

Co-financed  
by the  
European Union



**BM.I**



REPUBLIC OF AUSTRIA  
FEDERAL MINISTRY OF THE INTERIOR



# **ANNUAL REPORT 2017 ON MIGRATION AND ASYLUM IN AUSTRIA**

**Contribution to Commission and to EASO Annual Reports**

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

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

Translation: Robert Schlarb

Publisher: National Contact Point Austria in the  
European Migration Network

International Organization for Migration,  
Country Office for Austria  
Nibelungengasse 13/4, 1010 Vienna  
Tel.: +43 1 585 33 22 0  
Fax: +43 1 585 33 22 30  
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)

ISBN 978-3-9504448-9-6 (PDF), English Edition

ISBN 978-3-9504601-0-0 (PDF), German Edition

© February 2018, International Organization for Migration (IOM)

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

## **Explanatory Note**

This report has been produced within the framework of the annual reporting of the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant legislative, political and practical developments in the field of asylum and migration in Austria in 2017. The report provides input to the EMN's Annual Report on Immigration and Asylum in 2017 as well as to the European Asylum Support Office's (EASO) Annual Report on the Situation of Asylum in the European Union (EU).

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

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

## **0. KEY DEVELOPMENTS ON MIGRATION AND ASYLUM**

### **1. LEGAL MIGRATION AND MOBILITY**

The most important change in the area of migration and asylum in Austria was the implementation of the 2017 Act Amending the Aliens Law, which became effective as of October and November 2017. Major changes affecting regular migration and mobility were introduced to the Settlement and Residence. Examples include extending the validity of the Red-White-Red Card to two years and increasing to 12 months the period allowed for seeking employment under the Temporary Residence Permit – Student. A separate Red-White-Red Card was introduced for startup founders, to encourage such individuals to take up permanent residence and promote development of innovative products in Austria. At the same time, the Act Governing the Employment of Foreigners was adapted.

### **2. INTERNATIONAL PROTECTION INCLUDING ASYLUM**

Extensive changes in the area of international protection were also enacted as part of the 2017 Act Amending the Aliens Law. One example was to introduce residence restrictions for asylum seekers. In detail, asylum seekers are permitted to establish their residence or usual place of stay only within the province which provides the specified care benefits. Under certain circumstances, the Federal Office for Immigration and Asylum can also oblige an asylum seeker to reside at a designated reception facility. In addition, an accelerated procedure was introduced for withdrawing asylum status from individuals who are convicted of a crime. The duration of the expedited procedure, which is subject to certain conditions, is generally specified as one month.

### **3. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS**

In 2017 the Federal Ministry of the Interior and the Federal Office for Immigration and Asylum held courses and workshops on proper conduct towards children and young people at reception facilities and during asylum procedures. In addition, the Austrian Integration Fund defined a separate youth curriculum 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.

### **4. INTEGRATION**

Major portions of the new Integration Act became effective as of June 2017. The act is intended 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. Among the items specified in the Integration Act are compulsory German courses as well as values and orientation courses. The new Integration Act is supplemented by the Integration Year Act, which 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.

## **5. IRREGULAR MIGRATION**

To counteract irregular migration, new initiatives were launched and cooperative efforts were continued in 2017. These activities included a conference entitled Managing Migration Challenges Together (MMCT), at which the preparation of a joint action plan was agreed by senior representatives of the interior and defence ministries of the Salzburg Forum member countries. As agreed in the action plan, the member countries intend to take measures that include sharing information on irregular migration along the Western Balkan route and improving the ability to respond to any new increase in migration within the region. Participants also resolved to continue to provide assistance to border protection work, both with Frontex and, under bilateral agreements, with countries such as Hungary.

## **6. RETURN**

The 2017 Act Amending the Aliens Law also introduced changes in return policy. Examples include the new requirement that foreigners obliged to leave Austria procure their travel documents independently. Where a return decision or order of removal from the country is issued with final effect, authorities now have the option of requiring the individual affected to reside at designated quarters. Parallel to this residence requirement, a provision was introduced that restricts the residence of third-country nationals in federal care to designated areas. The list of cases potentially resulting in an entry ban was also expanded. Such cases now include third-country nationals who have been convicted of a criminal offence as well as individuals suspected of having close ties with an extremist or terrorist group.

Several initiatives were launched in 2017 with the aim of encouraging the voluntary return of third-country nationals to their countries of origin. Alongside the special initiative entitled “1,000 euros for 1,000 people”, the Federal Office for Immigration and Asylum also set up a new return assistance programme based on the principle of providing more assistance benefits to asylum seekers who return to their countries of origin at an earlier stage.

## **7. ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS**

The fourth National Action Plan on Combating Human Trafficking in 2015–2017 was completed in 2017. The implementation report, including a new fifth National Action Plan for 2018–2020, is scheduled to be adopted in early 2018. The draft action plan provides for additional training and awareness-raising measures for individuals working at the Federal Office for Immigration and Asylum, initial reception centres, institutions providing basic welfare support and police detention centres; another measure envisages improving the availability of native-language information materials for potential victims. The Federal Ministry of the Interior is also preparing a decree aimed at ensuring victims’ rights throughout Austria.

## **8. MAXIMIZING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY**

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. Of this amount, EUR 3 million was already provided last year. Alongside the contributions to the EUTF, a total of 42 new cases of funding in 2017, amounting to roughly EUR 32 million, were approved for migration and development.

# 1. LEGAL MIGRATION AND MOBILITY

## 1.1. Economic migration

### 1.1.1. *Admission policies of specific categories of third-country nationals*

Please describe any *new or planned* policies / measures regarding admission and access of the following categories of third-country nationals. Please concentrate on measures, besides those introduced through the transposition and implementation of EU legislation (e.g. incentive mechanisms, if applicable).

(a) Highly qualified workers;

The Settlement and Residence Act<sup>1</sup> was amended as part of the 2017 Act Amending the Aliens Law,<sup>2</sup> which became effective as of October and November 2017. At the same time, the Act Governing the Employment of Foreigners<sup>3</sup> was also modified. The overriding aim was to facilitate the admission and labour market integration of qualified workers from third countries under the Red-White-Red Card, which applies weighted criteria to control the immigration of skilled workers in shortage occupations. This system was revised so that language competence and professional experience are now rated higher than age. This revision is also intended to allow older skilled workers from third countries to enter the labour market under the Red-White-Red Card.<sup>4</sup> 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). The 2017 Act Amending the Aliens Law also includes the new option of a one-time extension of the Temporary Residence Permit – Student from six to twelve months for the purpose of seeking employment (Art. 64 para 4 Settlement and Residence Act).<sup>5</sup>

(b) Intra-Corporate Transferees (ICTs);

Two new types of temporary residence permit were introduced in the course of the 2017 Act Amending the Aliens Law and as part of implementing Directive 2014/66/EU (ICT Directive)<sup>6</sup>: 1) Temporary Residence Permit for Intra-Corporate Transferees (ICTs) (Art. 58 para 1 Settlement and Residence Act); and 2) Temporary Residence Permit for Mobile Intra-Corporate Transferees (mobile ICTs) (Art. 58a para 1 Settlement and Residence Act). The aim is to facilitate the admission of managers, specialists and trainees transferred within companies in the EU.<sup>7</sup> The period for deciding on admission is set at eight weeks and therefore similar to that for the Red-White-Red Card.<sup>8</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).

<sup>1</sup> FLG I No. 100/2005, in the version of FLG I No. 145/2017.

<sup>2</sup> FLG I No. 145/2017.

<sup>3</sup> FLG I No. 218/1975, in the version of FLG I No. 66/2017.

