and Residence Act (Art. 21a para 4 subpara 4 Settlement and Residence Act).<sup>46</sup>

In addition, the definition of the term “family member” has been expanded. Pursuant to Art. 35 para 5 2005 Asylum Act, any marriage or registered partnership must now only have existed prior to entering Austria and not, as previously, in the country of origin.

Furthermore, in regards to the continuation of family life as codified in Art. 8 of the European Convention on Human Rights,<sup>47</sup> a decision to grant protection status to a person residing in Austria who is a family member of an individual already granted that status now no longer depends on the possibility of such status being granted in another country.<sup>48</sup>

In response to the amendments, the UNHCR welcomed the clarification of the term “family member”; however, the UNHCR also urges more simplification of the rules governing family reunification, as this could facilitate integration and prevent irregular migration.<sup>49</sup>

### 3.2.3 Other legislative developments

On account of “exceptional circumstances”, such as humanitarian grounds, grounds of national interest and international obligations (Art. 22a Aliens Police Act) and when meeting certain conditions specified in Art. 21a para 1 of the Aliens Police Act, foreigners now have the option to apply for a visa before the period of legal stay has expired.

## 3.3 Managing migration and mobility

### 3.3.1 Schengen governance and temporary suspension of Schengen

Based on the argument of the Federal Minister of the Interior that a change was needed to stop irregular migration and prevent illegal border crossings, controls at the internal borders with

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<sup>45</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Stöger: Weitere Verbesserungen bei Rot-Weiß-Rot-Karte*. Press Release, n.p., 28 February 2017, available at [www.sozialministerium.at/site/Service\\_Medien/Presse/Presseaussendungen/Stoeger\\_Weitere\\_Verbesserung\\_en\\_bei\\_Rot\\_Weiss\\_Rot\\_Karte](http://www.sozialministerium.at/site/Service_Medien/Presse/Presseaussendungen/Stoeger_Weitere_Verbesserung_en_bei_Rot_Weiss_Rot_Karte) (accessed on 13 December 2017).

<sup>46</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>47</sup> FLG No. 210/1958 in the version of by FLG III No. 144/2016.

<sup>48</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 26 January 2018.

<sup>49</sup> Austrian Press Agency, *UNHCR zu Fremdenrechtsnovelle: Einschnitte bei Grundversorgung und Familienzusammenführung bedenklich*. Press Release, n.p., 18 January 2017, available at [www.ots.at/presseaussendung/OTS\\_20170118\\_OTS0048/unhcr-zu-fremdenrechtsnovelle-einschnitte-bei-grundversorgung-und-familienzusammenfuehrung-bedenklich](http://www.ots.at/presseaussendung/OTS_20170118_OTS0048/unhcr-zu-fremdenrechtsnovelle-einschnitte-bei-grundversorgung-und-familienzusammenfuehrung-bedenklich) (accessed on 3 May 2018).

Hungary and Slovenia were extended until November 2017 and, pursuant to Art. 25 Schengen Borders Code (SBC),<sup>50</sup> later **prolonged until 10 May 2018**.<sup>51</sup> The decision followed an EU Council of Ministers meeting in September 2017 where Austria joined Denmark, France, Germany and Norway in proposing a modification of the periods stipulated under the SBC.<sup>52</sup>

### 3.3.2 International cooperation on border management and control

In 2017, Austrian police officers assisted in various **Frontex** Joint Operations and were deployed in a variety of roles, including border surveillance in areas without checkpoints, border control as well as migrant registration and interviews. Some 5,000 experts from all over Europe, including 225 Austrian police officers, belong to the European Border and Coast Guard Teams. Of the Austrian contingent, 40 officers are on duty with Frontex all year round.<sup>53</sup>

On a bilateral basis, Austria continued to support the **West Balkan States** in surveillance of the borders. One example is the secondment of 20 Austrian police officers to the former Yugoslav Republic of Macedonia to support their counterparts in surveillance of the border with Greece.<sup>54</sup> Furthermore, in April 2017, the deployment of Austrian armed forces staff to assist along the **Hungarian-Serbian border** was extended to the end of 2017. Approval was given for deploying a contingent consisting of 125 staff members. According to the Federal Minister of Defence, the soldiers provide services relating to engineering, medical care and supply.<sup>55</sup>

With the aim of providing participants with theoretical knowledge relating to document security, the Federal Ministry of the Interior's document advisers held several **training sessions** in 2017 on identifying counterfeit and falsified documents and on establishing a person's legitimate personal details. Attended by experienced border guards from Kazakhstan, Mongolia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, the one to two-week advanced courses were supplemented by practical exercises. In addition to projects co-funded by the EU, several projects involving Azerbaijan and Georgia were conducted within the framework of Technical Assistance and Information Exchange (TAIEX) in 2017.<sup>56</sup> Most of the projects implemented had been initiated by the International Centre for Migration Policy Development (ICMPD) and the International Organization for Migration (IOM).

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<sup>50</sup> Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ 2006 L 105/1.

<sup>51</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>52</sup> Federal Ministry of the Interior, *Sobotka: Grenzkontrollen weiter alternativlos*. Press Release, n.p., 13 October 2017, available at [www.bmi.gv.at/news.aspx?id=397277476C35555169706B3DD](http://www.bmi.gv.at/news.aspx?id=397277476C35555169706B3DD) (accessed on 2 January 2018).

<sup>53</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>54</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Außenminister Sebastian Kurz reist nach Mazedonien und Serbien*. Press Release, Vienna, 12 February 2017, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/02/aussenminister-sebastian-kurz-reist-nach-mazedonien-und-serbien/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/02/aussenminister-sebastian-kurz-reist-nach-mazedonien-und-serbien/) (accessed on 18 December 2017).

<sup>55</sup> Austrian Parliament, *Bundesheer leistet bis Ende 2017 Hilfeinsatz an ungarisch-serbischer Grenze*. Parliamentary correspondence No. 471, 26 April 2017, available at [www.parlinkom.gv.at/PAKT/PR/JAHR\\_2017/PK0471/index.shtml](http://www.parlinkom.gv.at/PAKT/PR/JAHR_2017/PK0471/index.shtml) (accessed on 3 January 2018).

<sup>56</sup> European Commission, *TAIEX*, available at [https://ec.europa.eu/neighbourhood-enlargement/tenders/taix\\_en](https://ec.europa.eu/neighbourhood-enlargement/tenders/taix_en) (accessed on 6 February 2018).

Training courses on document security, albeit at a basic level, were also held by the Federal Ministry of the Interior in Bosnia and Herzegovina and in the former Yugoslav Republic of Macedonia.<sup>57</sup>

Finally, the thirteenth conference of the **Central Asia Border Security Initiative** (CABSI) was held in Vienna in October 2017. The conference was attended by representatives from Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The topics discussed at the conference included enhancing border security and improving migration management.<sup>58</sup>

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<sup>57</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

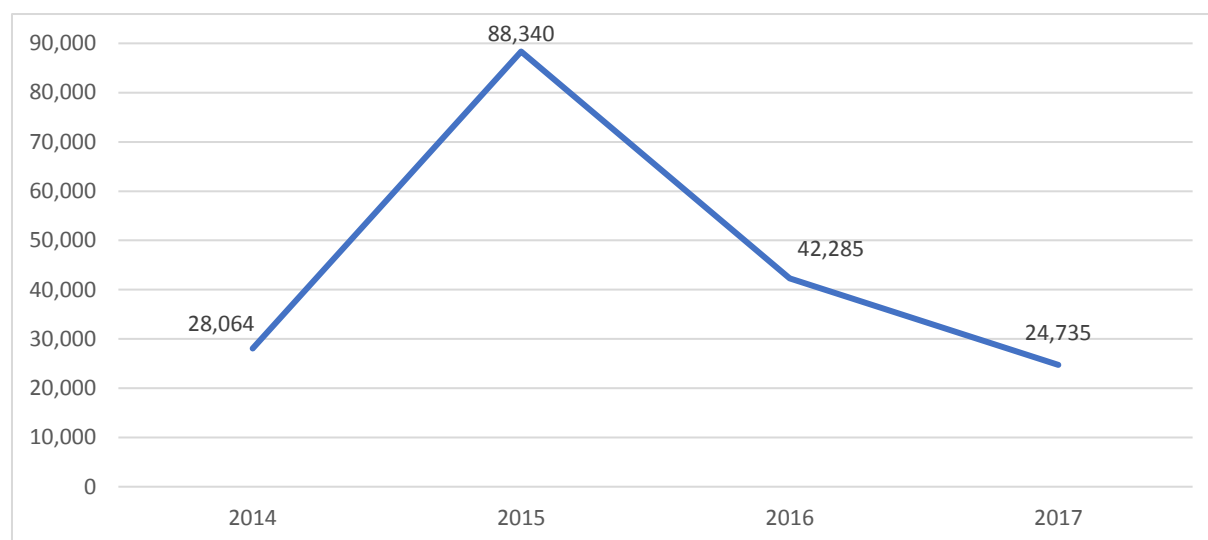
<sup>58</sup> Federal Ministry of the Interior, *Grenzsicherheit in der Schlüsselregion Zentralasien erhöhen*. Press Release, n.p., 8 October 2017, available at [www.bmi.gv.at/news.aspx?id=73733168734F4A2B787A733D](http://www.bmi.gv.at/news.aspx?id=73733168734F4A2B787A733D) (accessed on 31 December 2017).

## 4 INTERNATIONAL PROTECTION

### 4.1 General developments and trends

The number of people seeking asylum in Austria had peaked at 88,340 in 2015 and, after subsequently decreasing to 42,285 in 2016, **continued to drop in 2017**. With 24,735 asylum applications lodged in 2017, the figure dropped by 41.50 per cent compared with 2016 and fell below the number recorded in 2014 (28,064) (see figure 1).

Figure 1: Asylum applications in Austria (2014–2017)



Source: Federal Ministry of the Interior, Asylum Statistics 2017, n.d.

In the years 2015 and 2016, Austria belonged to the top five countries in the EU in terms of asylum applications received. In 2017, Austria was still among the top ten receiving countries in the EU but ranked only eighth after Germany, Italy, France, Greece, Great Britain and Northern Ireland, Spain, and Sweden.<sup>59</sup> However, when measured by the number of inhabitants Austria received the fifth largest share of asylum applications per capita in the European Union.<sup>60</sup> With regard to the number of pending asylum procedures, the Federal Office for Immigration and Asylum was able to reduce the number of procedures in the first instance to 31,487 and thus by more than half compared with 2016.<sup>61</sup>

<sup>59</sup> Eurostat, *Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded)*, available at [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyappctza&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en) (accessed on 17 April 2018).

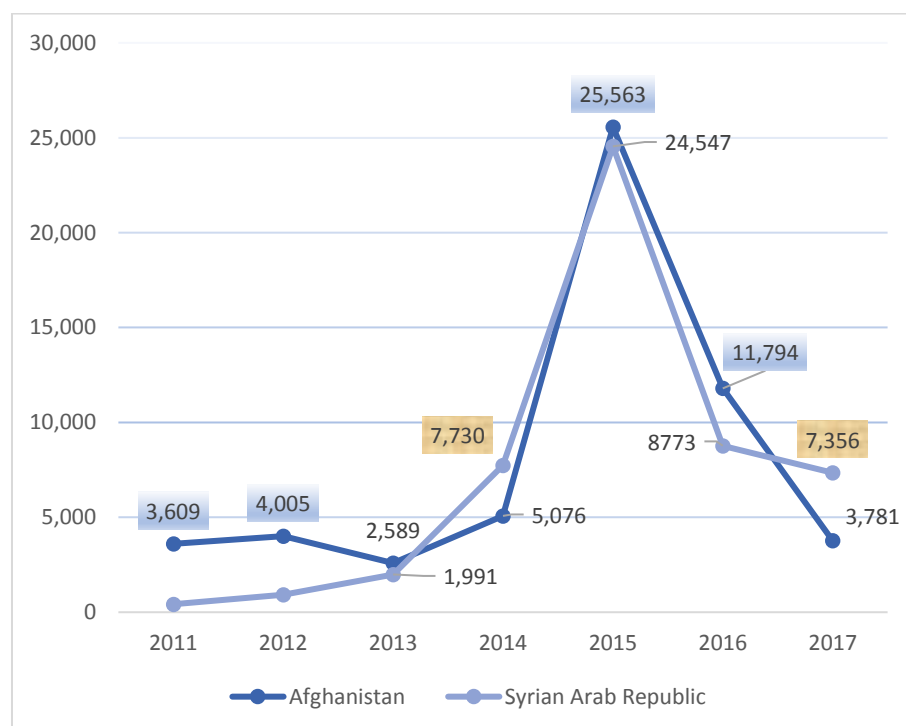
<sup>60</sup> Eurostat, *Asylum and first time asylum applicants 2008-2017- annual aggregated data (rounded) [tps00191]*, available at <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tps00191&plugin=1> (accessed on 4 July 2018).

<sup>61</sup> Federal Ministry of the Interior, *Jahresbilanz BFA*, available at [www.bmi.gv.at/fotoalbum.aspx?a=C5A5CFE2-A606-45C3-A384-8C6321DEC897&c=63DB7FF6-0F03-4CFE-B2C2-98EF26C145A1](http://www.bmi.gv.at/fotoalbum.aspx?a=C5A5CFE2-A606-45C3-A384-8C6321DEC897&c=63DB7FF6-0F03-4CFE-B2C2-98EF26C145A1) (accessed on 23 March 2018).

Furthermore, the Federal Office announced that the backlog of asylum applications awaiting processing should be completed by mid-2018.<sup>62</sup> Of the 66,251 final decisions in total in 2017, 46 per cent were **positive decisions** granting either asylum, subsidiary protection or a humanitarian residence title (Federal Office for Immigration and Asylum, n.d.).

Accounting for 30 per cent of all asylum applications (7,356), the Syrian Arab Republic was the **main country of origin** in 2017. It is interesting to note that Afghanistan, the main country of origin in the years 2011–2013 and 2015–2016, is now in second place at a relative share of 15 per cent (3,781). Thus, the percentage has dropped by almost half since 2016, when it was 28 per cent (11,794).<sup>63</sup>

**Figure 2: Asylum applications – Afghanistan and Syrian Arab Republic 2011–2017**



Source: Federal Ministry of the Interior, Asylum Statistics 2011, 2012, 2013, 2014, 2015 and 2016, 2017, n.d.

In 2017, there was a continued political discussion regarding a **limitation of the number of asylum seekers** to be admitted to the asylum procedure. In 2016, the Austrian Federal Government agreed that the number would be limited to 37,500 for 2016, which equals 1.5 per cent of the population for a planning period of four years (AT EMN NCP, 2016:19). Yet, with 42,285 asylum applications being submitted and 36,030 applicants being admitted to the asylum procedure, the maximum target level was not reached (Federal Ministry of the Interior, 2017:8). At the beginning of 2017, the ÖVP nonetheless urged a further reduction to only 17,000 asylum applications per year. It was argued that, due to the

<sup>62</sup> Federal Office for Immigration and Asylum, *BFA: 30 Prozent mehr Außerlandesbringungen und Steigerung der Asylentscheidungen um 57 Prozent*. Press Release, n.p., 19 January 2017, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=567156585A6B42756274383D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=1](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=567156585A6B42756274383D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=1) (accessed on 13 December 2017).

<sup>63</sup> Federal Ministry of the Interior, *Asylstatistik 2017, 2016*, available at [www.bmi.gv.at/301/Statistiken/start.aspx#jahr](http://www.bmi.gv.at/301/Statistiken/start.aspx#jahr) (accessed on 17 April 2018).

high unemployment rate, the (social) system would not be able to provide sufficient means for integration.<sup>64</sup> The coalition partners at the time, the SPÖ and ÖVP, were not able to find a consensus on the matter. Meanwhile, in a study analysing the legality of quotas for asylum applications, Hilpold (2017) found that neither international law nor EU law provide a legal basis for the implementation of such quotas. This opinion was shared by national NGOs, such as *Caritas* and *Volkshilfe Österreich*.<sup>65</sup>

In October, the **2017 Act Amending the Aliens Law**<sup>66</sup> went into force, resulting in more restrictive international protection procedures in Austria. During the legislative process and before the legislation went into force, the plans for more restrictive procedures were widely discussed by political parties and in the Austrian media. While proponents saw the act as a step towards a clearer framework and limiting irregular migration, opponents criticized it as one-sided and cautioned against implementing repressive measures against persons seeking international protection.<sup>67</sup>

## 4.2 Legislative developments

The next section provides an overview on the changes affecting international protection procedures, which were introduced through amendments to the following acts:

- 2005 Asylum Act;<sup>68</sup>
- 2005 Aliens Police Act;<sup>69</sup>
- Federal Office for Immigration and Asylum Procedure Act;<sup>70</sup>
- Federal Basic Welfare Support Act.<sup>71</sup>

### 4.2.1 Obligation to cooperate

One amendment relates to asylum seekers' obligations to cooperate in the procedure. According to Art. 15 para 1 subpara 3 of the 2005 Asylum Act, an asylum seeker's obligations to cooperate include from now on a requirement to present any available medical records and examination results where these are relevant for assessing this person's special needs.

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<sup>64</sup> See, for example, Kurier, *Sobotka: Kern ist im Wahlkampfmodus*, 19 February 2017, available at <https://kurier.at/politik/inland/sobotka-in-der-orf-pressestunde-kern-ist-im-wahlkampfmodus/247.405.071> (accessed on 23 March 2018).

<sup>65</sup> See, for example, Austrian Press Agency, *Caritas zum Asylgipfel: Keine Lösungen für Menschen in Not*, 20 January 2016 available at [www.ots.at/presseaussendung/OTS\\_20160120\\_OTS0164/caritas-zum-asylgipfel-keine-loesungen-fuer-menschen-in-not](http://www.ots.at/presseaussendung/OTS_20160120_OTS0164/caritas-zum-asylgipfel-keine-loesungen-fuer-menschen-in-not) (accessed on 3 May 2018); Austrian Press Agency, *Volkshilfe warnt vor weiteren Obergrenzen und Container-Wartezonen*, 18 January 2017, available at [www.ots.at/presseaussendung/OTS\\_20170118\\_OTS0047/volkshilfe-warnt-vor-weiteren-obergrenzen-und-container-wartezonen](http://www.ots.at/presseaussendung/OTS_20170118_OTS0047/volkshilfe-warnt-vor-weiteren-obergrenzen-und-container-wartezonen) (accessed on 3 May 2018).

<sup>66</sup> FLG I No. 145/2017.

<sup>67</sup> See, for example, News, *Neues Fremdenrechtspaket*, 1 November 2017, available at [www.news.at/a/neues-fremdenrechtspaket-8400228](http://www.news.at/a/neues-fremdenrechtspaket-8400228) (accessed on 20 April 2018); Salzburger Nachrichten, *Fremdenrechtspaket passiert Ministerrat*, 28 February 2017, available at [www.sn.at/politik/innenpolitik/fremdenrechtspaket-passiert-ministerrat-332410](http://www.sn.at/politik/innenpolitik/fremdenrechtspaket-passiert-ministerrat-332410) (accessed on 23 March 2018).

<sup>68</sup> FLG I No. 100/2005 in the version of FLG I No. 145/2017.

<sup>69</sup> Ibid.

<sup>70</sup> FLG I No. 87/2012 in the version of FLG I No. 145/2017.

<sup>71</sup> FLG I No. 405/1991 in the version of FLG I No. 145/2017.

#### 4.2.2 Housing

The **possibility of assigning an area of residence** was introduced with the aim of accelerating asylum procedures (Art. 15c 2005 Asylum Act).<sup>72</sup> According to this provision, asylum seekers are permitted to establish their residence or usual place of stay only within the province which provides the benefits specified in the Basic Welfare Support Agreement. The restriction is applied automatically as of the date when an asylum seeker is entitled to basic welfare support and persists until the asylum application is decided with final effect.<sup>73</sup> However, this provision does not rule out stays in other provinces, for visits or to meet legal requirements for example.<sup>74</sup>

In a further amendment, the Federal Office for Immigration and Asylum may now require asylum seekers who have been admitted to the asylum procedure **to reside at designated quarters** (Art. 15b 2005 Asylum Act). Such an obligation is not imposed automatically. Instead, the law envisages a case-by-case assessment that follows the principle of proportionality and in keeping with the special needs of minors.<sup>75</sup> It can be imposed on grounds of public interest or public order, or to ensure the expeditious processing and effective monitoring of the application for international protection (Art. 15b para 1 2005 Asylum Act). The obligation to reside at designated quarters remains in effect until the asylum procedure is completed with final effect (Art. 15b para 4 2005 Asylum Act).

#### 4.2.3 Detention during the asylum procedure

In compliance with Directive 2008/115/EC (Return Directive)<sup>76</sup> Austria increased the normal **maximum period of detention pending removal** to three months (previously two months) for minors aged 14 and above, and to six months (previously four months) for adults (Art. 80 para 2 Aliens Police Act). The maximum possible period of detention was also increased from 10 months to 18 months.<sup>77</sup> This maximum period is applicable only in specified exceptional cases, such as when the foreigner's identity and nationality cannot be established and a replacement travel document cannot be issued, or an entry or transit permit for another country is not available (Art. 80 para 4 Aliens Police Act).

In this respect, based on a recent ruling by the Austrian Supreme Administrative Court, asylum seekers whose cases are not covered by the Dublin Regulation are not permitted to be detained pending removal.<sup>78</sup> The imposition of detention continues to be permitted only in cases where the Return Directive is applicable (and in "Dublin constellations").

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<sup>72</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018; Act Amending the Aliens Law 2017, Motion, Explanatory Notes (electronically sent version), p. 82, available at [www.parlament.gv.at/PAKT/VHG/XXV/A/A\\_02285/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXV/A/A_02285/index.shtml) (accessed on 1 February 2018).

<sup>73</sup> Kainz, V., M. Krisper, *Fremdenrechtsänderungsgesetz*. In: *Öffentliche Sicherheit 11–17/2017*, p. 83–86, available at [www.bmi.gv.at/magazinfiles/2017/11-12/fremdenrecht.pdf](http://www.bmi.gv.at/magazinfiles/2017/11-12/fremdenrecht.pdf) (accessed on 28 December 2017).

<sup>74</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018; Written input by the Federal Ministry of the Interior, Unit III/5 (Asylum and Alien Matters), 4 July 2018.

<sup>75</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018.

<sup>76</sup> 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, OJ 2008 L 348/98.

<sup>77</sup> Written input by the Federal Ministry of the Interior, Unit III/5 (Asylum and Alien Matters), 17 January 2018.

<sup>78</sup> Supreme Administrative Court, 5 October 2017, 2017/21/0009-7; Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

This is specifically the case where: (a) the person applies for international protection in detention in order to delay removal; (b) a negative asylum decision has been issued that can already be feasibly enforced; or (c) de facto protection against removal has been withdrawn or is not recognized.<sup>79</sup>

#### 4.2.4 Withdrawal of international protection

An accelerated procedure for withdrawing asylum status from individuals **convicted of a criminal offence** was implemented (Art. 7 para 2 2005 Asylum Act). Such an accelerated procedure is to be initiated where an individual is convicted with final effect, or where the public prosecutor brings charges on account of an intentional criminal act, where an individual is remanded in custody or where caught in the act of committing a crime (Art. 27 para 3 subpara 1 to 4). The procedure for withdrawing asylum status should be concluded within one month after its initiation and can be extended if detailed investigations are needed to adequately and fully assess whether the conditions for withdrawal are met.<sup>80</sup>

#### 4.2.5 Other legislative developments

In accordance with an exception defined in the Austrian regulation governing the employment of foreigners,<sup>81</sup> asylum seekers who have been admitted to the asylum procedure for a minimum of three months are now allowed to be employed without a work permit to perform “**typical household duties in private households**”. Remuneration is provided through the “service cheque” system (Art. 1 subpara 16 of the regulation). The exception is being applied with gradually increasing frequency and has been utilized in over 800 cases since its introduction.<sup>82</sup>

Furthermore, asylum seekers are now allowed to perform community service work for a larger group of organizations. In addition to the Federal State, the provinces and municipalities, the group now also includes municipal associations (Art. 7 para 3 subpara 2 2005 Federal Basic Welfare Support Act).

### 4.3 Relocation and resettlement

In accordance with Council Implementing Decision (EU) 2016/408<sup>83</sup>, Austria’s temporary suspension of its obligations under the **EU relocation mechanism** ended on 10 March 2017. The suspension had been declared due to the exceptional circumstances faced by Austria through the sudden influx of third-country nationals and the increase in the number of applicants for international protection.

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<sup>79</sup> Supreme Administrative Court, 5 October 2017, 2017/21/0009-7.

<sup>80</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018.

<sup>81</sup> FLG No. 609/1990 in the version of FLG II No. 89/2017.

<sup>82</sup> See, for example, *Kleine Zeitung*, *Dienstleistungsscheck für Asylwerber: Erst 40 Mal eingelöst*, 19 July 2017, available at [www.kleinezeitung.at/wirtschaft/5254645/Arbeitsmarkt\\_Dienstleistungsscheck-fuer-Asylwerber\\_Erst-40-Mal](http://www.kleinezeitung.at/wirtschaft/5254645/Arbeitsmarkt_Dienstleistungsscheck-fuer-Asylwerber_Erst-40-Mal) (accessed on 24 April 2018); Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, Division V/A/1 (EU Policy Matters and Coordination), 17 January 2018.

<sup>83</sup> Council Implementing Decision (EU) 2016/408 of 10 March 2016 on the temporary suspension of the relocation of 30% of applicants allocated to Austria under Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ 2016 L74/36.

Although Austria petitioned for a prolongation of the suspension, the European Commission demanded that Austria take up its legal obligation to relocate applicants for international protection from Italy and Greece.<sup>84, 85</sup>

Consequently, the transfer in stages of a total of **50 individuals from Italy** to Austria in 2017 was planned, with preference being given to unaccompanied minors. With the assistance of the International Organization for Migration, 17 individuals had been relocated from Italy to Austria by December 2017 and the remaining cases have been finalized in 2018.<sup>86</sup>

#### 4.4 Humanitarian Admission Programme

As of 2017, a total of 1,902 especially vulnerable Syrian refugees have been admitted to Austria within the framework of **Humanitarian Admission Programmes I–III** (HAP I–III), in response to the request by the United Nations High Commissioner for Refugees (UNHCR). The third Humanitarian Admission Programme (HAP III), which had begun at the end of 2016, was completed in December 2017, after 401 Syrian refugees had arrived in Austria from Jordan, Lebanon and Turkey.<sup>87</sup>

The measures provided as part of the HAP include pre-departure measures such as preparation of refugees by means of cultural orientation training, medical examinations to ensure safe travel, and organization of travel including the provision of assistance at airports on departure and arrival.<sup>88</sup> The initial integration measures of HAP III are oriented towards the needs of Syrian refugees and include accommodation, while being designed to assist them in starting independent lives in Austria.<sup>89</sup> The measures are funded by the Federal Ministry for Europe, Integration and Foreign Affairs and administrated in collaboration with ARGE Resettlement.<sup>90</sup> Although the admission programme concludes in 2017, the integration measures will continue until September 2018.<sup>91</sup> There is no information available as to whether the programme will be continued in the near future. However, the programme of the new Austrian Federal Government contains plans for an Austrian resettlement contingent for particularly vulnerable groups (Austrian Federal Chancellery, 2017:35).

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<sup>84</sup> European Commission, *Commission calls for renewed efforts in implementing solidarity measures under the European Agenda on Migration*. Press Release, Brussels, 2 March 2017, available at [http://europa.eu/rapid/press-release\\_IP-17-348\\_en.htm](http://europa.eu/rapid/press-release_IP-17-348_en.htm) (accessed on 3 May 2018).

<sup>85</sup> See, for example, Kronen Zeitung, *Juncker mahnt Österreich: "Müsst Pflicht erfüllen"*, 5 April 2017, available at [www.krone.at/563177](http://www.krone.at/563177) (accessed on 23 March 2018).

<sup>86</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018; Written input by the Federal Office for Immigration and Asylum, Directorate, 4 July 2018.

<sup>87</sup> Federal Ministry of the Interior, *Asyl*, available at [www.bmi.gv.at/301/Allgemeines/Resettlement/start.aspx](http://www.bmi.gv.at/301/Allgemeines/Resettlement/start.aspx) (accessed on 23 March 2018).

<sup>88</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 17 January 2018; The National Contact Point of Austria in the European Migration Network, *Annual Report 2016 on Immigration and Asylum in Austria*, available at [www.emn.at/wp-content/uploads/2016/12/APR-2016\\_National-Report-Austria-Part-2\\_Final.pdf](http://www.emn.at/wp-content/uploads/2016/12/APR-2016_National-Report-Austria-Part-2_Final.pdf) (accessed on 2 January 2018).

<sup>89</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration), 17 January 2018.