<sup>4</sup> Act Governing the Employment of Foreigners 2017, General Social Insurance Act, Amendment, Preamble, available at [www.parlament.gv.at/PAKT/VHG/XXV/II\\_01516/index.shtml#tab-Uebersicht](http://www.parlament.gv.at/PAKT/VHG/XXV/II_01516/index.shtml#tab-Uebersicht) (accessed on 13 December 2017).

<sup>5</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>6</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>7</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 on 3 January 2018).

<sup>8</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

(c) Seasonal Workers;

Directive 2014/36/EU (Seasonal Workers Directive)<sup>9</sup> was implemented as part of the 2017 Act Amending the Aliens Law, with the introduction of 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>10</sup>).<sup>11</sup>

Another change in this context relates to lifting the requirement for a certificate of non-impediment (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 certificate of non-impediment (*Unbedenklichkeitsbescheinigung*).<sup>12</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>13</sup>

(d) Migrants entrepreneurs;

The conditions for the admission of startup founders from third countries were amended to promote innovation in Austria. The Act Governing the Employment of Foreigners was correspondingly changed as part of the 2017 Act Amending the Aliens Law. The new provisions define the requirements for obtaining a Red-White-Red Card for startup founders and detail the conditions for admission as a self-employed key worker.<sup>14</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 startup 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 startup 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>15</sup>

(e) Au pairs;

No changes in 2017.

(f) Other remunerated workers.

No changes in 2017.

<sup>9</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>10</sup> FLG I No. 100/2005, in the version of FLG I No. 145/2017.

<sup>11</sup> Act Amending the Aliens Law 2017, Preamble, p. 5, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_01516/fname\\_618783.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_01516/fname_618783.pdf) (accessed on 3 January 2018).

<sup>12</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>13</sup> Act Amending the Aliens Law 2017, Government Proposal, p. 4, 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>14</sup> Act Amending the Aliens Law 2017, Government Proposal, p. 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>15</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

### **1.1.2. Satisfying labour market needs - admission policies**

Please describe any *new or planned* policies / measures regarding labour market and skill needs/shortages in relation to the employment of third-country nationals (which were not already covered in question 1.1.1 above).

The Settlement Regulation 2018<sup>16</sup> defines for the year 2018 the number of residence titles subject to quota and the maximum numbers of work permits for temporarily employed foreigners and harvest workers. The regulation limits the numbers of such permits in 2018 as follows: 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).<sup>17</sup>

### **1.1.3. Efforts to avoid 'social dumping'<sup>18</sup> and erosion of labour standards**

Please describe any *new or planned* policies / measures aimed at tackling labour exploitation of third-country national workers legally residing and/or social dumping in your (Member) State.

By extending the validity of the Red-White-Red Card from 12 to 24 months (see 1.1.1.) in the course of amendments to the Act Governing the Employment of Foreigners and the Settlement and Residence Act, according to the Federal Minister of Social Affairs, a further step has been taken to counteract wage and social dumping in Austria.<sup>19</sup> The extended validity provides a longer period for assessing whether admitted workers are in fact employed in accordance with admission requirements.<sup>20</sup>

### **1.1.4. Other developments in economic migration**

Please describe any other *new or planned* changes in legislation, policies and measures in the area of economic migration.

No changes in 2017.

## **1.2. Students and researchers**

### **1.2.1. Admission policies for students and researchers**

Please describe any *new or planned* policies / measures to attract students and researchers.

Work on assigning the first set of educational qualification levels within the system referred to as the National Qualifications Framework<sup>21</sup> (NQF) was completed in June 2017. Based on an EU recommendation to define a European Qualifications Framework for lifelong learning, an eight-tier system was developed that models, for comparative purposes, qualifications obtained in Austria.

<sup>16</sup> FLG II No. 23/2018.

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

<sup>18</sup> While there is no definition of the concept of "social dumping" in EU law, the term is generally used to point to unfair competition due to the application of different wages and social protection rules to different categories of worker (Parliamentary questions, 27 May 2015, E-008441-15). The European Commission described the practice as a situation 'where foreign service providers can undercut local service providers because their labour standards are lower', available at [www.eurofound.europa.eu/](http://www.eurofound.europa.eu/) (accessed on 7 February 2018).

<sup>19</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Stöger: Weitere Verbesserungen bei Rot-Weiß-Rot-Karte*. Press Release, Vienna, 28 February 2017, available at [www.sozialministerium.at/site/Service\\_Medien/Presse/Presseaussendungen/Stoeger\\_Weitere\\_Verbesserungen\\_bei\\_Rot\\_Weiss\\_Rot\\_Karte](http://www.sozialministerium.at/site/Service_Medien/Presse/Presseaussendungen/Stoeger_Weitere_Verbesserungen_bei_Rot_Weiss_Rot_Karte) (accessed on 13 December 2017).

<sup>20</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](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_01516/fname_618784.pdf) (accessed on 4 January 2017).

<sup>21</sup> National Coordination Point for the NQF in Austria (NCP), available at [www.qualifikationsregister.at/](http://www.qualifikationsregister.at/) (accessed on 6 February 2018).



According to the Federal Ministry of Education, this system will enhance the transparency and comparability of Austrian qualification levels and allow greater mobility among trainees, students and teaching staff, thereby helping to create a common European Education Area.<sup>22</sup>

### **1.2.2. Incentive mechanisms for retaining students and researchers**

Please describe any *new or planned* policies / measures to incentivise the retention of students and researchers.

Other changes affected residence titles for scientists and researchers as well as artists. The permits previously available to these groups of individuals, 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).

There are no substantive changes. Researchers continue to be exempt from the obligation to provide evidence of proficiency in German prior to immigration and to comply with the integration agreement. Family members of individuals holding a Settlement Permit – Researcher are able to apply for a Red-White-Red Card Plus, giving them unrestricted access to the Austrian labour market (Art. 46 para 1 subpara 1 Settlement and Residence Act).<sup>23</sup>

In addition to expanding university graduates' right of residence to allow them to seek employment (see 1.1.1.), the maximum number of working hours for school pupils and students (Art. 63 and 64 para 1 Settlement and Residence Act) was increased to a uniform level of 20 hours per week. 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>24</sup>

### **1.2.3. Other measures regarding students and researchers**

Please describe any other *new or planned* policies / measures related to students and researchers.

No changes in 2017.

## **1.3. Family reunification and family formation**

Please describe any *new or planned* policies / measures to regulate the admission of third-country nationals for family reunification and family formation.

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, specified in Art. 21a para 1 of the Settlement and Residence Act, to provide evidence of proficiency in German (Art. 21a para 4 subpara 4 Settlement and Residence Act).<sup>25</sup>

Red-White-Red Card Plus for family members of researchers: see 1.2.2.

<sup>22</sup> Federal Ministry of Education, *Nationaler Qualifikationsrahmen: Bildungsabschlüsse werden jetzt europaweit vergleichbar*. Press Release, Vienna, 28 June 2017, available at [www.bmb.gv.at/ministerium/vp/2017/20170628.html](http://www.bmb.gv.at/ministerium/vp/2017/20170628.html) (accessed on 15 December 2017).

<sup>23</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>24</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Stöger: Weitere Verbesserungen bei Rot-Weiß-Rot-Karte*. Press Release, Vienna, 28 February 2017, available at [www.sozialministerium.at/site/Service\\_Medien/Presse/Presseaussendungen/Stoeger>Weitere\\_Improvements\\_at\\_Rot\\_Weiss\\_Rot\\_Karte](http://www.sozialministerium.at/site/Service_Medien/Presse/Presseaussendungen/Stoeger>Weitere_Improvements_at_Rot_Weiss_Rot_Karte) (accessed on 13 December 2017).

<sup>25</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

#### **1.4. Information on routes to and conditions of legal migration**

Please describe any *new or planned* policies / measures to improve the provision of information on the routes to and conditions of legal migration for third-country nationals. For example:

(a) Information campaigns, websites, specific centres etc.