<sup>90</sup> The National Contact Point of Austria in the European Migration Network, *Annual Report 2016 on Immigration and Asylum in Austria*, available at [www.emn.at/wp-content/uploads/2016/12/APR-2016\\_National-Report-Austria-Part-2\\_Final.pdf](http://www.emn.at/wp-content/uploads/2016/12/APR-2016_National-Report-Austria-Part-2_Final.pdf) (accessed on 2 January 2018).

<sup>91</sup> Oral input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration), 10 January 2018.

## 4.5 Dublin procedures

Austrian and Slovenian courts requested the **Court of Justice of the European Union** to clarify the question as to whether the entry into the territory of a Member State is to be regarded as a visa within the meaning of the Dublin III Regulation<sup>92</sup> and whether such a case represents “unlawful border crossing”. The question came up in the wake of the unusual circumstances in the summer of 2015, when Croatia de facto tolerated entry into its territory solely for the purpose of transit through Croatia and the lodging of an application for international protection in another Member State.<sup>93</sup>

The Court of Justice of the European Union ruled that under the unusual circumstances of the summer of 2015, the toleration of entry and transit is not to be regarded as a visa. It furthermore ruled that when crossing the borders of a Member State under the circumstances described above and without meeting the general entry requirements, third-country nationals cross those borders “illegally”. The Supreme Administrative Court subsequently ruled that, based on Art. 13 para 1 of the Dublin III Regulation, Croatia was responsible for conducting the asylum procedure in the pending cases in question.<sup>94</sup>

## 4.6 Institutional changes

The budget allocated to the Federal Administrative Court for 2017 was increased by 32 per cent to a total of EUR 67.8 million. This allowed the Federal Administrative Court to increase its staff by an additional 120 planned positions (Federal Administrative Court, 2017:7). Supplementing this increase in staff at the Federal Administrative Court, a new unit responsible for resettlement, return and international affairs was set up within the Federal Ministry of the Interior in 2017. The new unit is handling issues related to international asylum and aliens law.<sup>95</sup>

## 4.7 Cooperation with other/third countries

In March 2017, the **Central Mediterranean Contact Group** was established with the aim of strengthening cooperation among European and North African countries in the areas of regular migration, irregular migration, reception conditions and the return of migrants.<sup>96</sup> The third meeting of the contact group was held in Bern on 12 and 13 November 2017 and attended by the interior ministers of Algeria, Austria, Chad, Estonia, France, Germany, Italy, Libya, Malta, Niger, Slovenia, Switzerland and Tunisia, as well as the Minister for Malians Abroad and African Integration, the European Commissioner for Migration, Home Affairs and Citizenship and the Representative of the European External Action Service. At the meeting, a declaration of intent was agreed that includes measures to reach the common objective of halting the exploitation of migrants (Suisse Confederation, 2017:1–4).

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<sup>92</sup> “The authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States.” (EMN, 2014:297).

<sup>93</sup> Federal Chancellery – Legal Information System, *Verwaltungsgerichtshof (VwGH)*, available at [www.ris.bka.gv.at/Dokumente/Vwgh/JWT\\_2016190303\\_20170920L00/JWT\\_2016190303\\_20170920L00.pdf](http://www.ris.bka.gv.at/Dokumente/Vwgh/JWT_2016190303_20170920L00/JWT_2016190303_20170920L00.pdf) (accessed on 5 January 2018).

<sup>94</sup> Federal Chancellery – Legal Information System, *Verwaltungsgerichtshof (VwGH)*, available at [www.ris.bka.gv.at/Dokumente/Vwgh/JWT\\_2016190303\\_20170920L00/JWT\\_2016190303\\_20170920L00.pdf](http://www.ris.bka.gv.at/Dokumente/Vwgh/JWT_2016190303_20170920L00/JWT_2016190303_20170920L00.pdf) (accessed on 5 January 2018).

<sup>95</sup> Federal Ministry of the Interior, *Referat III/5/c (Resettlement, Return and International Affairs)*, available at [www.bmi.gv.at/103/Sektion\\_III/Gruppe\\_B/Abteilung\\_III\\_05/III\\_05\\_c.aspx](http://www.bmi.gv.at/103/Sektion_III/Gruppe_B/Abteilung_III_05/III_05_c.aspx) (accessed on 5 January 2018).

<sup>96</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

Austria continued its cooperation with the **European Asylum Support Office (EASO)**, specifically by participating in expert networks as well as support and training activities, sharing information with international partners, and by contributing to EASO products.<sup>97</sup> Additionally, Austria joined the EU's Mobility Partnership with Jordan in August 2017.<sup>98</sup> Furthermore, regional EASO Train-the-Trainers' sessions were held in June 2017 in Vienna. The sessions, which targeted practitioners who are in direct contact with applicants for international protection in a reception context, focused on vulnerable groups and raising awareness towards identifying applicants with special reception needs.<sup>99</sup>

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<sup>97</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>98</sup> Ibid.

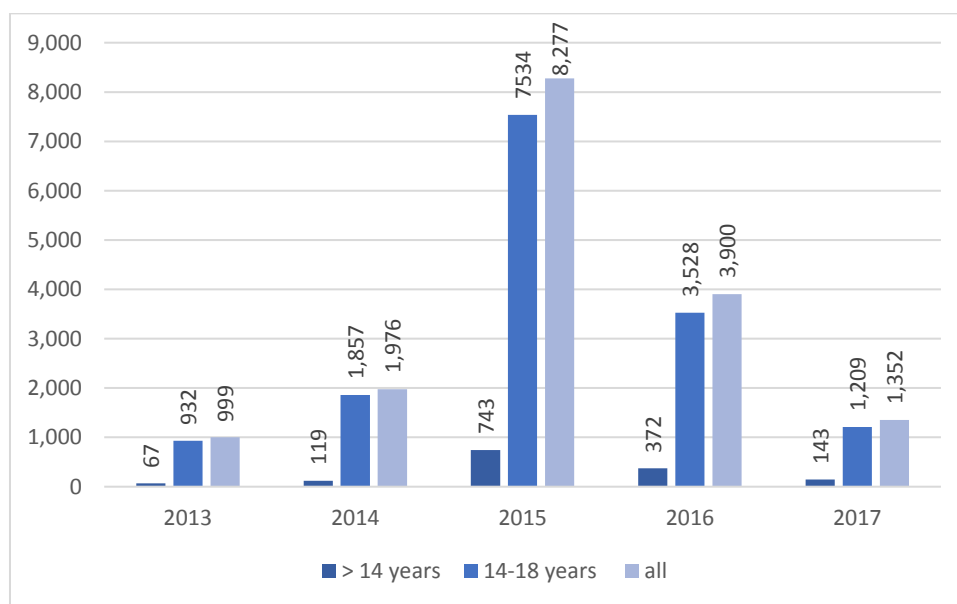
<sup>99</sup> Written input by the Federal Ministry of the Interior, Unit III/9 (Basic and Federal Care), 19 June 2018; European Asylum Support Office, *Plan of the Train-the-Trainers' Sessions of the EASO Training Curriculum-2017*, available at [www.easo.europa.eu/sites/default/files/EASO\\_Training\\_Plan\\_2017\\_revised\\_October\\_2017%29.pdf](http://www.easo.europa.eu/sites/default/files/EASO_Training_Plan_2017_revised_October_2017%29.pdf) (accessed on 5 July 2018).

## 5 UNACCOMPANIED MINORS

### 5.1 General developments and trends

Since 2013, Austria has experienced a large increase in **applications for international protection** from unaccompanied minors, peaking in 2015 at over 8,000 applications. Since then the number of applications has consistently declined, from 3,900 in 2016 to 1,352 applications in 2017. Interestingly, the share of applications filed by minors under the age of 14 has increased since 2014 (see figure 3).

Figure 3: Asylum applications from unaccompanied minors, aggregated by age, 2013–2017



Source: Federal Ministry of the Interior, Asylum Statistics 2013, 2014, 2015, 2016 and 2017.

Again in 2017, Afghanistan remained the **main country of unaccompanied minors' origin** (44%), followed by Pakistan and Nigeria (Federal Ministry of the Interior, 2018: 25—27).

According to the Austrian Ministry of the Interior Austria fully complies with the obligations with regard to the granting of material reception conditions to unaccompanied minors according to Directive 2013/33/EU (Reception Conditions Directive).<sup>100</sup> However, **care and support for unaccompanied minors** continued to be a concern in 2017. In a report by the Austrian Ombudsman Board (AOB)<sup>101</sup> on children and their rights in public institutions, the ombudspersons highlighted several challenges in regards to unaccompanied minors in Austria. Although the body recognizes positive developments in recent years, the increase in asylum applications by unaccompanied minors was seen as revealing certain urgent issues

<sup>100</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, OJ 2013 180/96; Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 4 July 2018.

<sup>101</sup> The Austrian Ombudsman Board was established in 1977 and is responsible for protecting and promoting human rights. It consists of three ombudspersons, who are elected by the Austrian Parliament for a period of six years. For more information, please see, Volksanwaltschaft, *THE AUSTRIAN OMBUDSPERSON BOARD*, available at <https://volksanwaltschaft.gv.at/en/about-us> (accessed on 28 March 2018).

(AOB, 2017:46). The AOB criticized the current daily rates paid out for basic welfare support as being too low to ensure adequate care for unaccompanied minors. Although the persons in charge of care do outstanding work, the resources provided are not sufficient and, as the AOB points out, are significantly lower than for Austrian minors in public care. Although the Austrian reception authority particularly takes into account the needs of unaccompanied minors in order to ensure that they receive accommodation addressing their special needs, the report criticized the significant differences in the accommodation standards observed by the provinces and proposed better nationwide standardization and harmonization (Ibid.:42).<sup>102</sup> Finally, the report highlighted issues and deficiencies in relation to the guardianship of unaccompanied minors in Austria. The transfer of guardianship rights to the responsible welfare services can take up to several months, which according to the AOB is not in the best interests of the child (Ibid.:47).

Although the Ministry of the Interior reiterated that applicants of international protection, who are entitled to material reception conditions, are covered by health insurance and that the presence of doctors and psychologists in federal care facilities is safeguarded, another challenge continues to be the psychological counselling of unaccompanied minors in Austria, with psychological services for children and adolescents becoming increasingly scarce.<sup>103</sup> A 2017 study by the Asylkoordination Österreich organization to assess the care needs of unaccompanied foreign minors showed that in the 40 interviewed institutions – which care for a total of 924 unaccompanied minors – 10 per cent of unaccompanied minors required but failed to receive psychiatric assessment to clarify needs. This was due, on the one hand, to lack of willingness on the part of unaccompanied minors but also to a lack of opportunities. Nonetheless, 15 per cent had an acute need for therapy.<sup>104</sup>

Besides the debate over care and support for unaccompanied minors, the **methods and costs of age assessment** in Austria received increased attention in 2017.<sup>105</sup> A question put to parliament by the Social Democratic Party (SPÖ) of Austria on the issue of “minor-age and unaccompanied minor-age refugees in facilities operated by the Federal State and the provinces” revealed that from 2015 until September 2017 a total 6,773 age assessments were conducted, resulting in approximately EUR 5 million in costs.

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<sup>102</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 4 July 2018.

<sup>103</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 4 July 2018; See, for example, ORF.at, *Kinderpsychiatrie bleibt Sorgenkind*, available at <http://wien.orf.at/news/stories/2832880/> (accessed on 26 November 2017).

<sup>104</sup> Asylkoordination Österreich, *Umfrage der asylkoordination österreich (sic!) unter UMF-Betreuungsstellen zu „Erhöhter Betreuungsbedarf bei unbegleiteten minderjährigen Fremden“*, available at [https://www.asyl.at/adincludes/dld.php?datei=180.14.ma,erhoehter\\_betreuungsbedarf\\_bei\\_umf.pdf](https://www.asyl.at/adincludes/dld.php?datei=180.14.ma,erhoehter_betreuungsbedarf_bei_umf.pdf) (accessed on 9 January 2018).

<sup>105</sup> See, for example, Kronen Zeitung, *Jeder 4. "Minderjährige" erwachsener Flüchtling*, 10 April 2017, available at [www.krone.at/563896](http://www.krone.at/563896) (accessed on 23 March 2018).

Age assessments carried out between January and September 2017 revealed individuals to be of majority age in 213 out of 526 cases.<sup>106</sup> There is, however, no provision in the asylum procedure for cost-sharing or punitive measures.<sup>107</sup>

## 5.2 Legislative developments

Although there were no legislative changes in 2017 that specifically targeted unaccompanied minors, several changes were introduced under the 2017 Act Amending the Aliens Law<sup>108</sup> that may indirectly relate to and affect this group. Examples are listed in the following.

- In compliance with Directive 2008/115/EC (Return Directive)<sup>109</sup> Austria **increased the normal maximum period of detention pending removal** to three months (previously two months) for minors aged 14 and above (Art. 80 para 2 Aliens Police Act).<sup>110</sup> (see chapter 4.2.3);
- Under the new Integration Act,<sup>111</sup> persons granted asylum and beneficiaries of subsidiary protection aged 15 and over, are required to attend language classes as well as value and orientation courses. In this context, the Austrian Integration Fund developed a separate **youth curriculum of the value courses for unaccompanied minors** between 15 and 18 years of age. In this special programme, young people are instructed about topics including the Austrian school system and managing their personal finances. The young participants also draw up a timetable as an aid in structuring daily activities.<sup>112</sup> For additional measures related to unaccompanied minors and their integration, see chapter 6.

## 5.3 Awareness raising and training

In view of the thousands of missing unaccompanied minors in Europe, the **Ombudsmen for Children and Youth** organized a conference titled “Lost in Migration” on 5 April 2017 in Linz. Participants were informed about the vulnerability of children and especially unaccompanied minors and the risk of their becoming victims of exploitation.<sup>113</sup>

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<sup>106</sup> Federal Ministry of the Interior, *Reply to parliamentary request regarding „minderjährige und unbegleitete minderjährige Flüchtlinge in Einrichtungen des Bundes und der Länder“* 13245/AB of 8 November 2017, 14054/J (XXV.GP), p. 5, available at [www.parlament.gv.at/PAKT/VHG/XXV/AB/AB\\_13245/imfname\\_673597.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_13245/imfname_673597.pdf) (accessed on 21 December 2017).

<sup>107</sup> See, for example, Kurier, *Asylverfahren: „Alterslüge“ kostet drei Millionen Euro*, 10 April 2017, available at <https://kurier.at/chronik/asylverfahren-altersluege-kostet-drei-millionen-euro/257.497.323> (accessed on 23 March 2018).

<sup>108</sup> FLG I No. 145/2017.

<sup>109</sup> 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, OJ 2008 L 348/98.

<sup>110</sup> FLG I No. 100/2005, in the version of FLG I No. 145/2017.

<sup>111</sup> FLG I No. 68/2017, in the version of FLG I No. 86/2017.