Information campaigns on voluntary return: see 6.2.1.4.

and/or

(b) Cooperation with third countries, for example on pre-departure measures, which may include provision of information on visas and work permits, which take place both in the (Member) State and/or a third country

No changes in 2017.

#### **1.5. Long-term residence and intra-EU mobility of legally resident third-country nationals.**

Please describe any *new or planned* policies / measures to regulate and/or facilitate access to the following:

(a) Long-term residence;<sup>26</sup>

Integration agreement for third-country nationals legally residing in Austria: see 4.1.1.

With the entry into force of the 2017 Act Amending the Aliens Law, researchers, artists and certain groups falling under “special cases of dependent gainful employment” are granted a residence title (Art. 43a to 43c Settlement and Residence Act) entitling them to settle in Austria and to later receive a permanent residence title (Permanent Residence – EU). These special cases of dependent gainful employment include ministers of religion, journalists with foreign media organizations or teaching staff at specified international schools.<sup>27</sup>

(b) Intra-EU mobility of third-country nationals between (Member) States.

Intra-Corporate Transferees (ICTs): see 1.1.1.b.

#### **1.6. Other measures on legal migration schemes**

Please describe *new or planned* policies / measures on **any other developments regarding legal migration** (not covered or described in the questions above).

As part of the Act Amending the Aliens Law, an option was introduced that allows foreigners to apply for a visa on account of “exceptional circumstances” before the period of legal stay has expired when meeting certain specified conditions specified in Art. 21a para 1 of the Aliens Police Act. Such exceptional circumstances include humanitarian grounds, grounds of national interest and international obligations (Art. 22a Aliens Police Act).

<sup>26</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, L 16/44.

<sup>27</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

## 1.7. Schengen governance

Please describe any *new or planned* policies / measures in relation to Schengen governance. Where relevant, please include any (planned) actions in relation to the new Schengen acquis, temporary suspension of Schengen, etc.

At the EU Council of Ministers meeting in September 2017, Austria joined Denmark, France, Germany and Norway in proposing a modification of the periods stipulated under the Schengen Borders Code (SBC).<sup>28, 29</sup> The European Commission subsequently prepared draft legislation permitting internal border controls for a maximum of one year and even two years in certain exceptional cases.<sup>30</sup> The Federal Minister of the Interior argued that the change was needed to stop irregular migration and prevent illegal border crossings. Controls are nonetheless to be limited “to the scope minimally necessary to ensure security”.<sup>31</sup> Against this background, controls at the internal borders with Hungary and Slovenia were extended until November 2017 and, based on Art. 25 SBC, later prolonged until 10 May 2018.<sup>32</sup>

## 1.8. Visa Policy

Please describe any *new or planned* policies / measures in relation to the implementation of the Visa Code and the Visa Information System (VIS) or any other Visa related developments, in particular in relation to cooperation between (Member) States’ consulates and the set-up of joint consular services for visas.

The Federal Ministry for Europe, Integration and Foreign Affairs is currently negotiating with numerous Schengen states to conclude joint representation agreements for countries where Austria has no diplomatic representation.<sup>33</sup>

---

<sup>28</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>29</sup> Federal Ministry of the Interior, *Sobotka: Grenzkontrollen weiter alternativlos*. Press Release, Vienna, 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>30</sup> European Commission, *State of the Union 2017 - Preserving and strengthening Schengen to improve security and safeguard Europe's freedoms*. Press Release, Brussels, 27 September 2017, available at [http://europa.eu/rapid/press-release\\_IP-17-3407\\_en.htm](http://europa.eu/rapid/press-release_IP-17-3407_en.htm) (accessed on 3 January 2018).

<sup>31</sup> Federal Ministry of the Interior, *Sobotka: Grenzkontrollen weiter alternativlos*. Press Release, Vienna, 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>32</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>33</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.

## 2. INTERNATIONAL PROTECTION INCLUDING ASYLUM

**\*NB: This Section will also feed into EASO's Annual Report on the situation of Asylum in the EU.**

### 2.1. Implementation of the Common European Asylum System (CEAS) and related policy developments

#### 2.1.1. *Changes in legislation, policies and practices*

Please provide **information on new or planned changes in legislation, policies and practices** (adopted, implemented, under preparation or pending) relating to any of the following areas:

##### 2.1.1.1. Access to the asylum procedure

(a) First arrival to territory (including information provided at the time of first arrival to the EU territory and operations to help asylum seekers on arrival;

No changes in 2017.

(b) Access to the asylum procedure (including applications made at the border, within the (Member) State's territory and in detention) - including making and lodging applications;

No changes in 2017.

(c) Registration of applications for international protection, (including subsequent applications and Dublin returnees), identification and fingerprinting.

No changes in 2017.

##### 2.1.1.2. Reception of asylum applicants

(a) Reception of applicants (please include information on reception capacities – rise/fall/stable, material reception conditions, i.e. housing, food and clothing and financial support, contingency planning in reception, access to labour market and vocational training, medical care, schooling and education, residence and freedom of movement);

Various changes affecting the procedure for granting international protection were introduced by the 2017 Act Amending the Aliens Law.<sup>34</sup> 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,<sup>35</sup> 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. Regarding the basic welfare support, these special needs are whenever possible to be considered as specified in Art. 2 para 1 of the Federal Basic Welfare Support Act.<sup>36, 37</sup>

A residence restriction was also introduced with the aim of accelerating asylum procedures (Art. 15c 2005 Asylum Act).<sup>38</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.

<sup>34</sup> FLG I No. 145/2017.

<sup>35</sup> FLG I No. 100/2005, in the version of FLG I No. 145/2017.

<sup>36</sup> FLG I No. 405/1991, in the version of FLG I No. 145/2017.

<sup>37</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/1/c (Alien-related legislation), 26 January 2018.

<sup>38</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, p. 82, available at [www.parlament.gv.at/PAKT/VHG/XXV/A/A\\_02285/fname\\_670108.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/A/A_02285/fname_670108.pdf) (accessed 1 February 2018).

The residence restriction does not rule out stays in other provinces, for the purpose of visits or to meet legal requirements for example.<sup>39</sup> 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>40</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 is in keeping with the special needs of minors.<sup>41</sup> 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). 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).

As a result of an exception defined in the Austrian regulation governing the employment of foreigners,<sup>42</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). This option has been utilized in over 800 cases since its introduction.<sup>43</sup>

As a result of the 2017 Act Amending the Aliens Law, 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).<sup>44</sup>

(b) Detention during the asylum procedure (detention capacity – rise/fall/stable practices regarding detention, grounds for detention, alternatives to detention, time limit for detention).

The normal maximum period of detention pending removal was increased 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), in compliance with Directive 2008/115/EC (Return Directive).<sup>45</sup> The maximum possible period of detention was also increased from 10 months to 18 months.<sup>46</sup> This maximum period is applicable only in specified exceptional cases, however, 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).

Based on a recent ruling by the Administrative High Court, asylum seekers whose cases are not covered by the Dublin Regulation are not permitted to be detained pending removal. The ruling provides for an exception where the Return Directive is applicable. This is specifically the case where: 1) the person applies for international protection in detention in order to delay removal; 2) a negative asylum decision has been issued that is enforceable and feasible; or 3) de facto protection against removal has been withdrawn or not recognized (see also 2.3.).<sup>47</sup>

<sup>39</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018.

<sup>40</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>41</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018.

<sup>42</sup> FLG No. 609/1990, in the version of FLG II No. 89/2017.

<sup>43</sup> 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>44</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018.

<sup>45</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>46</sup> Written input by the Federal Ministry of the Interior, Unit III/5 (Asylum and Alien Matters), 17 January 2018.

<sup>47</sup> Administrative High Court, 5 October 2017, 2017/21/0009-7; Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

### 2.1.1.3. Asylum procedures

- (a) Access to information and legal counselling / representation (including at the border and during the asylum procedure);

No changes in 2017.