<sup>112</sup> The Austrian Integration Fund, *ÖIF präsentiert Jugend curriculum für Wertekurse*, available at [www.integrationsfonds.at/newsbeitrag/oeif-praesentiert-jugendcurriculum-fuer-wertekurse-2132/](http://www.integrationsfonds.at/newsbeitrag/oeif-praesentiert-jugendcurriculum-fuer-wertekurse-2132/) (accessed on 25 April 2018).

<sup>113</sup> See, for example, Kurier, *Verbrecher haben unbegleitete Minderjährige im Visier*, 5 April 2017, available at <https://kurier.at/chronik/weltchronik/verbrecher-haben-unbegleitete-minderjaehrige-im-visier/256.518.796> (accessed on 16 April 2018).

The Ombudsmen for Children and Youth published a comprehensive information folder with general information on minors' rights, statistics and practical tips on how to deal with unaccompanied minors (Ombudsmen for Children and Youth, 2017:4).

In the year 2017, the Federal Office for Immigration and Asylum organized two **workshops** on the topic of conducting interviews with minors, which were attended by a total of 23 participants. The aim was to educate care workers handling asylum procedures as to the proper procedure for working with children and adolescents, and to ensure that age, degree of maturity, cultural differences and the person's experiences are properly considered when questioning such individuals and unaccompanied minors in particular.<sup>114</sup>

Furthermore, in September 2017, the Federal Ministry of the Interior conducted a workshop for raising awareness of issues related to the protection of children and youth in refugee accommodation facilities. This gave 34 heads of reception centres the opportunity to learn more about the need to protect children and the potential impact of traumatic refugee experiences on a child's development. Other topics were also addressed, including the legal background (UN Convention on the Rights of the Child), the high-risk status of accompanied and unaccompanied minors, and the special vulnerability of refugee minors.<sup>115</sup>

For further information on trainings held on the topic of trafficking of children, see chapter 9.2.2.

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<sup>114</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>115</sup> Federal Ministry of the Interior, *Trainings für Bedienstete der Grundversorgung*. Press Release, Vienna, 26 September 2017, available at [www.bmi.gv.at/news.aspx?id=59356861744A547A5557633D](http://www.bmi.gv.at/news.aspx?id=59356861744A547A5557633D) (accessed on 25 April 2018).

## 6 INTEGRATION

### 6.1 General development and trends

In 2017 the Austrian Federal Government implemented legislation referred to as the **integration package**, with far reaching effects on integration policies in Austria. In June 2017, the Integration Act<sup>116</sup> and the Integration Year Act<sup>117</sup> went partially into effect, providing for **mandatory language, values and orientation courses** as well as labour market entry support programmes.<sup>118</sup> It was, however, especially the Anti-Face-Covering Act<sup>119</sup> which received extensive attention by the public as well as in national and international media.<sup>120</sup> Furthermore, the Act was criticized by organizations such as Amnesty International, the Islamic Religious Community in Austria or the Austrian Conference of Bishops as interfering with personal rights.<sup>121</sup>

In August 2017, the Expert Council for Integration presented the 2017 edition of the annually published **Integration Report**. The report relates details including the progress made in regards to the “50 Action Points” for the integration of persons entitled to asylum or subsidiary protection in Austria (Republic of Austria, 2015). The report cautions that, due to the high numbers of immigrants, Austria is facing an extraordinary integration challenge (Federal Ministry for Europe, Integration and Foreign Affairs, 2017:6). With the implementation of the Integration Act and the Integration Year Act (see chapter 6.2), a step was taken towards a nationwide integration infrastructure. However, in regards to the integration of persons seeking international protection, education and employment continue to represent barriers to a successful integration path of migrants in Austria. The annual Integration Report also highlights the importance of integration efforts that target EU citizens as well as third-country nationals in general (Ibid.:62–63).

In addition to the Integration Report, the **Statistical Yearbook** was published. It presents statistical facts and figures on indicators such as population, immigration, education and language, as well as subjective impressions regarding integration. While in 2016 48 per cent of the persons surveyed stated that the integration of migrants was progressing “well” or even “very well”, the figure was only 36 per cent in 2017 (Statistics Austria, 2017:92).

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<sup>116</sup> FLG I No. 68/2017 in the version of FLG I No. 86/2017.

<sup>117</sup> FLG I No. 75/2017.

<sup>118</sup> See, for example, News, *Integrationsgesetz in Kraft - "Burkaverbot" ab 1. Oktober*, 9 June 2017, available at [www.news.at/a/integrationsgesetz-in-kraft-burkaverbot-ab-1-oktober-8185462](http://www.news.at/a/integrationsgesetz-in-kraft-burkaverbot-ab-1-oktober-8185462) (accessed on 24 April 2018).

<sup>119</sup> FLG I No. 68/2017.

<sup>120</sup> See, for example, Der Standard, *Scharfe Kritik der Rechtsanwälte am Verhüllungsverbot*, 29 September 2017, available at <https://derstandard.at/2000065054517/Scharfe-Kritik-der-Rechtsanwaelte-am-Verhuellungsverbot> (accessed on 18 April 2018); Der Spiegel, *Österreich beschließt Burka-Verbot*, 17 May 2017, available at [www.spiegel.de/politik/ausland/oesterreich-beschliesst-burka-verbot-a-1148007.html](http://www.spiegel.de/politik/ausland/oesterreich-beschliesst-burka-verbot-a-1148007.html) (accessed on 18 April 2018).

<sup>121</sup> See, for example, Salzburger Nachrichten, *Kritik an Burkaverbot im Integrationsgesetz*, 9 March 2017, available at [www.sn.at/politik/innenpolitik/kritik-an-burkaverbot-im-integrationsgesetz-305866](http://www.sn.at/politik/innenpolitik/kritik-an-burkaverbot-im-integrationsgesetz-305866) (accessed on 18 April 2018); Kurier, *Österreichs Bischöfe sind gegen ein Verhüllungsverbot*, 10 March 2017, available at <https://kurier.at/chronik/oesterreich/oesterreichs-bischoefe-sind-gegen-ein-verhuellungsverbot/251.042.424> (accessed on 18 April 2018).

According to the Federal Minister for Europe, Integration and Foreign Affairs, this decrease is an alarming fact, not only in regards to integration but for Austrian society as a whole (Federal Ministry for Europe, Integration and Foreign Affairs, 2017:3).

## 6.2 Legislative Developments

### 6.2.1 The Integration Act

With the new Integration Act a **central framework for integration measures** was created with the aim to facilitate and accelerate the integration of persons granted asylum and beneficiaries of subsidiary protection aged 15 and over as well as legally residing third-country nationals.

The act provides for language courses based on a model for promoting language acquisition up to level A2.<sup>122</sup> The first module, offered by the Austrian Integration Fund, comprises proficiency in the Latin alphabet and A1-level language courses. Once language skills at level A1 have been obtained, persons granted asylum and beneficiaries of subsidiary protection are provided with German courses at the A2 level by the Public Employment Service, while supplementary instruction in job-specific language is also given. In these courses, participants also receive detailed instruction in values and orientation (Art. 4 para 2 Integration Act).

The Integration Act requires individuals belonging to this group to sign an integration declaration, thereby committing themselves to comply with the fundamental values of the legal and social system (declaration of values) and to attend, participate in and complete the German and values courses provided, to the extent that can be reasonably expected (Art. 6 para 1 Integration Act).

Additionally, the integration agreement was moved from the Settlement and Residence Act<sup>123</sup> to the Integration Act. The provisions of the agreement serve to integrate third-country nationals who are legally settled in Austria and aim to enable such individuals to acquire German language skills and, in contrast to the previous agreement, knowledge of the democratic system and its underlying fundamental principles (Art. 7 para 1 Integration Act).<sup>124</sup> The integration agreement consists of two consecutive modules, the second building on the first (Art. 7 Integration Act). The obligation to fulfil the agreement begins when an individual is granted a residence title for the first time. Module 1 must be completed within two years (Art. 7 para 2 Integration Act). Each module ends with a review, referred to as an integration exam, for the purpose of evaluating the participant's level of language acquisition and knowledge of the legal and social system (Art. 11 Integration Act). Although residence title holders are not generally required to complete module 2, successful completion is a prerequisite for obtaining the Permanent Residence – EU title and for acquiring Austrian citizenship (Art. 10 para 1 Integration Act).<sup>125</sup>

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<sup>122</sup> Common European Framework for Languages. For further information, see Council of Europe, *Common European Framework for Reference for Languages*, available at [www.coe.int/en/web/common-european-framework-reference-languages/level-descriptions](http://www.coe.int/en/web/common-european-framework-reference-languages/level-descriptions) (accessed on 15 February 2018).

<sup>123</sup> FLG I No. 100/2005 in the version of FLG I No. 145/2017.

<sup>124</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration) 17 January 2018.

<sup>125</sup> Help.gv.at, *Integrationsvereinbarung* 2017, available at [www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120500.html](http://www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120500.html) (accessed on 2 January 2018).

### 6.2.2 The Integration Year Act

The new Integration Act is supplemented by the Integration Year Act. The latter, which was implemented with the Labour Market Integration act and entered into force in September 2017, allows persons granted asylum, beneficiaries of subsidiary protection and asylum seekers who will most likely receive protection status to participate in programmes to **prepare for labour market entry**. The integration year is structured in modules, with the content depending on individuals' abilities and knowledge, and consisting of German courses beginning with the A2 level as well as values and orientation courses, administered in each case by the Austrian Integration Fund. Participants are also placed in community service work by the Public Employment Service.<sup>126</sup> This measure is intended to support long-term labour market integration.<sup>127</sup>

### 6.2.3 Anti-Face-Covering Act

In October 2017, the Anti-Face-Covering Act went into force, which prohibits persons from covering their faces in certain cases. The aim of the act is to promote integration by supporting participation in society and ensuring peaceful coexistence in Austria (Art. 11 Anti-Face-Covering Act).

## 6.3 Institutional changes

The **Austrian Integration Fund** opened integration centres in Eisenstadt and Bregenz in 2017. As a result, the Austrian Integration Fund is now represented by such centres in all nine Austrian provinces. The programmes offered at the centres include counselling, language instruction and values and orientation courses.<sup>128</sup>

## 6.4 Awareness raising and training

### 6.4.1 Awareness raising

During the second “Vienna Future Talks” held in January 2017, senior representatives from 12 EU Member States discussed the importance of teaching values in the context of refugee integration, and specifically on the potential contribution that values-teaching and integration can make towards preventing radicalization. Participants in the conference also had the opportunity to visit one of the values and orientation courses provided to third-country nationals living in Austria.<sup>129</sup>

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<sup>126</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration) 17 January 2018.

<sup>127</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsgesetz im Ministerrat beschlossen*. Press Release, Vienna, 28 March 2017, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/03/integrationsgesetz-im-ministerrat-beschlossen/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/03/integrationsgesetz-im-ministerrat-beschlossen/) (accessed on 18 December 2017).

<sup>128</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration) 17 January 2018.

<sup>129</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Vienna Future Talks 2017 - Minister und Staatssekretäre zu Besuch bei Werte- und Orientierungskurs und zum Erfahrungsaustausch in der Hofburg*. Press Release, Vienna, 23 January 2017, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/01/vienna-future-talks-2017/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/01/vienna-future-talks-2017/) (accessed on 18 December 2017).

In November 2017, the Federal Minister of the Interior signed an agreement stipulating the intention to establish the “Migration mc<sup>2</sup>” migration centre in Melk, Lower Austria. The centre will offer workshops and exhibitions aimed at providing interested members of the public with unbiased information about migration. One of the goals is to promote an objective public discussion.<sup>130</sup>

#### 6.4.2 Training

A **university course** entitled “Academic Asylum and Migration Counsellor” was developed by the Federal Ministry of the Interior in cooperation with the Federal Ministry of Labour, Social Affairs and Consumer Protection, the Federal Ministry of Education and the Federal Ministry of Science, Research and Economy. The university course is aimed at individuals who are already involved in counselling migrants or who wish to enter this field.<sup>131</sup> The training curriculum for police recruits will also include intercultural competence skills. Through this course, officers in training will acquire skills enabling them to deal confidently and effectively with individuals from other cultures.<sup>132</sup>

#### 6.5 Non-discrimination

Once a year the non-governmental organization ZARA publishes a **racism report** which includes an evaluation of individual cases involving racist attacks and of related structures in Austria. In 2016 ZARA recorded 1,107 cases of racism, an increase of 16 per cent over 2015. The majority of racist incidents were recorded for the internet (31%), followed by the public sphere (20%) and access to goods and services (16%) (Zara, 2017:12). In response to increased racism online, ZARA started a counselling service to support targets of hate posts and victims of cyber-bullying. The service was launched in September 2017 and is co-financed by the Austrian Federal Chancellery.

Furthermore, the Federal Ministry of Education in cooperation with the Anne Frank Museum in Amsterdam and other institutions launched a web project entitled “Stories that Move – Toolbox against discrimination”. Through an interactive website, the project seeks to combat antisemitism and other forms of discrimination.<sup>133</sup>

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<sup>130</sup> Federal Ministry of the Interior, *Einrichtung eines Migrationszentrums*. Press Release, Vienna, 15 November 2017, available at [www.bmi.gv.at/news.aspx?id=2F6D777173676E715A39383DD](http://www.bmi.gv.at/news.aspx?id=2F6D777173676E715A39383DD) (accessed on 13 December 2017).

<sup>131</sup> Federal Ministry of the Interior, *Universitätslehrgang "Asyl- und Migrationsbegleitung"*. Press Release, n.p., 24 February 2017, available at [www.bmi.gv.at/news.aspx?id=367042544151556C766F493D](http://www.bmi.gv.at/news.aspx?id=367042544151556C766F493D) (accessed on 31 December 2017).

<sup>132</sup> Federal Ministry of the Interior, *Aktionsplan Sicheres Österreich*. Press Release, n.p., 3 October 2017, available at [www.bmi.gv.at/news.aspx?id=414D67622F2F4169624E593D](http://www.bmi.gv.at/news.aspx?id=414D67622F2F4169624E593D) (accessed on 13 December 2017).

<sup>133</sup> Federal Ministry of Education, *Sonja Hammerschmid und Oskar Deutsch: Kampf gegen Antisemitismus verstärken*. Press Release, Vienna, 3 August 2017, available at <https://bildung.bmbwf.gv.at/ministerium/vp/2017/20170803.html> (accessed on 15 December 2017).