- (b) Provision of interpretation;

No changes in 2017.

- (c) Dublin procedure (including changes in: the organizational framework, IT systems<sup>48</sup>, practical development and suspension of transfers to selected countries, detention in the framework of Dublin procedures);

The Federal Office for Immigration and Asylum continues to refrain from transfers to Hungary, particularly since the country's new asylum law became effective as of 28 March 2017. In addition to an ongoing review of the legal situation in Hungary and its implementation in practice, staff of the Federal Office for Immigration and Asylum consult with liaison officers at the Federal Ministry of the Interior and with Hungarian authorities.<sup>49</sup>

Austrian and Slovenian courts requested the Court of Justice of the European Union to clarify issues related to cases occurring under specified exceptional circumstances within the framework of the Dublin Regulation, where third-country nationals enter and travel through or cross the border with another Member State (see 2.3.).

- (d) Special procedures: border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads;

The 2017 Act Amending the Aliens Law resulted in the amendment of the 2005 Asylum Act to now require, under certain circumstances, an accelerated procedure of no more than one month for withdrawing the asylum status of individuals convicted of a criminal offence (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 one-month period for withdrawing the status can be exceeded if detailed investigations are needed to adequately and fully assess whether the conditions for withdrawal are met.<sup>50</sup>

- (e) Safe country concept: safe country of origin, safe third country, European safe third country, first country of asylum (introduction of the concept into law, applicability of the concept in practice, measures undertaken to create, revise or implement a list of safe countries);

No changes in 2017.

- (f) Procedures at first instance (relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, including backlog management);

According to the Federal Office for Immigration and Asylum's annual summary for 2017, the number of pending procedures in the first instance was reduced to 31,487 and thus by more than

<sup>48</sup> For example, information on setting up new databases that allow managing of Dublin cases, problems with managing DubliNet which can cause a delay in sending/receiving Dublin requests, acquisition of new equipment, such as Eurodac machines etc as it is a relevant development in boosting the capacity to conduct Dublin procedures.

<sup>49</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>50</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018.

half.<sup>51</sup> The Federal Office for Immigration and Asylum states that the backlog of asylum applications awaiting processing should be completed by mid-2018.<sup>52</sup>

(g) Appeal/Judicial Review (changes in: organisation of the process, hearings, written procedures, timeframes, case management, including backlog management);

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 allows the Federal Administrative Court to increase its staff by an additional 120 planned positions.<sup>53</sup>

(h) Country of Origin Information (changes or updates in: organisation, methodology, products, databases, fact-finding missions, cooperation between (Member) States).

Cooperation with other/third countries to combat irregular migration: see 5.1.3.

In 2017 the Federal Office for Immigration and Asylum carried out fact-finding missions in Bosnia and Herzegovina, Somalia (jointly with Switzerland) and in the Syrian Arab Republic. Austria also 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>54</sup>

The Country of Origin Information Unit at the Federal Office for Immigration and Asylum is currently in the process of installing a new data management system, referred to as COI-CMS (Country of Origin Information – Content Management System), which will link the office's existing databases and information storage systems, and provide country of origin information in line with user needs. COI-CMS will also be offered to partner organizations to facilitate the development of common products.<sup>55</sup>

#### **2.1.1.4. Residence/entry documents and rights/obligations of beneficiaries of international protection**

Please describe any *new or planned* policies / measures regarding the rights and obligations related to the status of beneficiary of international protection:

(a) Residence/entry documents granted to beneficiaries of international protection (including length/duration);

No changes in 2017.

(b) Rights and obligations regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, education, employment etc.

The rules governing family reunification were simplified as a result of the 2017 Act Amending the Aliens Law. In regard to the continuation of family life as codified in Art. 8 of the European Convention on Human Rights,<sup>56</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>57</sup>

<sup>51</sup> Federal Ministry of the Interior, *BFA: Trendumkehr, Halbierung offener Verfahren und Plus bei Rückkehr*, available at [www.bmi.gv.at/news.aspx?id=774A7567767946654E65513D](http://www.bmi.gv.at/news.aspx?id=774A7567767946654E65513D) (accessed on 21 January 2018).

<sup>52</sup> Federal Office for Immigration and Asylum, *BFA: 30 Prozent mehr Außerlandesbringungen und Steigerung der Asylentscheidungen um 57 Prozent*. Press Release, 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>53</sup> Federal Administrative Court, *Tätigkeitsbericht 2016. Bundesverwaltungsgericht. 1. Februar 2016–31. Jänner 2017*, available at [www.bvwwg.gv.at/allgemeines/taetigkeitsbericht/taetigkeitsbericht\\_start.html](http://www.bvwwg.gv.at/allgemeines/taetigkeitsbericht/taetigkeitsbericht_start.html) (accessed on 5 January 2018).

<sup>54</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>55</sup> Ibid.

<sup>56</sup> FLG No. 210/1958, in the version of FLG III No. 144/2016.

<sup>57</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 26 January 2018.

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.

#### **2.1.1.5. Provision of information on residence/entry documents and rights/obligations of beneficiaries of international protection**

Please describe any *new or planned* policies / measures regarding the provision of information to beneficiaries of international protection on the rights and obligations related to that status, in a language that they understand or are reasonably supposed to understand:

(a) Information on residence/entry documents granted to beneficiaries of international protection (including length/duration);

No changes in 2017.

(b) Information on rights and obligations regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, employment and integration programme.

No changes in 2017.

#### **2.1.1.6. Withdrawal of international protection**

Please indicate any *new or planned* policies / measures regarding institutional and organisational aspects, procedural rules, grounds for revocation of, ending of or refusal to renew international protection (including cessation, exclusion, misrepresentation and omission of facts and danger to the security or the community) consequences of revocation of, ending of or refusal to renew international protection.

Procedures to accelerate withdrawal of asylum: see 2.1.1.3.d.

#### **2.1.1.7. Cooperation with third countries**

Please describe any *new or planned* policies / measures implemented in cooperation with third countries and activities in the external dimension of the CEAS (including participation in capacity building activities in third countries, Regional Development Protection Programmes or any relevant activities under Partnership Framework with Third Countries and European Neighbourhood Policy).

For example, to equip third countries of first asylum with the means to guarantee refugee protection and to better manage mixed migration flows including national asylum legislation and asylum policy frameworks.

In July 2017 the Austrian Federal Government pledged to make an additional EUR 3 million available for the North of Africa Window of the EU Emergency Trust Fund (EUTF) for Africa, in order to control migration from distressed regions in Africa. This pledge brings Austria’s total bilateral contribution to the fund to EUR 6 million.<sup>58</sup>

The Central Mediterranean Contact Group was established in March 2017 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>58</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 4 January 2018).



The founding resolution was adopted at a conference in Rome, attended by the interior ministers of Austria, France, Germany, Italy, Libya, Malta, Slovenia, Switzerland and Tunisia as well as representatives of the European Commission. The group has since met on two occasions, in Tunis and Berne. The next meeting is planned for early 2018 in Niger.<sup>59</sup>

Another step taken by Austria was to join the EU's Mobility Partnership with Jordan in August 2017.<sup>60</sup>

If evidence is available, please describe the outcomes of these developments (e.g. increased number of asylum applications processed in countries of first asylum)

No changes in 2017.

### **2.1.1.8. Other developments in asylum legislation, policy and practices**

Other *new or planned* policies / measures not covered above.