## 7 IRREGULAR MIGRATION AND SMUGGLING

### 7.1 General developments and trends

In July 2017, the annual report entitled **Organized Human Smuggling** was presented, providing an overview of current statistics and data as well as organizational activities (Criminal Intelligence Service Austria, 2017). In 2016 a total of 50,848 persons were apprehended who had either illegally entered or illegally stayed in Austria or had been smuggled into the country<sup>134</sup> or had been identified as smugglers; the comparable total in 2015 was 94,262 (see table 2). Interestingly, although the total **number of persons apprehended** decreased by 46 per cent, the number of persons illegally entering or staying in Austria increased slightly (Criminal Intelligence Service Austria, 2017:8).

**Table 2: Persons apprehended after illegally entering, illegally staying in or being smuggled into Austria or being identified as smugglers**

Year	2015	2016
<b>Illegally entered or illegally staying in Austria</b>	20,975	22,749
<b>Smuggled persons</b>	72,179	27,850
<b>Human smugglers</b>	1,108	249
<b>Total</b>	94,262	50,848

Source: Criminal Intelligence Service Austria, 2017:22.

The largest groups of persons who illegally entered or stayed in Austria were citizens of Nigeria (2,811), followed by Afghanistan (2,603) and Pakistan (1,748), whereas the largest group of smuggled persons originated from Afghanistan (9,445), followed by the Syrian Arab Republic (2,880) and Pakistan (2,298). The smugglers themselves were mostly from Romanian (30), Hungarian (29) or Pakistani nationals (17) (Criminal Intelligence Service Austria, 2017:12–14).

Although statistics for the year 2017 will most likely be available only by summer 2018, for the final quarter of 2017, the Federal Ministry of the Interior reported a striking increase in attempts by Albanian nationals to enter Austria via the Vienna International Airport. Such persons did not meet entry requirements, since, for the majority, alerts to prevent entry had been issued in the Schengen Information System or the individuals had previously overstayed the permitted maximum period.<sup>135</sup>

The reduction of irregular migration and the fight against human smuggling were major concerns for the former Austrian Federal Government and continue to be concerns for the new government. On the one hand, the reduction of illegal entries and stays of migrants in Austria is one of the core goals defined in the **Security Doctrine for Austria in 2017–2020**. This strategic paper, which defines Austria's medium-term security challenges, announces steps that include more restrictive legislative measures (Federal Ministry of the Interior, 2017:36).

<sup>134</sup> Criminal Intelligence Service Austria, *Schlepperei Jahresbericht 2016*. Bundeskriminalamt, n.p., 2016, available at [www.bundeskriminalamt.at/bmi\\_documents/2052.pdf](http://www.bundeskriminalamt.at/bmi_documents/2052.pdf) (accessed on 31 December 2017).

<sup>135</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

On the other hand, the programme of the new Austrian Federal Government provides for “the effective fight against and stopping of” irregular migration. The programme cites effective EU external border protection as being a vital prerequisite and therefore states the government’s intention of increasing cooperation with other EU Member States as well as FRONTEX (Austrian Federal Chancellery, 2017:32).

## 7.2 Legislative developments

The Deregulation and Adaptation Act<sup>136</sup> became effective as of January 2017, improving the means of **establishing the identity** of foreigners. Registration authorities are now authorized to examine photos as well as information that is submitted as specified in the Federal Office for Immigration and Asylum-Procedure Act<sup>137</sup> and stored in the Central Aliens Register (Art. 3a Registration Act 1991).<sup>138</sup> In this way, foreigners’ identity information can be precisely classified and later used to assess whether any documents presented have been forged.<sup>139</sup> Additionally, after the amended Art. 8 of the Schengen Borders Code<sup>140</sup> entered into effect in April 2017, Austria implemented the requirement to systematically compare against specialized databases the personal information of all persons (including EU citizens and their family members who are not EU citizens) crossing external borders, on entry or exit.<sup>141</sup>

As part of the 2017 Act Amending the Aliens Law,<sup>142</sup> more heavily **punishable administrative offences** were introduced in the Aliens Police Act<sup>143</sup> for specifically defined cases of illegal entry or stay. Such cases include those involving entry in spite of an entry ban or failure to comply with an obligation to depart after obtaining return counselling. The penalty defined for such cases is a fine of between EUR 5,000 and EUR 15,000 or, where uncollectible, a maximum of six months’ imprisonment (Art. 120 para 1b and 1c Aliens Police Act).<sup>144</sup>

## 7.3 International cooperation

### 7.3.1 Multilateral cooperation

In 2017, Austria continued to cooperate with multiple parties at international level in the prevention of irregular migration and people smuggling. The **Joint Operational Office (JOO)**, an international bureau for investigating smuggling, continued its work and served as a link at an operational level with Europol’s European Migrant Smuggling Centre (EMSC). Besides exchanging information with Europol, the investigators at JOO cooperate directly with other criminal prosecution authorities.<sup>145</sup> JOO participated in several international Joint Action Days

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<sup>136</sup> FLG I No. 120/2016.

<sup>137</sup> FLG No. 87/2012.

<sup>138</sup> FLG No. 9/1992 in the version of FLG I No. 120/2016.

<sup>139</sup> Andre, P., Anpassungen und Vereinfachungen. In: *Öffentliche Sicherheit* 3–4/17, p. 86–87, available at [www.bmi.gv.at/magazinfiles/2017/03\\_04/files/melderecht%20und%20personenstandsrecht.pdf](http://www.bmi.gv.at/magazinfiles/2017/03_04/files/melderecht%20und%20personenstandsrecht.pdf) (accessed on 28 December 2017).

<sup>140</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ 2016 L 77.

<sup>141</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>142</sup> FLG I No. 145/2017.

<sup>143</sup> FLG I No. 100/2005 in the version of FLG I No. 145/2017.

<sup>144</sup> Kainz, V., M. Krisper, *Fremdenrechtsänderungsgesetz*. In: *Öffentliche Sicherheit* 11–12/2017, p. 83–86, available at [www.bmi.gv.at/magazinfiles/2017/11-12/fremdenrecht.pdf](http://www.bmi.gv.at/magazinfiles/2017/11-12/fremdenrecht.pdf) (accessed on 28 December 2017).

<sup>145</sup> Federal Ministry of the Interior, *Menschenhandel: Chinesische Polizisten unterstützen bei Ermittlungen*. Press Release, n.p., 31 May 2017, available at <http://bmi.gv.at/news.aspx?id=56724570645A415655326B3D> (accessed on 5 January 2018).

in 2017. On these occasions, Europol coordinates simultaneous verification and search activities, taking place at once in several EU Member States. For example, in a joint action with Bulgaria, Germany, Hungary and Romania in February 2017, several people smugglers were arrested and 58 persons were apprehended.<sup>146</sup>

In February 2017, representatives of the **Salzburg Forum**<sup>147</sup> member countries as well as of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Greece's Minister for Migration met at a ministerial conference to agree to prepare a joint action plan under the initiative Managing Migration Challenges Together (MMCT). The joint action plan identified measures to be taken that include sharing information on irregular migration along the Western Balkans route and improving the ability to respond to any new increase in migration in the region.<sup>148</sup> At a follow up meeting in August 2017, twelve delegations<sup>149</sup> reported on the migration situation in their countries and the challenges currently being faced.<sup>150</sup>

At a meeting in March 2017, the Minister of the Interior assured his Italian counterpart of Austria's commitment to participate in the **EU Regional Development and Protection Programme** (RDPP) in North Africa, spearheaded by Italy. The aim here is to strengthen capacities for international protection.<sup>151</sup> However, Austria will also provide EUR 35,000 in funding to the Aware Migrants information campaign to support the RDPP in North Africa. The funded TV advertising is aimed at informing potential migrants of the risks of irregular migration.<sup>152</sup>

### 7.3.2 Bilateral cooperation

At bilateral level, Austria revised the respective police agreements with **Hungary and Italy** and implemented them in 2017. One of the goals was to better combat irregular migration. With Italy, for example, police powers were defined that allow joint patrols and cross-border

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<sup>146</sup> Federal Ministry of the Interior, *Gemeinsame Aktion gegen Schlepperbanden*. Press Release, n.p., 2 February 2017, available at [www.bmi.gv.at/news.aspx?id=3637766B6847377A41526B3D](http://www.bmi.gv.at/news.aspx?id=3637766B6847377A41526B3D) (accessed on 13 December 2017).

<sup>147</sup> The Salzburg Forum is a Central European security partnership based on an initiative of the Austrian Federal Ministry of the Interior. Salzburg Forum Member States are Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia and Slovenia. For further information, see Salzburg Forum, *Welcome to Salzburg Forum*, available at [www.salzburgforum.org/](http://www.salzburgforum.org/) (accessed on 2 January 2018).

<sup>148</sup> Austrian Armed Forces, *Konferenz "Managing Migration Challenges Together": Balkanroute bleibt unter Kontrolle*. Press Release, Vienna, 8 February 2017, available at [www.bundesheer.at/cms/artikel.php?ID=8740](http://www.bundesheer.at/cms/artikel.php?ID=8740) (accessed on 13 December 2017).

<sup>149</sup> Albania, Croatia, Czechia, the former Yugoslav Republic of Macedonia, Hungary, Kosovo (References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999)), Poland, Serbia, Slovakia and Slovenia.

<sup>150</sup> Federal Ministry of the Interior, *Treffen zur Umsetzung des Migrations-Aktionsplans*. Press Release, n.p., 31 August 2017, available at [www.bmi.gv.at/news.aspx?id=3571704E43644E6C356A4D3D](http://www.bmi.gv.at/news.aspx?id=3571704E43644E6C356A4D3D) (accessed on 13 December 2017).

<sup>151</sup> Federal Ministry of the Interior, *Sobotka: Italien ist ein wichtiger Partner für Österreichs Freiheit und Sicherheit*. Press Release, n.p., 9 March 2017, available at [www.bmi.gv.at/news.aspx?id=4C664E37736767686F30303D](http://www.bmi.gv.at/news.aspx?id=4C664E37736767686F30303D) (accessed on 29 December 2017).

<sup>152</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 17 January 2018.

activities in relation to train travel.<sup>153</sup> The agreement with **Liechtenstein and Switzerland** stipulates measures enabling the return transport and transit of third-country nationals.<sup>154</sup>

As part of a **FRONTEX** project involving unaccompanied minors, an expert of the Federal Ministry of the Interior was posted to Tbilisi International Airport for six weeks.<sup>155</sup>

Within the framework of various projects implemented by the International Centre for Migration Policy Development (ICMPD), in June 2017 delegations from Azerbaijan and Georgia and in September 2017 from Armenia participated in study visits to Austria.<sup>156</sup> Furthermore, during the ICMPD's Vienna Migration Conference in October 2017 the Austrian Federal Minister of the Interior and his colleague in the Nigerian government met to discuss topics including irregular migration, human trafficking and returning migrants.<sup>157</sup>

In November 2017, representatives of the aliens authority in **Bosnia and Herzegovina** met in Vienna with representatives of the Federal Ministry of the Interior to exchange experiences regarding the direct return of irregular migrants to third countries via Vienna International Airport. Besides the working meetings, visits to the initial reception centre at Traiskirchen and the Vienna International Airport were arranged to give an impression of procedures.<sup>158</sup>

In 2018, Austria will take the lead in combating criminal smuggling and irregular migration at Europol. In the coming years, attention will be given mainly to smuggling routes in South-Eastern Europe and the Mediterranean route, as well as to identifying smuggling rings in Afghanistan, the Islamic Republic of Iran, Pakistan and Turkey.<sup>159</sup>

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<sup>153</sup> Walter, F., Grenzüberschreitende Einsätze. In: *Öffentliche Sicherheit* 11–12/2017, p. 51, available at [www.bmi.gv.at/magazinfiles/2017/11-12/polizeikooperation.pdf](http://www.bmi.gv.at/magazinfiles/2017/11-12/polizeikooperation.pdf) (accessed on 29 December 2017).

<sup>154</sup> Brunner, B., Mehr Befugnisse. In: *Öffentliche Sicherheit* 9–10/2017, p. 53, available at [www.bmi.gv.at/magazinfiles/2017/09-10/polizeikooperation.pdf](http://www.bmi.gv.at/magazinfiles/2017/09-10/polizeikooperation.pdf) (accessed on 29 December 2017).

<sup>155</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Federal Ministry of the Interior, *Österreich übernimmt ab 2018 Vorsitz auf Europol-Ebene*. Press Release, n.p., 11 October 2017, available at [www.bmi.gv.at/news.aspx?id=50452B643577695A51696F3D](http://www.bmi.gv.at/news.aspx?id=50452B643577695A51696F3D) (accessed on 13 December 2017).

## 8 RETURN

### 8.1 General developments and trends

In 2017 the topic of return continued to be one of the **focus areas of the Austrian authorities**, with several policies being implemented. In addition to comprehensive legislative changes in the field of forced return, the Austrian Federal Government also implemented measures to provide incentives for the voluntary return of migrants and to support reintegration. In March the Federal Ministry of the Interior announced the launch of the special initiative “EUR 1,000 for 1,000 people”, which provides financial assistance to voluntary returnees.<sup>160</sup>

In a similar manner to discussion of international protection policies, public debate focused primarily on the **more restrictive return policies**. The introduction of the new option of requiring a person to take residence in designated quarters, when a return decision or order of removal from the country is issued, was broadly discussed and criticized by some stakeholders as being counterproductive.<sup>161</sup> Another topic extensively covered by Austrian media was the increase in forced return and, in this regard, the joint charter flights to return migrants to countries outside of the EU.<sup>162</sup>

The priority given to return at policy level is reflected in the statistics published by the Federal Office of Immigration and Asylum. The Federal Office of Immigration and Asylum counted 11,974 departures in 2017, which is an increase of 11 per cent compared with 2016. In 2017, 5,064 (42 %) persons returned voluntarily, which is 14 per cent less than in 2016. Furthermore, 6,910 (58 %) persons were removed, which is 41 per cent more than in 2016 (see figure 4).

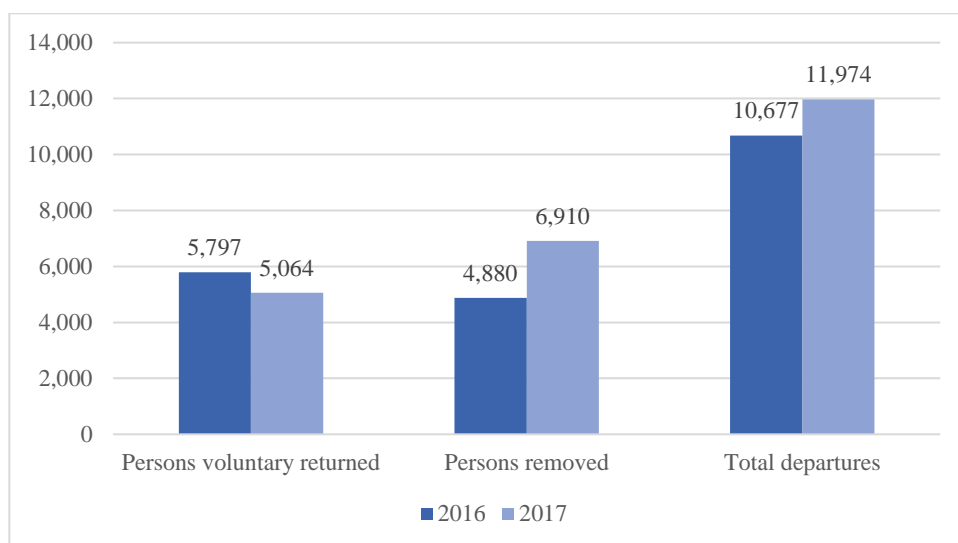
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<sup>160</sup> See, for example, Salzburger Nachrichten, *Flüchtlinge: 1000 Euro für erste 1000 Rückkehrer*, 22 March 2017, available at [www.sn.at/politik/innenpolitik/fluechtlinge-1000-euro-fuer-erste-1000-rueckkehrer-6690109](http://www.sn.at/politik/innenpolitik/fluechtlinge-1000-euro-fuer-erste-1000-rueckkehrer-6690109) (accessed on 26 March 2018).

<sup>161</sup> See, for example, Die Presse, *Asyl: Regierung erhöht den Druck*, 28 February 2017, available at [https://diepresse.com/home/innenpolitik/5176667/Asyl\\_Regierung-erhoeht-den-Druck](https://diepresse.com/home/innenpolitik/5176667/Asyl_Regierung-erhoeht-den-Druck) (accessed on 26 March 2018).

<sup>162</sup> See, for example, Der Kurier, *Mehr Abschiebungen als freiwillige Ausreisen*, 12 August 2017, available at <https://kurier.at/politik/ausland/mehr-abschiebungen-als-freiwillige-ausreisen/280.053.857> (accessed on 26 March 2018).

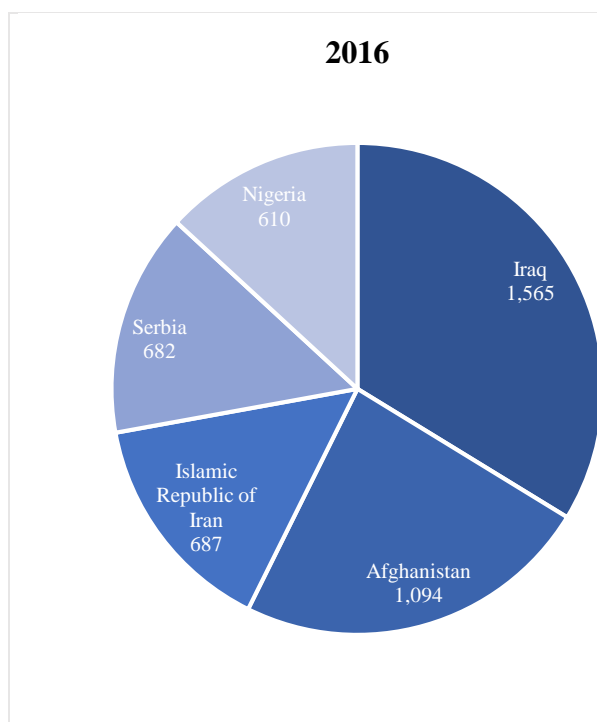
**Figure 4: Departures in 2016 and 2017**



Source: Federal Office for Immigration and Asylum, “2017 – Das Jahr der Aufarbeitung”, 2018; “2016 – Das Jahr der Erweiterung”, 2017.

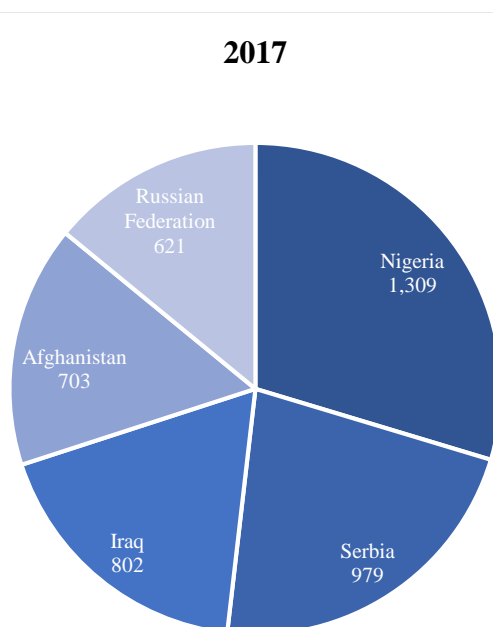
Looking at returns (voluntary returns and removals) in 2017 according to nationality, the number of Nigerians returned from Austrian territory doubled while the numbers returned to Iraq and Afghanistan decreased compared with 2016. This makes Nigeria the main destination country for returnees from Austria in 2017, followed by Serbia, Iraq, Afghanistan and the Russian Federation (see figure 5 and figure 6).

**Figure 5: Returns (voluntary returns and removals) – top five nationalities in 2016**



Source: Federal Office for Immigration and Asylum, „2016 – Das Jahr der Erweiterung“, 2017.

**Figure 6: Returns (voluntary returns and removals) – top five nationalities in 2017**



Source: Federal Office for Immigration and Asylum, „2017 – Das Jahr der Aufarbeitung“, 2018.

## 8.2 Legislative developments

The 2017 Act Amending the Aliens Law<sup>163</sup> resulted in several changes affecting return policy in different areas, but primarily, however, as laid down in the Aliens Police Act.<sup>164</sup>

### 8.2.1 Residence requirement

A new option was introduced allowing authorities to require the individual affected to **reside at designated federal quarters**, when a return decision or order of removal from the country is issued with legal effect (Art. 57 Aliens Police Act). This does not apply to a person whose stay is tolerated (Art. 57 para 4 subpara 1 Aliens Police Act). When assessing whether to impose such a residence requirement after issuing a final return decision, consideration is specifically given to factors such as whether the individual has participated in compulsory return counselling or complies with the obligation to cooperate in obtaining a permit or travel document, as referred to in Art. 46 para 2 and 2a Aliens Police Act (Art. 57 para 2 Aliens Police Act). Following a final order of removal from the country, the factors considered include whether the individual concerned has delayed or impeded removal (Art. 57 para 3 Aliens Police Act).

Parallel to this **residence requirement**, a provision was introduced that restricts the residence of third-country nationals, who are accommodated in federal reception centres, to designated areas. Specifically, such individuals are permitted to stay only within the area of the administrative district where the federal reception centre is located. The restriction to the specified area applies as long as the third-country national has access to care benefits and, at the latest, until departure (Art. 52a Aliens Police Act). The measure aims to facilitate thorough return counselling, return preparation and assistance for voluntary departure.<sup>165</sup> In this context two “return residences” were established, one each in Lower Austria and Tyrol, with capacities for housing up to 400 persons.<sup>166</sup>

Failure to comply with the residence requirement or the area restriction is punishable by a fine of between EUR 100 and EUR 1,000 or, where uncollectible, imprisonment for a maximum of two weeks (Art. 121 para 1a Aliens Police Act).

### 8.2.2 Issue of return decisions

Taking account of a 2016 case law by the Austrian Supreme Administrative Court and the European Return Directive, a return decision can now be issued despite a current prohibition of removal or obstacles to removal (Art. 52 para 9 Aliens Police Act).<sup>167</sup> If a return decision is issued in such a case, the authorities must simultaneously determine that removal is not

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<sup>163</sup> FLG I No. 145/2017.

<sup>164</sup> FLG No. 100/2005 in the version of FLG II No. 145/2017.

<sup>165</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018; Act Amending the Aliens Law 2017, Motion, Explanatory Notes (electronically sent version), p. 82, available at [www.parlament.gv.at/PAKT/VHG/XXV/A/A\\_02285/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXV/A/A_02285/index.shtml) (accessed on 1 February 2018).

<sup>166</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 4 July 2018.

<sup>167</sup> Act Amending the Aliens Law 2017, Government Proposal, p. 30, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_01523/imfname\\_619001.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_01523/imfname_619001.pdf) (accessed on 4 May 2018).

permitted. Consequently, once removal is permitted the need for issuing a new return decision is avoided. Where removal to the country of origin or another destination country is not permitted (Art. 50 Aliens Police Act), the person's stay is tolerated as specified in Art. 46a Aliens Police Act.

### 8.2.3 Procurement of travel documents

Foreigners obliged to depart from Austria are now also required to procure their travel documents independently. Pursuant to Art. 46 para 2 Aliens Police Act, such persons must undertake any appropriate action required to **obtain the necessary documents** from a competent authority such as a diplomatic representation in Austria, unless this is not possible due to circumstances beyond the person's influence.

Despite this obligation as specified in Art. 46 para 2 Aliens Police Act, a foreigner is nonetheless obliged to cooperate with the Federal Office for Immigration and Asylum in preparation for their removal defined in Art. 46 para 2a Aliens Police Act. Individuals not complying with the obligation to cooperate are liable to penalties as specified in Art. 5 of the Administrative Enforcement Act, including coercive detention. Failure to comply with these obligations, as a circumstance to be considered when assessing any risk of absconding, can also be a factor in deciding on detention pending removal (Art. 76 para 3 subpara 1a Aliens Police Act).

### 8.2.4 Issue of entry bans

Through the 2017 Act Amending the Aliens Law, the list of cases potentially resulting in an entry ban was also expanded. It is now also possible to impose an entry ban for **ten years or an indefinite period** against individuals suspected of having a close relationship with an extremist or terrorist group. The same applies to individuals who affirm ideas that conflict with the values of a European democratic state and its society and who intend to spread such ideas in order to persuade others (Art. 53 para 3 subpara 9 Aliens Police Act).<sup>168</sup>

### 8.2.5 Interruption of a prison sentence or substitute imprisonment penalty

The Aliens Police Act was amended to allow the serving of certain prison sentences or substitute imprisonment penalties to be interrupted for the purpose of departure from Austrian territory. Interruption of a prison term is permitted in two cases: 1) when departure appears certain or removal will take place shortly (Art. 122a para 1 subpara 1 Aliens Police Act); or 2) when no legal or effective impediments to departure exist (Art. 122a para 1 subpara 2 Aliens Police Act).

### 8.2.6 Other developments

Foreigners not entitled to stay and whose asylum applications have been rejected in an admission procedure and whose complaint is not recognized as having suspensive effect, are not entitled to basic welfare support unless they cooperate in departing voluntarily (Art. 2 para 7 Federal Basic Welfare Support Act<sup>169</sup>).<sup>170</sup>

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<sup>168</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 4 July 2018.

<sup>169</sup> FLG I No. 405/1991 in the version of FLG I No. 145/2017.

<sup>170</sup> Kainz, V., M. Krisper, *Fremdenrechtsänderungsgesetz*. In: *Öffentliche Sicherheit 11–17/2017*, p. 83–86, available at [www.bmi.gv.at/magazinfiles/2017/11-12/fremdenrecht.pdf](http://www.bmi.gv.at/magazinfiles/2017/11-12/fremdenrecht.pdf) (accessed on 28 December 2017).

### 8.3 Voluntary assisted return and reintegration

Return counselling in Austria continues to be provided by various Caritas associations under the Roman-Catholic dioceses in Austria and by the Verein Menschenrechte Österreich association, which are under contract with the Federal Ministry of the Interior and co-financed by the Asylum, Migration and Integration Fund (AMIF). Additional counselling is provided by the LEFÖ organization as well as the province of Carinthia.<sup>171, 172</sup> Furthermore, the amount of return counselling provided at reception facilities was increased, especially at newly established counselling centres. In addition, information events are now being held for potential returnees as well as for refugee care workers.<sup>173</sup>

In addition to the existing information campaign referred to as **Voluntary departure – a new start with perspectives** and to supplement existing return assistance, Austria introduced a special initiative entitled “**EUR 1,000 for 1,000 people**”. The first 1,000 voluntary returnees each received EUR 1,000 in start-up assistance, with families granted up to EUR 3,000.<sup>174</sup> In response to the great demand, the number eligible for start-up assistance was increased to 1,500 individuals, with grants awarded up to 31 December 2017.<sup>175</sup>

Furthermore, the **Federal Office for Immigration and Asylum developed a new, two-stage model**, based on the principle of providing more assistance benefits to asylum seekers who return to their countries of origin at an earlier stage. Applicants for asylum receive EUR 500 in start-up assistance when returning voluntarily during the procedure in the first instance. EUR 250 is paid out to those who return voluntarily after the first-instance asylum procedure is completed with a negative outcome.<sup>176</sup>

In 2017 the IOM Country Office for Austria provided return assistance to 3,546 returnees through the **General Humanitarian Return Programme**, the largest assisted voluntary return programme in Austria (IOM CO Austria, 2017). The main countries of return were Iraq, followed by Ukraine and Serbia. Furthermore, since 1 January 2017, the IOM Country Office for Austria has been conducting the project **RESTART II – Reintegration Assistance for Voluntary Returnees to Afghanistan and Iran**. The project, which is co-financed by the AMIF and the Austrian Federal Ministry of the Interior, assists third-country nationals with voluntary return to Afghanistan and the Islamic Republic of Iran as well with sustainable reintegration.

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<sup>171</sup> LEFÖ, *IBF - Interventionsstelle für Betroffene von Frauenhandel*, available at [www.lefoe.at/index.php/ibf.html](http://www.lefoe.at/index.php/ibf.html) (accessed on 10 April 2018).

<sup>172</sup> Province of Carinthia, *Freiwillige Rückkehr in die Heimat*, available at [www.ktn.gv.at/297293\\_DE-Fluechtlingswesen-Freiwillige\\_Rueckkehr\\_in\\_die\\_Heimat](http://www.ktn.gv.at/297293_DE-Fluechtlingswesen-Freiwillige_Rueckkehr_in_die_Heimat) (accessed on 10 April 2018).

<sup>173</sup> Written input by the Federal Ministry of the Interior, Unit III/5/a (Asylum and Return Funding), 26 January 2018.

<sup>174</sup> Federal Office for Immigration and Asylum, *1.000 Euro für 1.000 Personen*. Press Release, n.p., 22 March 2017, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=795370614C6A57592F5A633D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=795370614C6A57592F5A633D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0) (accessed on 13 December 2017).

<sup>175</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>176</sup> Federal Office for Immigration and Asylum, *1.000 Euro für 1.000 Personen*. Press Release, n.p., 22 March 2017, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=795370614C6A57592F5A633D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=795370614C6A57592F5A633D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0) (accessed on 13 December 2017).