In March 2017 the Federal Ministry of the Interior presented its “Security Doctrine for Austria in 2017–2020”.<sup>61</sup> The areas of activity named in the strategy paper include “Borders, Migration, Asylum and Return”, with numerous predefined measures described in various related areas. The strategy is based in part on the former Federal Government’s programme for 2017–2018. One of the strategic priorities named in the security doctrine is “professional migration management”. This includes plans to reduce the number of migrants arriving and staying illegally in Austria, accelerate asylum procedures, make return procedures more efficient and improve the level of care provided through basic welfare support.<sup>62</sup>

Estonia assumed the Presidency of the Council of the European Union on 1 July 2017, commencing a trio presidency that includes Bulgaria (first half of 2018) and Austria (second half of 2018).<sup>63</sup> One focus of the trio programme is “asylum, migration and borders”.<sup>64</sup>

### **2.1.2. Institutional changes in the national asylum system**

Please provide information on *new or planned* institutional changes in the asylum field at ministry/agency/section level (including changes in mandate, creation of new entities, internal restructuring and transfer of competences, increase/decrease of staffing).

Supplementing an increase in staff at the Federal Administrative Court (see 2.1.1.3.), Unit III/5/c (Resettlement, Return and International Affairs) was set up within the Federal Ministry of the Interior in 2017. The new unit’s responsibilities include the handling of issues related to international asylum and aliens law.<sup>65</sup>

<sup>59</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>60</sup> Ibid.

<sup>61</sup> Federal Ministry of the Interior, *Mehr Freiheit. Mehr Sicherheit. – Die Sicherheitsdoktrin des BMI für Österreich 2017 – 2020*, Vienna, 2017, available at [www.bmi.gv.at/bmi\\_documents/1977.pdf](http://www.bmi.gv.at/bmi_documents/1977.pdf) (accessed on 23 January 2017).

<sup>62</sup> Federal Ministry of the Interior, *Mehr Freiheit. Mehr Sicherheit. – Die Sicherheitsdoktrin des BMI für Österreich 2017 – 2020*, Press Release, Vienna, 2 March 2017, available at [www.bmi.gv.at/news.aspx?id=6C4F7A59304646372B79493D](http://www.bmi.gv.at/news.aspx?id=6C4F7A59304646372B79493D) (accessed on 15 December 2017).

<sup>63</sup> Federal Ministry of the Interior, *Start der Trio-Ratspräsidentschaft Estland-Bulgarien-Österreich am 1. Juli 2017*. Press Release, Vienna, 3 July 2017, available at [www.bmi.gv.at/news.aspx?id=4A496E3654474E354E736F3D](http://www.bmi.gv.at/news.aspx?id=4A496E3654474E354E736F3D) (accessed on 29 December 2017).

<sup>64</sup> Irsigler, V., *Gemeinsame Lösungen finden*. In: *Öffentliche Sicherheit* 11–12/2017, p. 26, available at [www.bmi.gv.at/magazinfiles/2017/11-12/europaeische%20union.pdf](http://www.bmi.gv.at/magazinfiles/2017/11-12/europaeische%20union.pdf) (accessed on 29 December 2017).

<sup>65</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).

### 2.1.3. *Efficiency and Quality of the national asylum system*

Please provide information on measures undertaken to improve:

- (a) Safeguards of the national asylum system (preventing and combating unfounded applications, credibility assessment,<sup>66</sup> establishing identity, nationality verification, detection of security concerns, age fraud) including information on tools, mechanisms and training provided to staff;

No changes in 2017.

- (b) Quality of the national asylum system (internal measures to improve quality in decision-making processes and the content of issued decisions, in particular by issuing decisions e.g. creation of guidelines and instructions, including information on training, tools and mechanisms (stating how this is measured));

No changes in 2017.

- (c) Efficiency of the processing of (first) applications and appeals (increasing speed, reducing costs, use of new technology, specialized training provided) of the national asylum system.

To improve the abilities of its staff to take decisions in asylum procedures, the Federal Office for Immigration and Asylum organized 109 continuing education events and 166 all-day workshops in 2017, which were attended by a total of 1,962 individuals. Six training courses were also held, which were attended by 126 participants.<sup>67</sup>

### 2.1.4. *Challenges in the national asylum system*

Please only provide information additional to that presented in sections above

- (a) Please indicate which aspects of the national asylum system have (i) proven to be particularly challenging or (ii) have been subject to criticism from third parties (civil society, press, international organisations). Please differentiate between the different aspects in your asylum and reception system;

Handling the large number of travel documents required for persons granted asylum and beneficiaries of subsidiary protection had proved particularly challenging for the passport centre in Vienna. In response, a new appointment system was introduced at the Vienna passport centre in March 2017. Passports are now also sent by regular mail when ready.<sup>68</sup>

<sup>66</sup> According to EASO, credibility assessment is performed in order to establish if the applicant's statements substantiating the claim are truthful in the light of other circumstances of the case and other means of evidence.

<sup>67</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>68</sup> Federal Office for Immigration and Asylum, *Neues Ladungssystem im Passcenter der Regionaldirektion Wien*. Press Release, Vienna, 27 March 2017, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=6667675770726C73414E513D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=6667675770726C73414E513D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0) (accessed on 13 December 2017).

## 2.2. Relocation and resettlement programmes

**NB\* Please note that information collected under this section, will be presented in the Synthesis Report together with the EU overview of relocation and resettlement schemes.**

### 2.2.1. Relocation<sup>69</sup>

#### 2.2.1.1. Intra-EU relocation mechanism

Please provide information on changes in your national practices with regard to applicants relocated under the **Intra-EU relocation mechanism** in 2017 (at EU level). Please also mention any challenges related to this mechanism.

Initial transfers under the intra-EU relocation programme were completed from Italy to Austria in 2017, with preference being given to unaccompanied minors. The phased transfer of a total of 50 individuals was planned. With the assistance of the International Organization for Migration, 17 individuals had been relocated from Italy to Austria by December 2017. While cooperation was regarded as excellent, challenges were encountered in connection with the security clearance interviews. Interview organization in particular proved highly time-consuming, since applicants were housed at locations throughout Italy.<sup>70</sup>

#### 2.2.1.2. National relocation mechanisms

Please specify any actions undertaken with regard to relocation activities organised under national schemes (i.e. on **bilateral basis**, not EU level schemes).

No changes in 2017.

### 2.2.2. Resettlement and Humanitarian Admission Programmes<sup>71</sup>

#### 2.2.2.1. EU Joint Resettlement Programmes

Please describe activities related to resettlement and humanitarian admission programmes implemented by your (Member) State under EU resettlement programmes. Please also mention any challenges related to these programmes.

No changes in 2017.

<sup>69</sup> Relocation: The transfer of persons having a status defined by the Geneva Convention of 1951 or subsidiary protection within the meaning of Directive 2011/95/EU from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection, and of persons having applied for international protection from the EU Member State which is responsible for examining their application to another EU Member State where their applications for international protection will be examined. In the context of the EU emergency response system, relocation means the transfer of an applicant in clear need of international protection from the territory of the Member State initially indicated as responsible for examining their application for international protection to the territory of the Member State of relocation. Following transfer, the latter will become the Member State responsible for examining the application for international protection (see Art. 2(e) of Council Decision (EU) 2015/1523 and Art. 2(e) of Council Decision (EU) 2015/1601); European Migration Network, Asylum and Migration Glossary 3.0. European Commission, Brussels, October 2014, p. 237, available at [https://ec.europa.eu/home-affairs/content/relocation-0\\_en](https://ec.europa.eu/home-affairs/content/relocation-0_en) (accessed on 7 February 2018).

<sup>70</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>71</sup> Resettlement: In the global context, the selection and transfer of Refugees from a state in which they have sought protection to a third state which has agreed to admit them as refugees with permanent residence status. In the EU context, the transfer, on a request from the UNHCR and based on their need for international protection, of a third-country national or stateless person, from a third country to a Member State, where they are permitted to reside with one of the following statuses: i. refugee status within the meaning of Art. 2(d) of Directive 2011/95/EU; or ii. a status which offers the same rights and benefits under national and EU law as refugee status; European Migration Network, Asylum and Migration Glossary 3.0. European Commission, Brussels, October 2014, p. 243, available at [https://ec.europa.eu/home-affairs/content/resettlement-0\\_en](https://ec.europa.eu/home-affairs/content/resettlement-0_en) (accessed on 7 February 2018).

### 2.2.2.2. National Resettlement Programmes

*\*Please note that this question focuses on national resettlement programmes, such as those implemented by UNHCR, whilst the question on above 2.2.2.1 focuses on EU joint resettlement programmes*

Please describe 2017 resettlement activities to your (Member) State, differentiating between the types of programme:

(a) National resettlement programme (UNHCR);

Especially vulnerable persons are admitted to the Humanitarian Admission Programme based on proposals by UNHCR. See 2.2.2.2.b. for details.

(b) National 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). HAP III was completed in December 2017, after 401 Syrian refugees had arrived in Austria from Jordan, Lebanon and Turkey. The measures provided prior to departure included: 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>72</sup>

The initial integration measures provided as part of HAP III accommodate and are oriented towards the needs of Syrian refugees, and are designed to assist them in starting independent lives in Austria.<sup>73</sup> The measures are funded by the Federal Ministry for Europe, Integration and Foreign Affairs and administrated in collaboration with ARGE Resettlement.<sup>74</sup> Although the admission programme concludes in 2017, the integration measures will continue until September 2018.<sup>75</sup>

(c) Private sponsorship programme/scheme;

No changes in 2017.

(d) Ad-hoc special programmes (e.g. national initiatives, and/or international initiatives).

No changes in 2017.

<sup>72</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 17 January 2018; Austrian National Contact Point in the European Migration Network, *Annual Report 2016 on Immigration and Asylum in Austria – Contribution to Commission and EASO Annual Reports*, available at [www.emn.at/de/publikationen/jahresberichte/](http://www.emn.at/de/publikationen/jahresberichte/) (accessed on 2 January 2018).

<sup>73</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration) 17 January 2018.

<sup>74</sup> Austrian National Contact Point in the European Migration Network, *Annual Report 2016 on Immigration and Asylum in Austria – Contribution to Commission and EASO Annual Reports*, available at [www.emn.at/de/publikationen/jahresberichte/](http://www.emn.at/de/publikationen/jahresberichte/) (accessed on 2 January 2018).

<sup>75</sup> Oral input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration) 10 January 2018.

## **2.3. Information for EASO report purposes only, not for inclusion in Synthesis Report:**

### **Jurisprudence**

Please provide information on precedent setting new national jurisprudence relating to asylum with major policy implications (preferably final judgments) by using the following structure:

- **Court Name**
- **Date of Decision**
- **Title**
- **Case Number/ Citation/Document Symbol**
- **Abstract**
- **Link to the full version**

#### Period for lodging complaints in asylum procedures

- Court Name: Constitutional Court
- 26 September 2017
- Title: Repeal of provisions of the Federal Office for Immigration and Asylum-VG relating to the shortened period for lodging complaints against negative decisions on granting or withdrawing asylum status or subsidiary protection status in cases of an accompanying measure to terminate the applicant's stay, due to the lack of necessity for a rule deviating from the Proceedings of Administrative Courts Act.
- G134/2017 and others. (G134/2017-12, G207/2017-8)
- Abstract: In October, the Constitutional Court repealed a rule under asylum law that had specified a shortened period of two weeks for lodging complaints against decisions by the Federal Office for Immigration and Asylum on applications for international protection. The rule relates to decisions accompanied by a measure to terminate the applicant's stay. The normal period as defined in Art. 7 para 4 of the Proceedings of Administrative Courts Act<sup>76</sup> is four weeks. The Constitutional Court ruled that there is no necessity for this deviation from the Proceedings of Administrative Courts Act. While the Constitutional Court recognized the special public interest "...in proper enforcement of asylum and alien matters", the court noted that such cases could also be substantially accelerated by the Federal Administrative Court, the court competent for ruling on complaints against decisions by the Federal Office for Immigration and Asylum.<sup>77</sup>
- *Refer to the footnote for a link to the full text (in German).*<sup>78</sup>

#### Limited social assistance benefits for beneficiaries of subsidiary protection

- Court Name: Constitutional Court
- 28 June 2017
- Title: No objections based on constitutional law against excluding beneficiaries of subsidiary protection from benefits specified in the Lower Austrian Act on Minimum Resources, in view of the benefits under basic welfare support.
- E3297/2016
- Abstract: As of 2016, beneficiaries of subsidiary protection in Lower Austria differ from persons granted asylum in that they are entitled only to benefits under basic welfare support. The Constitutional Court ruled in June 2017 that this rule is constitutional, since sufficient factual and legal differences exist to justify differing treatment with respect to social benefits.

---

<sup>76</sup> BGBl. I Nr. 33/2013, in der Fassung vom BGBl. I Nr. 138/2017.

<sup>77</sup> Constitutional Court, *VfGH hebt verkürzte Beschwerdefrist in Asylverfahren als verfassungswidrig auf*. Press Release, Vienna, 9 October 2017, available at [www.vfgh.gv.at/medien/VfGH hebt verkuerzte Beschwerdefrist in Asylverfahren.de.php](http://www.vfgh.gv.at/medien/VfGH_hebt_verkuerzte_Beschwerdefrist_in_Asylverfahren.de.php) (accessed on 19 January 2018).

<sup>78</sup> Federal Chancellery – Legal Information System, *Verfassungsgerichtshof*, available at [www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=3c68e19e-5583-41a0-8405-37bb2e12913e&Position=1&Abfrage=Vfgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&SucheNachRechtssatz=True&SucheNachText=True&GZ=G134%2f2017&VonDatum=&BisDatum=19.12.2017&Nr=&ImRisSeitVonDatum=&ImRisSeitBisDatum=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JFT\\_20170926\\_17G00134\\_00](http://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=3c68e19e-5583-41a0-8405-37bb2e12913e&Position=1&Abfrage=Vfgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&SucheNachRechtssatz=True&SucheNachText=True&GZ=G134%2f2017&VonDatum=&BisDatum=19.12.2017&Nr=&ImRisSeitVonDatum=&ImRisSeitBisDatum=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JFT_20170926_17G00134_00) (accessed on 5. Jänner 2018).

The Constitutional Court nonetheless insisted that benefits had to be granted “...so that the individuals affected are not subject to inhumane conditions as referred to in Article 3 of the European Convention on Human Rights.”<sup>79</sup>

- *Refer to the footnote for a link to the full text (in German).*<sup>80</sup>

#### Detention only on application of the Return Directive (and in Dublin-related cases)

- Court Name: Administrative High Court
- 5 October 2017
- Ro 2017/21/0009
- Abstract: In its judgement, the Administrative High Court stated that, under current law and where the specific case falls under the Reception Directive, individuals must not be detained pending removal, except where the conditions specified in the Dublin Regulation are met (Dublin-related cases). The court’s reasoning was that the “risk of absconding”, the criterion specified in Art. 76 para 2 subpara 1 Aliens Police Act, could not be subsumed under one of the conditions defined in the Reception Directive. Thus, the imposition of detention continues to be permitted only in cases where the Return Directive is applicable (and in “Dublin constellations”). This is specifically the case where: 1) the person applies for international protection in detention in order to delay removal; 2) a negative asylum decision has been issued that can already be feasibly enforced; or 3) de facto protection against removal has been withdrawn or is not recognized.<sup>81</sup>
- *Refer to the footnote for a link to the full text (in German).*<sup>82</sup>