The reintegration measures include a cash grant of EUR 500 for each beneficiary as well as in-kind assistance, such as to support to start or join a business.<sup>177</sup>

At the same time, the **IRMA plus** project implemented by Caritas Austria also provides for return counselling and reintegration support. The project mainly targets vulnerable groups, such as single parents with children, the elderly or people with disabilities. The project, which is also co-financed by the AMIF and the Austrian Federal Ministry of the Interior, includes targeted measures in the areas of basic needs, medical and psychological care, economic integration, as well as vocational education and training.<sup>178</sup>

In 2016 Austria joined the **European Reintegration Network (ERIN)**, which is another initiative through which Austria provides reintegration assistance for returning migrants. The assistance comprises up to EUR 500 in cash and material benefits, which are granted based on business models presented by returnees.<sup>179</sup> Within the framework of ERIN, a total of 1,294 individuals, including programme participants and family members, departed voluntarily between June 2016 and January 2018.<sup>180</sup>

#### 8.4 Removal

In 2017, the Federal Office for Immigration and Asylum returned individuals by 83 **charter flights** to a total of 18 destinations. These return activities were conducted in cooperation with other countries, including Czechia, Denmark, France, Germany, Hungary, Norway, Spain, Switzerland and Sweden.<sup>181</sup>

#### 8.5 Cooperation with third/other countries

In regard to bilateral agreements, Austria proposed to Afghanistan a **bilateral declaration of implementation**, intended to further facilitate the return, readmission and reintegration of Afghan nationals in future.<sup>182</sup> In November 2017, Austria has issued authorization to begin negotiations over a bilateral implementation protocol with Azerbaijan.<sup>183</sup>

Furthermore, within the framework of ERIN experts in return and reintegration held their first working group meeting on the topic of harmonization in Vienna in February 2017.

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<sup>177</sup> International Organization for Migration, *Restart II*, available at [www.iomvienna.at/en/restart-ii](http://www.iomvienna.at/en/restart-ii) (accessed on 10 April 2018).

<sup>178</sup> Caritas & Du Österreich, *IRMA plus – Das Reintegrationsprojekt der Caritas Österreich*, available at [www.caritas.at/hilfe-beratung/migrantinnen-fluechtlinge/beratung-vertretung/rueckkehrhilfe-reintegration/irma-plus-reintegration/](http://www.caritas.at/hilfe-beratung/migrantinnen-fluechtlinge/beratung-vertretung/rueckkehrhilfe-reintegration/irma-plus-reintegration/) (accessed on 10 April 2018).

<sup>179</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018; written input by the Federal Ministry of the Interior, Unit III/5/a (Asylum and Return Funding), 26 January 2018.

<sup>180</sup> Federal Ministry of the Interior, *Spezifische Maßnahme - European Reintegration Network (ERIN)*, available at [www.bmi.gv.at/107/EU\\_Foerderungen/Finanzrahmen\\_2014\\_2020/AMIF/ERIN.aspx](http://www.bmi.gv.at/107/EU_Foerderungen/Finanzrahmen_2014_2020/AMIF/ERIN.aspx) (accessed on 10 April 2018).

<sup>181</sup> Federal Office for Immigration and Asylum, „2017 - DAS JAHR DER AUFARBEITUNG“ – *Das Bundesamt für Fremdenwesen und Asyl legt im 4. Jahr Bilanz*, available at [www.bmi.gv.at/bmi\\_documents/2142.pdf](http://www.bmi.gv.at/bmi_documents/2142.pdf) (accessed on 24 April 2018).

<sup>182</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit IV.2 (Tourist and Cross-Border Traffic, Residence Matters, Combating Trafficking in Human Beings, Refugee and Migration Affairs), 17 January 2018.

<sup>183</sup> Ibid.

The goal of the working group is to **harmonize the procedures of reintegration programmes** offered in Europe. This involves detailing guidelines including standardized template forms as well as a pilot project.<sup>184</sup>

Since March 2017, the **Austrian Development Agency** (ADA) has provided EUR 3 million in funding to the United Nations Development Programme (UNDP) and its Funding Facility for Expanded Stabilization. This funding is to be used in close consultation with the Iraqi government to enable infrastructure projects, create employment and income opportunities. Until 2018, the ADA plans to contribute EUR 11 million to resettlement and reintegration programmes for displaced persons and refugees in Iraq.<sup>185</sup> Austria also contributed EUR 1 million from the Foreign Disaster Fund to the UNDP Stabilization Fund and another EUR 1 million to the UNDP Crisis Response and Resilience Programme, to improve the country's resilience and to ensure basic supplies to internally displaced persons and returnees.<sup>186</sup>

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<sup>184</sup> Federal Ministry of the Interior, *Freiwillige Rückkehr und Reintegration*. Press Release, n.p., 27 February 2017, available at [www.bmi.gv.at/news.aspx?id=6D6C514857356C4B73534D3D](http://www.bmi.gv.at/news.aspx?id=6D6C514857356C4B73534D3D) (accessed on 31 December 2017); written input by the Federal Ministry of the Interior, Unit III/5/a (Asylum and Return Funding), 26 January 2018.

<sup>185</sup> Austrian Development Agency, *Irak: Österreich fördert Rückkehrmöglichkeiten*. Press Release, n.p., 22 March 2017, available at [www.entwicklung.at/mediathek/presse/presse-detail/artikel/irak-oesterreich-foerdert-rueckkehrmoeglichkeiten](http://www.entwicklung.at/mediathek/presse/presse-detail/artikel/irak-oesterreich-foerdert-rueckkehrmoeglichkeiten) (accessed on 12 December 2017).

<sup>186</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit IV.2 (Tourist and Cross-Border Traffic, Residence Matters, Combating Trafficking in Human Beings, Refugee and Migration Affairs), 17 January 2018.

## 9 ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

### 9.1 General developments and trends

The fourth National Action Plan on Combating Human Trafficking was completed in 2017.<sup>187</sup> The implementation report on the fourth Action Plan, including a new fifth National Action Plan for 2018–2020, is scheduled to be adopted by the Austrian Federal Government and submitted to the Austrian National Council in early 2018.<sup>188</sup>

The new **Action Plan for 2018–2020** is intended to reflect the changed situation resulting from the increased influx of migrants in 2015 and 2016. The measures provided for include:

- additional training and awareness-raising activities to be held for staff at the Federal Office for Immigration and Asylum, initial reception centres, basic welfare support facilities and police detention centres;
- improved availability of native-language information materials for potential victims;
- expanded measures for the identification and care of victims of child trafficking;
- special focus on unaccompanied minors as a group at risk, through information material appealing to children.<sup>189</sup>

Furthermore in 2017, the Federal Ministry of the Interior drafted a decree aimed at ensuring care for victims of human trafficking throughout Austria. The decree, which entails a national referral mechanism for ensuring victims' rights, is scheduled to be issued in early 2018 and subsequently implemented.<sup>190</sup>

On the occasion of the EU Anti-Trafficking Day on 20 October 2017, the Federal Minister of the Interior announced the new focus of the Criminal Intelligence Service Austria on identifying exploitation of human beings. He added that, in addition to working closely with victim protection institutions, the police were being trained in identifying victims and information campaigns were being organized in victims' countries of origin.<sup>191</sup>

### 9.2 Awareness raising and training

#### 9.2.1 Conferences

Several awareness raising initiatives addressing trafficking in human beings were launched in 2017. As part of the PRIMSA research project, on prevention of and intervention in human trafficking for the purpose of sexual exploitation, a conference entitled "Strategies Against Human Trafficking – an Interdisciplinary Perspective" was held in May 2017. Representatives from the Federal Ministry of the Interior, the Criminal Intelligence Service Austria, the police

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<sup>187</sup> Task Force on Combatting Human Trafficking, *Task Force Menschenhandel – Nationale Aktionsplan zur Bekämpfung des Menschenhandels für die Jahre 2015–2017*, available at [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Menschenrechte/Nationaler\\_Aktionsplan\\_2015-2017.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Nationaler_Aktionsplan_2015-2017.pdf) (accessed on 21 January 2018).

<sup>188</sup> Joint written input by the Federal Ministry for Europe, Integration and Foreign Affairs and the Federal Ministry of the Interior, 19 January 2018.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Federal Ministry of the Interior, *Sobotka: Menschenhandelsopfer müssen geschützt, Täter bestraft werden*. Press Release, n.p., 20 October 2017, available at [www.bmi.gv.at/news.aspx?id=6C754972586F73617879513D](http://www.bmi.gv.at/news.aspx?id=6C754972586F73617879513D) (accessed on 31 December 2017).

administrations of the provinces, the Danube University Krems, victim counselling centres and project partners from Germany discussed research findings and drafted an assessment, counselling and interview plan.<sup>192</sup>

On the occasion of the **EU Anti-Trafficking Day** and under the Austrian Chairmanship of the Organization for Security and Co-operation in Europe (OSCE) in 2017, the annual conference on anti-trafficking took place in Vienna on 20 October 2017. Under the motto of “Human Trafficking in Conflict and Crisis Situation”, discussions there centred on current challenges and on devising sustainable strategies for combatting human trafficking.<sup>193</sup> The 400 or so participants included representatives from the participating states of the OSCE, international and non-governmental organizations, and civil society, as well as human trafficking experts.<sup>194</sup>

Another event held under the Austrian OSCE Chairmanship in 2017 focused on combating trafficking in private domestic workers among diplomats’ households. The event was jointly organized with the Special Representative and Coordinator for Combating Trafficking in Human Beings. The 80 participants included individuals from the protocol departments of diplomatic representations and from the permanent representations to the OSCE.<sup>195</sup>

### 9.2.2 Training

In 2017 local as well as international organizations provided **various training courses on the identification and care of victims of human trafficking**. The main target audiences were employees of Austrian authorities, such as the Federal Office for Immigration and Asylum and welfare authorities.

- Two three-day workshops on human trafficking and cross-border prostitution were held for police officers by the Security Academy of the Federal Ministry of the Interior in April and October. A total of 40 officers participated in the workshops, which were organized by Criminal Intelligence Service Austria. The trainings were conducted under the involvement of victim protection institutions, in particular LEFÖ-IBF (Intervention Center for Trafficked Women).<sup>196</sup>
- As part of the Asyl-Train project of the International Organization for Migration (IOM), 68 staff members of the Federal Office for Immigration and Asylum and 23 staff members of the legal counselling service of Diakonie Austria have since 1 January 2017 received training in intercultural competencies and heightened awareness towards identifying victims of human trafficking.<sup>197</sup>

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<sup>192</sup> Federal Ministry of the Interior, *Kampf dem Menschenhandel*. Press Release, n.p., 11 May 2017, available at [www.bmi.gv.at/news.aspx?id=4F67616F696274775347633D](http://www.bmi.gv.at/news.aspx?id=4F67616F696274775347633D) (accessed on 31 December 2017).

<sup>193</sup> OSCE, *Human Trafficking in conflict and crisis situation*, available at [www.osce.org/secretariat/346496?download=true](http://www.osce.org/secretariat/346496?download=true) (accessed on 23 April 2018).

<sup>194</sup> Joint written input by the Federal Ministry for Europe, Integration and Foreign Affairs and the Federal Ministry of the Interior, 19 January 2018.

<sup>195</sup> Ibid.

<sup>196</sup> Joint written input by the Federal Ministry for Europe, Integration and Foreign Affairs and the Federal Ministry of the Interior, 19 January 2018.

<sup>197</sup> Ibid.; written input by the International Organization for Migration, Counter Trafficking Department, 11 April 2018.

- As part of the IOM-project Protecting Children in the context of the Refugee and Migrant Crisis in Europe, the IOM in cooperation with ECPAT (End Child Prostitution in Asian Tourism) organized six workshops for 126 participants from organizations including the Austrian Armed Forces and the police, as well as private organizations such as operators of residences for asylum seekers. Some of the sessions were held jointly with representatives of UNICEF, Criminal Intelligence Service Austria and the Vienna children and youth welfare services.<sup>198</sup>
- The subject of child trafficking was especially considered in training courses held by the Federal Ministry of the Interior for employees of the children and youth welfare authorities in Vienna, Carinthia and Tyrol.<sup>199</sup>

### 9.3 International cooperation

Cooperation with other EU Member States as well as third countries to combat human trafficking continued in 2017. In May 2017, for example, six delegates from **China** participated in job shadowing at Criminal Intelligence Service Austria. The aims were to share information on ongoing investigations and to build lines of communication for future cooperation. Further meetings and workshops were organized in cooperation with **Bulgaria, Nigeria, Romania and the United Kingdom of Great Britain and Northern Ireland**.<sup>200</sup>

Additionally, bilateral workshops were organized with delegates from **Azerbaijan and Pakistan**, as part of the project entitled Fight against Trafficking in Human Beings, by the International Centre for Migration Policy Development (ICMPD). Besides introducing the Joint Operational Office (JOO) of Criminal Intelligence Service Austria and the work of the Task Force on Combating Human Trafficking, LEFÖ-IBF also presented best practices and the efforts contributed by non-governmental organizations.<sup>201</sup>

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<sup>198</sup> Written input by the International Organization for Migration, Counter Trafficking Department, 11 April 2018.

<sup>199</sup> Joint written input by the Federal Ministry for Europe, Integration and Foreign Affairs and the Federal Ministry of the Interior, 19 January 2018.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

## 10 MAXIMIZING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

### 10.1 General developments and trends

Addressing the UN General Assembly in September 2017, the Federal Minister for Europe, Integration and Foreign Affairs underscored the necessity of creating perspectives at local level, as a means of effectively meeting the growing challenges of global migration.<sup>202</sup> The **Three-Year Programme on the Austrian Development Policy 2016–2018**, which was updated on 20 December 2016, aims at maximizing the potential of linking migration and development (ADA, 2016:15). The recognition of this linkage paved the way for considerable activities in this topic area. Furthermore, the programme of the new Austrian Federal Government states that Austria has a clear, direct interest in development cooperation, which can serve as an instrument “to prevent migration”. Additionally, the government declared its intention of focusing more strongly on migration in the next Three-Year Programme on the Austrian Development Policy (Austrian Federal Chancellery, 2017:25).