#### Implications of ECJ jurisprudence

- Court Name: Administrative High Court
- 20 September 2017
- Ra 2016/19/0303
- Abstract: In the cases referred to under C-490/16 A.S. and C-646/16 Jafari, 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, where such entry is de facto tolerated by that Member State and was intended to be solely for the purpose of transit through that Member State and the lodging of an application for international protection in another Member State, is to be regarded as a “visa” within the meaning of the Dublin III Regulation; and whether such a case represents “unlawful border crossing” within the meaning of the Dublin III Regulation. The Court of Justice of the European Union ruled that, under these unusual circumstances (in the summer of 2015), the toleration of entry and transit is not to be regarded as a “visa”. The Court of Justice of the European Union 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 Austrian Administrative High 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 case in question. The court found that the tolerated border crossings, from Croatia to Slovenia and from Slovenia to Austria, had no effect on that responsibility.<sup>83</sup>
- *Refer to the footnote for a link to the full text (in German).*<sup>84</sup>

---

<sup>79</sup> Constitutional Court, *Mindestsicherung NÖ: Subsidiär Schutzberechtigte können ausgeschlossen werden*. Press Release, Vienna, 7 July 2017, available at [www.vfgh.gv.at/medien/Mindestsicherung\\_NOE\\_Subsidiaer\\_Schutzberechtigte.de.php](http://www.vfgh.gv.at/medien/Mindestsicherung_NOE_Subsidiaer_Schutzberechtigte.de.php) (accessed on 19 January 2018).

<sup>80</sup> Federal Chancellery – Legal Information System, *Verfassungsgerichtshof*, available at [www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vfgh&Dokumentnummer=JFT\\_20170628\\_16E03297\\_00](http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vfgh&Dokumentnummer=JFT_20170628_16E03297_00) (accessed on 5 January 2018).

<sup>81</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>82</sup> Federal Chancellery – Legal Information System, *Verwaltungsgerichtshof*, available at [www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vwgh&Dokumentnummer=JWT\\_2017210009\\_20171005J00](http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vwgh&Dokumentnummer=JWT_2017210009_20171005J00) (accessed on 22 January 2018).

<sup>83</sup> Federal Chancellery – Legal Information System, *Verwaltungsgerichtshof*, 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>84</sup> Ibid.

### 3. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

#### 3.1. Unaccompanied minors applying for asylum

Please describe any *new or planned* policies / measures in relation to unaccompanied minors (UAMs) applying for asylum at national level, following the specific areas below:

(a) Increase/Decrease of Human resources and/or training of staff;

In 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>85</sup> 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>86</sup>

(b) Improvement of protection and care of UAMs, including reception facilities;

No changes in 2017.

(c) Legal guardianship and foster care;

No changes in 2017.

(d) Age assessment;

No changes in 2017.

(e) Procedural Safeguards;

No changes in 2017.

(f) Provision of information (info material, e.g. videos, leaflets, booklets etc.);

No changes in 2017.

(g) Other.

The Austrian Integration Fund developed a separate youth curriculum 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>87</sup> Additional measures that relate directly or indirectly to unaccompanied minors are described in chapter 4.

<sup>85</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>86</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).

<sup>87</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).

### **3.2. Other vulnerable groups applying for asylum**

Please describe any *new or planned* policies / measures at national level in relation to other vulnerable groups<sup>88</sup> **applying for asylum**, such as minors, disabled people, elderly people, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, following the specific areas below:

No changes in 2017.

### **3.3. Unaccompanied minors NOT applying for asylum**

Please describe any *new or planned* policies / measures in relation to unaccompanied minors (UAMs) **NOT** applying for asylum at national level, following the specific areas below:

No changes in 2017.

### **3.4. Other vulnerable groups NOT applying for asylum**

Please describe any *new or planned* policies / measures in relation to other vulnerable groups **NOT** applying for asylum (such as minors, disabled people, elderly people, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation) at national level, following the specific areas below:

No changes in 2017.

---

<sup>88</sup> Not including victims of human trafficking, as this is covered in Section 7.



## 4. INTEGRATION

### Integration of third-country nationals

#### 4.1.1. Integration through socio-economic participation

Please describe any *new or planned* policies / measures to facilitate integration of third-country nationals, through socio-economic participation. *Please note that this question is intended to capture generic integration policies. Measures targeting specific categories of third-country nationals are addressed in Section 4.2.*

(a) Measures to improve attainment in the education system;

The intention of the Compulsory Education and Training Act,<sup>89</sup> which became effective as of July 2017, is for all young people to complete additional schooling or vocational training following compulsory schooling.<sup>90</sup> The education and training requirement applies to all young persons below the age of 18, excepting those temporarily resident in Austria (Art. 3 Compulsory Education and Training Act).

(b) Measures to enhance language skills;

Major portions of the new Integration Act<sup>91</sup> became effective as of June 2017, one effect of which was the initial creation of a central framework for integration measures. The act is intended 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. Among the items specified in the act are compulsory German courses as well as values and orientation courses (Art. 4, 5 and 6 Integration Act).<sup>92</sup>

The act provides for language courses based on a model for promoting language acquisition up to level A2.<sup>93</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).

Another change was to move the integration agreement from the Settlement and Residence Act<sup>94</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

<sup>89</sup> FLG I No. 62/2016, in the version of FLG I No. 62/2016.

<sup>90</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Nationalrat beschließt Ausbildungspflicht bis 18*. Press Release, Vienna, 6 July 2016, available at [www.sozialministerium.at/site/Service\\_Medien/News\\_Veranstaltungen/News/Nationalrat\\_beschliesst\\_Ausbildungspflicht\\_bis\\_18](http://www.sozialministerium.at/site/Service_Medien/News_Veranstaltungen/News/Nationalrat_beschliesst_Ausbildungspflicht_bis_18) (accessed on 4 January 2018).

<sup>91</sup> FLG I No. 68/2017, in the version of FLG I No. 86/2017.

<sup>92</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration) 17 January 2018.

<sup>93</sup> Common European Framework for Languages. For further information please 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>94</sup> FLG I No. 100/2005, in the version of FLG I No. 145/2017.

fundamental principles (Art. 7 para 1 Integration Act).<sup>95</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>96</sup>

(c) Access to social security, healthcare and housing;

No changes in 2017.

(d) Integration into the labour market.

The new Integration Act is supplemented by the Integration Year Act.<sup>97</sup> The latter, which 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>98</sup> This measure is intended to support long-term labour market integration.<sup>99</sup>

#### **4.1.2. Integration through civic participation**

Please describe any *new or planned* policies / measures to promote the integration of third-country nationals through civic participation: rights and obligations and belonging. For instance, consider measures to increase the participation of third country nationals' representatives (including women) in the design and implementation of integration policies; outreach programmes and work placements to build capacity within migrant organisations and encourage support at local level; and measures to enhance democratic participation, for example, training mentors etc.

The Vienna Future Talks were held for the second time in January 2017. With senior representatives from 12 EU Member States participating, the discussion centred on teaching values in the context of refugee integration, and specifically on the potential contribution that values-teaching and integration can make towards preventing radicalization.<sup>100</sup>

<sup>95</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration) 17 January 2018.

<sup>96</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).

<sup>97</sup> FLG I No. 75/2017.

<sup>98</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration) 17 January 2018.

<sup>99</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>100</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).

#### 4.2. Promoting integration of specific categories of third-country nationals

Please describe any *new or planned* policies / measures specifically targeted to facilitate integration of specific categories of third-country nationals, such as beneficiaries of international protection, family migrants, etc.

(a) Measures to improve attainment in schooling and/or the education system and/or vocational training of specific categories of TCNs;

Compulsory Education and Training Act: see 4.1.1.

(b) Measures to enhance language skills of specific categories of TCNs;

Integration Act: see 4.1.1.

(c) Access of specific categories of TCNs to social security, healthcare and housing;

No changes in 2017.

(d) Integration of specific categories of TCNs into the labour market.