### 10.2 Migration and development activities

In July 2017, the Federal Government pledged to make EUR 3 million available for the North of Africa Window of the **EU Emergency Trust Fund (EUTF)** for Africa, for the purpose of combating the root causes of irregular migration. This increases Austria’s bilateral contribution to the fund to a total of EUR 6 million since 2016, in addition to its EU funding commitments. EUR 3 million of the total was paid out last year.<sup>203</sup> Alongside the contributions to the EUTF, in a total of 42 cases in 2017, funding amounting to roughly EUR 32 million was approved for migration and development. Special consideration was given here to projects and programmes in Iraq and the Syrian Arab Republic as well as other countries especially impacted by regional conflicts.<sup>204</sup> Additional funding was awarded for projects in Afghanistan, Ethiopia, Jordan, Pakistan and Uganda. The goal is to supply for the needs of refugees as part of long-term development measures.<sup>205</sup> Furthermore, Austria provided the International Organization for Migration (IOM) with EUR 500,000 for efforts in Niger to improve the living conditions of refugees and other residents of the Diffa region.<sup>206</sup>

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<sup>202</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Bundesminister Sebastian Kurz bei der UNO-Generalversammlung in New York*. Press Release, New York, 20 September 2017, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/09/bundesminister-sebastian-kurz-bei-der-uno-generalversammlung-in-new-york/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/09/bundesminister-sebastian-kurz-bei-der-uno-generalversammlung-in-new-york/) (accessed on 31 December 2017).

<sup>203</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Bundesminister Sebastian Kurz: „Durch weitere Hilfe vor Ort in Afrika Migrationsströme eindämmen“*. Press Release, Vienna, 14 July 2017, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/07/bundesminister-sebastian-kurz-durch-weitere-hilfe-vor-ort-in-afrika-migrationsstroeme-eindaemmen/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/07/bundesminister-sebastian-kurz-durch-weitere-hilfe-vor-ort-in-afrika-migrationsstroeme-eindaemmen/) (accessed on 18 December 2017).

<sup>204</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit IV.2 (Tourist and Cross-Border Traffic, Residence Matters, Combating Trafficking in Human Beings, Refugee and Migration Affairs), 17 January 2018.

<sup>205</sup> Austrian Development Agency, *Migration und Entwicklung–Projektstart*. Press Release, Vienna, 20 July 2017, available at [www.entwicklung.at/mediathek/presse/presse-detail/artikel/migration-und-entwicklung-projektstart/](http://www.entwicklung.at/mediathek/presse/presse-detail/artikel/migration-und-entwicklung-projektstart/) (accessed on 12 December 2017).

<sup>206</sup> Austrian Development Agency, *Beitrag zu IOM Aktivitäten in Niger 2017*, available at [www.entwicklung.at/projekte/detail/project/show/beitrag-zu-iom-aktivitaeten-in-niger-2017/](http://www.entwicklung.at/projekte/detail/project/show/beitrag-zu-iom-aktivitaeten-in-niger-2017/) (accessed on 3 May 2018).

At the donor conference entitled “Uganda Solidarity Summit on Refugees”, held in Kampala in June 2017, the Austrian foreign minister pledged an additional EUR 2 million in support for Uganda.<sup>207</sup> In this context, a “migration project” was initiated in northern Uganda in November 2017, with the goal of ensuring food supplies to refugees from South Sudan and to their host communities. The Austrian Development Agency (ADA) as well as Austrian aid organizations and two local partner organizations are jointly responsible for the project.<sup>208</sup>

### 10.3 Cooperation with other/third countries and diasporas

With the aim of encouraging investment and economic involvement by the Serbian diaspora in Austria, ADA has been providing assistance to the “Link up! Serbia” project of the International Centre for Migration Policy Development (ICMPD) since 2016. The aim of the project is to assess Serbia’s business ecosystem and to identify possibilities for leveraging diaspora direct investment.<sup>209</sup> Furthermore, with support from ADA, about 30 individuals from countries at the focus of Austrian development cooperation have been attending courses in tourism and management at the Institute of Tourism and Hotel Management in Salzburg since 2015. The future graduates include representatives of educational institutions in Ethiopia, Georgia and Uganda. The project, lasting until 2018, receives EUR 1 million in funding from ADA.<sup>210</sup>

### 10.4 Awareness raising

On 6 September 2017, the **Global Forum for Migration and Development** (GFMD) put out an invitation to a thematic workshop on the GFMD’s contribution to the Global Compact on Migration (GCM). During the event participants were informed about a GFMD report containing recommendations for the GCM and were able to contribute to the discussion in several thematic workshops.<sup>211</sup> Furthermore, at the Annual ICMPD Conference entitled Migration Partnerships – Frameworks for Safe, Orderly and Regular Migration, approximately 350 participants discussed different aspects of effective cooperation between countries of origin, transit and destination.<sup>212</sup>

<sup>207</sup> Austrian Development Agency, *Bundesminister Sebastian Kurz: „Durch Hilfe vor Ort den Migrationsdruck lindern“*. Press Release, Vienna/Kampala, 22 June 2017, available at [www.entwicklung.at/mediathek/presse/presse-detail/artikel/bundesminister-sebastian-kurz-durch-hilfe-vor-ort/](http://www.entwicklung.at/mediathek/presse/presse-detail/artikel/bundesminister-sebastian-kurz-durch-hilfe-vor-ort/) (accessed on 12 December 2017).

<sup>208</sup> Austrian Development Agency, *Lebensgrundlage Sichern*, available at [www.entwicklung.at/ada/aktuelles/detail/artikel/lebensgrundlage-sichern/](http://www.entwicklung.at/ada/aktuelles/detail/artikel/lebensgrundlage-sichern/) (accessed on 12 December 2017).

<sup>209</sup> International Centre for Migration Policy Development, *Ongoing Projects*, available at [www.icmpd.org/our-work/capacity-building/migration-development/ongoing-projects/](http://www.icmpd.org/our-work/capacity-building/migration-development/ongoing-projects/) (accessed on 27 March 2018).

<sup>210</sup> Austrian Development Agency, *Fair Reisen*, available at [www.entwicklung.at/ada/aktuelles/detail/artikel/fair-reisen/](http://www.entwicklung.at/ada/aktuelles/detail/artikel/fair-reisen/) (accessed on 12 December 2017).

<sup>211</sup> Global Migration Forum on Migration and Development, *GFMD consolidates inputs to the GCM*, available at <https://gfmd.org/news/gfmd-consolidates-inputs-gcm> (accessed on 28 April 2018).

<sup>212</sup> International Centre for Migration Policy Development; *About Vienna Migration Conference 2017*, available at [www.icmpd.org/about-us/vienna-migration-conference/vienna-migration-conference-2017/](http://www.icmpd.org/about-us/vienna-migration-conference/vienna-migration-conference-2017/) (accessed on 17 April 2018).

## ANNEX

### Annex 1: List of translations and abbreviations

English term	English abbreviation	German term	German abbreviation
–	–	Verein Menschenrechte Österreich	VMÖ
Act Amending the Aliens Law	–	Fremdenrechtsänderungsgesetz	–
Act Governing the Employment of Foreigners	–	Ausländerbeschäftigungsgesetz	AuslBG
Ad Hoc Query	–	Ad-hoc-Anfrage	–
Administrative Enforcement Act	–	Verwaltungsvollstreckungsgesetz	VVG
administrative offence	–	Verwaltungsübertretung	–
admission procedure	–	Zulassungsverfahren	–
aliens law	–	Fremdenrecht	–
aliens police	–	Fremdenpolizei	–
Aliens Police Act 2005	–	Fremdenpolizeigesetz 2005	–
Asylum Act 2005	–	Asylgesetz 2005	–
Asylum and Aliens Affairs Department	–	Abteilung Asyl- und Fremdenwesen	–
Austrian Development Agency	ADA	Agentur der Österreichischen Entwicklungszusammenarbeit	–
Austrian Freedom Party	–	Freiheitliche Partei Österreich	FPÖ
Austrian Green Party	–	Die Grünen	–
Austrian Integration Fund	–	Österreichischer Integrationsfonds	ÖIF
Austrian Ombudsman Board	–	Volksanwaltschaft	–
Austrian Parliament	–	Österreichisches Parlament	–
Austrian People's Party	–	Österreichische Volkspartei	ÖVP
Basic Welfare Support	–	Grundversorgung	–
Basic Welfare Support Agreement	–	Grundversorgungsvereinbarung	–
beneficiary of subsidiary protection status	–	subsidiär Schutzberechtigter	–
best interests of the child	–	Kindeswohl	–
Central Aliens Register (Information Network)	–	Zentrales Fremdenregister (Informationsverbund)	IZR
common study template	–	gemeinsame Studienvorlage	–
complaint	–	Beschwerde	–
Court of Justice of the European Union	CJEU	Gerichtshof der Europäischen Union	EuGH
Criminal Intelligence Service Austria	–	Bundeskriminalamt	BK
departure	–	Ausreise	–

Deregulation and Adaptation Act	–	Deregulierungs- und Anpassungsgesetz	–
detention pending removal	–	Schubhaft	–
EU Blue Card	–	Blaue Karte EU	–
EU Member State	–	EU-Mitgliedstaat	–
European Commission	–	Europäische Kommission	–
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Reintegration Network	ERIN	Europäisches Netz zur Wiedereingliederung	ERIN
Expert Council for Integration	–	Expertenrat für Integration	–
family members	–	Familienangehörige	–
family reunification	–	Familienzusammenführung	–
Federal Administrative Court	–	Bundesverwaltungsgericht	BVwG
Federal Basic Welfare Support Act 2005		Grundversorgungsgesetz-Bund 2005	
Federal Chancellery	–	Bundeskanzleramt	BJA
Federal Law Gazette	FLG	Bundesgesetzblatt	BGBL.
Federal Ministry for Europe, Integration and Foreign Affairs	–	Bundesministerium für Europa, Integration und Äußeres	–
Federal Ministry of Education and Women's Affairs	–	Bundesministerium für Bildung und Frauen	–
Federal Ministry of Labour, Social Affairs and Consumer Protection	–	Bundesministerium für Arbeit, Soziales und Konsumentenschutz	BMASK
Federal Ministry of Science, Research and Economy	–	Bundesministerium für Wissenschaft, Forschung und Wirtschaft	BMFWF
Federal Office for Immigration and Asylum		Bundesamt für Fremdenwesen und Asyl	BFA
federal reception centre	–	Betreuungseinrichtung des Bundes	–
Federal State	–	Bund	–
forcible return	–	Zurückschiebung	–
foreigners	–	Ausländer	–
General Social Insurance Act	–	Allgemeines Sozialversicherungsgesetz	ASVG
guardianship	–	Obsorge	–
Initial Reception Centre	–	Erstaufnahmestelle	–
Integration Act	–	Integrationsgesetz	IntG
Integration Agreement	–	Integrationsvereinbarung	–
Integration Year Act	–	Integrationsjahrgesetz	IJG
International Center for Migration Policy Development	ICMPD	International Center for Migration Policy Development	ICMPD
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
key worker	–	Schlüsselkraft	–

Labour Market Integration Act	–	Arbeitsmarktintegrationsgesetz	–
LEFÖ (Information, Education and Support for Migrant Women)	LEFÖ	LEFÖ (Beratung, Bildung und Begleitung für Migrantinnen)	LEFÖ
LEFÖ-IBF (Intervention Center for Trafficked Women)	LEFÖ-IBF	LEFÖ-IBF (Interventionsstelle für Betroffene von Frauenhandel)	LEFÖ-IBF
Legal Information System	–	Rechtsinformationssystem	RIS
long stay visa	–	Aufenthaltsvisum	–
Member State		Mitgliedstaat	–
Ministry of the Interior	–	Bundesministerium für Inneres	BMI
minors	–	Minderjährige	–
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
National Council	–	Nationalrat	–
NEOS – The New Austria	NEOS	NEOS – Das Neue Österreich	NEOS
non-governmental organization	NGO	Nichtregierungsorganisation	NRO
Official Journal of the European Union	OJ	Amtsblatt der Europäischen Union	ABl.
Ombudsmen for Children and Youth	–	Kinder- und Jugendanwaltschaften	KIJA
Organization for Security and Co-operation in Europe	OSCE	Organisation für Sicherheit und Zusammenarbeit in Europa	OSZE
order of removal from the country	–	Anordnung zur Außerlandesbringung	–
Permanent Residence – EU	–	Daueraufenthalt – EU	–
persons granted asylum	–	Asylberechtigte	–
Public Employment Service	–	Arbeitsmarktservice	AMS
Red-White-Red Card	RWR Card	Rot-Weiß-Rot – Karte	RWR – Karte
Registration Act 1991	–	Meldegesetz 1991	MeldeG
Regulation for Skilled Workers	–	(„Fachkräfteverordnung“) Verordnung des Bundesministers für Arbeit, Soziales und Konsumentenschutz, mit der für das Jahr 2018 Mangelberufe für die Beschäftigung von ausländischen Fachkräften festgelegt werden	Fachkräfteverordnung 2018
removal	–	Abschiebung	–
representation authority	–	Vertretungsbehörde	–
Residence Act	–	Aufenthaltsgesetz	–
residence permit	–	Aufenthaltsberechtigung [§ 54 Abs. 1 Z 2 AsylG]	–
residence title	–	Aufenthaltstitel	–
return decision	–	Rückkehrentscheidung	–
return, forced	–	Rückführung	–
Returned individuals by charter flights	–	Charterrückführungen	–
Schengen Borders Code	–	Schengener Grenzkodex	–

self-employed worker	–	Selbständiger	–
settlement	–	Niederlassung	–
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz	NAG
Settlement Permit	–	Niederlassungsbewilligung	–
Settlement Regulation 2018	–	Niederlassungsverordnung 2018	–
shortage occupations	–	Mangelberufe	–
skilled workers	–	Fachkräfte	–
smuggling of migrants	–	Schlepperei	–
Social Democratic Party of Austria	–	Sozialdemokratische Partei Österreichs	SPÖ
subpara	–	Ziffer	Z
Supreme Administrative Court		Verwaltungsgerichtshof	VwGH
Temporary Residence Permit	–	Aufenthaltsbewilligung	–
Temporary Residence Permit for Intra-Corporate Transferees	–	Aufenthaltsbewilligung für unternehmensintern transferierte Arbeitnehmer	–
third-country nationals	–	Drittstaatsangehörige	–
tolerated stay	–	Duldung	–
transit	–	Durchbeförderung	–
unaccompanied minors	UAM	Unbegleitete Minderjährige	–
United Nations Children's Fund	UNICEF	Kinderhilfswerk der Vereinten Nationen	UNICEF
United Nations High Commissioner for Refugees	UNHCR	Flüchtlingskommissariat der Vereinten Nationen	UNHCR
Vice-Chancellor	–	Vizekanzler	–
vocational education and training	VET	Berufsausbildung	–
work permit	–	Beschäftigungsbewilligung	–

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### ***Written and oral communication***

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Oral input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration), 10 January 2018.

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International Organization for Migration, Counter Trafficking Department

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