Integration Year Act: see 4.1.1.d.

#### 4.3. Promoting integration of vulnerable groups of third-country nationals (UAMs, LGBT, elderly, pregnant women, disabled migrants etc.)

Please describe any *new or planned* policies / measures to facilitate integration of vulnerable groups of third-country nationals, such as: UAMs, LGBT, elderly, pregnant women, disabled migrants etc.)

Humanitarian Admission Programme (HAP): see 2.2.2.2.b.

Youth curriculum for unaccompanied minors: see 3.1.g.

#### 4.4. Non-discrimination

Please describe any *new or planned* relevant activity, legal or policy development and related actors that concern promotion, implementation and monitoring of non-discrimination policies, in particular on grounds of ethnicity, race or others that would be particularly relevant for third-country nationals. Specifically mention any measures beyond those introduced through the transposition and implementation of EU legislation.<sup>101</sup>

In cooperation with the Anne Frank Museum in Amsterdam and other institutions, the Federal Ministry of Education launched a web project entitled “Stories that Move – Toolbox against discrimination”, in October 2017. The project seeks to combat antisemitism and other forms of discrimination through an interactive website.<sup>102</sup>

<sup>101</sup> European non-discrimination law, as constituted by the EU non-discrimination directives (Racial Equality and Employment Equality Directive), and Article 14 of and Protocol 12 to the European Convention on Human Rights, prohibits discrimination across a range of contexts and a range of grounds.

<sup>102</sup> Federal Ministry of Education, *Sonja Hammerschmid und Oskar Deutsch: Kampf gegen Antisemitismus verstärken*. Press Release, Vienna, 3 August 2017, available at [www.bmb.gv.at/ministerium/vp/2017/20170803.html](http://www.bmb.gv.at/ministerium/vp/2017/20170803.html) (accessed on 15 December 2017).

#### 4.5. Promoting integration at local level and cooperation, consultation and coordination of local stakeholders

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

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>103</sup>

#### 4.6. Awareness raising on migration in the hosting (Member) State

Please describe any new or planned policies / measures aimed at raising awareness / engaging the receiving community within the (Member) State in order to enhance its understanding of the phenomenon of migration and thereby promote integration and social cohesion (information campaigns, websites, etc).

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>104</sup>

The Expert Council for Integration presented the 2017 Integration Report in August of that year. The report provides a summary of developments in the integration of refugees as well as other groups of immigrants. In addition to the Integration Report, the statistical yearbook entitled “migration & integration” was published. A database with details of initiatives related to integration is also maintained and regularly updated by the Federal Ministry for Europe, Integration and Foreign Affairs.<sup>105</sup>

As part of the Action Plan for a Safe Austria presented by the Federal Ministry of the Interior in October 2017, training in intercultural competence skills is to be provided to police recruits. Through the measure, officers in training will acquire skills enabling them to deal confidently and effectively with individuals from other cultures.<sup>106</sup>

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 exhibits 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>107</sup>

<sup>103</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Unit VIII (Integration) 17 January 2018.

<sup>104</sup> Federal Ministry of the Interior, *Universitätslehrgang "Asyl- und Migrationsbegleitung"*. Press Release, Vienna, 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>105</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Bundesminister Sebastian Kurz: „Zuwanderung nach Österreich immer noch auf zu hohem Niveau“*. Press Release, Vienna, 23 August 2017, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/08/bundesminister-sebastian-kurz-zuwanderung-nach-oesterreich-immer-noch-auf-zu-hohem-niveau](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/08/bundesminister-sebastian-kurz-zuwanderung-nach-oesterreich-immer-noch-auf-zu-hohem-niveau) (accessed on 18 December 2017).

<sup>106</sup> Federal Ministry of the Interior, *Aktionsplan Sicheres Österreich*. Press Release, Vienna, 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>107</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).

#### **4.7. Integration measures involving countries of origin and/or diaspora communities**

##### ***4.7.1. Pre-departure integration measures in countries of origin***

Please describe any *new or planned* pre-departure policies / measures taking place in the countries of origin of third-country nationals to prepare for their integration after arrival. For example, language training, vocational training, recognition of qualifications and skills.

The cultural orientation training for Syrian refugees admitted to Austria under the Humanitarian Admission Programme (HAP II) continued in 2017. In this way, 198 adults were prepared for life in Austria. The programme was implemented by the IOM Country Office for Austria.<sup>108</sup>

##### ***4.7.2. Integration measures involving the diaspora communities in Member States***

Please describe *new or planned* integration policies / measures involving the diaspora communities in your Member State (as a host country). For example, activities either organised by public authorities or by diaspora communities with the government's support, to promote cultural awareness and/or integration activities for particular diaspora communities.

No changes in 2017.

---

<sup>108</sup> International Organization for Migration, *AUCO – Austrian Cultural Orientation Trainings for Syrian Refugees admitted for the Humanitarian Admission Programme (HAP III) to Austria*, available at [http://www.iomvienna.at/sites/default/files/AUCOShort%20version\\_Cultural-Orientation%20Trainings%20for%20Syrian%20Refugees\\_final\\_EN.pdf](http://www.iomvienna.at/sites/default/files/AUCOShort%20version_Cultural-Orientation%20Trainings%20for%20Syrian%20Refugees_final_EN.pdf) (accessed on 23 January 2017).

## 5. IRREGULAR MIGRATION

### 5.1. Enhanced border management at the external borders

#### 5.1.1. *Border control measures/management*

Please describe any *new or planned* policies / measures in relation to border control measures/management implemented during 2017

As of December 2017, e-gates have been installed for use in passport checks at Vienna airport and are accessible for EU citizens aged 18 and over who hold biometric passports.<sup>109</sup>

#### 5.1.2. *Activities to improve the effectiveness of controls at external borders*

Please describe any *new or planned* policies / measures to ensure more effective control of the external borders, such as reinforcing border control staff, providing training, increasing overall resources, introducing action plans or protocols, etc.

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>110</sup>

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>111</sup>

#### 5.1.3. *Preventing and combatting irregular immigration by ensuring reinforced cooperation with third countries in the area of border management.*

Please list any 2017 or planned agreements, and other forms of bilateral and multilateral cooperation with third countries with an objective to strengthen the operational capacity in combatting irregular migration and controlling of external borders.

<b>Title of agreement (where relevant)</b>	<b>Third country (countries) with whom the cooperation exists</b>	<b>Description</b> (e.g. provision of border equipment, training of border guards, etc.)
Salzburg Forum <sup>112</sup> / joint action plan under the initiative Managing Migration Challenges Together (MMCT)	Albania, the former Yugoslav Republic of Macedonia, Serbia and Kosovo as defined by UN Security	During a Ministerial Conference entitled “Managing Migration Challenges Together (MMCT)” in February 2017, it was agreed to prepare a joint action plan. Inter alia, the joint action plan identifies measures to be taken that include sharing information on irregular

<sup>109</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>110</sup> Ibid.

<sup>111</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>112</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 please see Salzburg Forum, *Welcome to Salzburg Forum*, available at [www.salzburgforum.org/](http://www.salzburgforum.org/) (accessed on 2 January 2018).

	Council Resolution 1244 <sup>113</sup>	<p>migration along the Western Balkans route and improving the ability to respond to any new increase in migration in the region. The conference was attended by senior representatives of the interior and defence ministries of the Salzburg Forum member countries (Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia and Slovenia), the Group of friends of the Salzburg Forum (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia) as well as Greece's Minister for Migration.<sup>114</sup></p> <p>At a follow-up joint action plan implementation meeting in August 2017, 12 delegations<sup>115</sup> reported on the migration situation in their countries and the challenges currently being faced. The conference was also attended by the border police chiefs of the partner countries participating in the action plan and by the Deputy Executive Director of European Border and Coast Guard Agency (Frontex).<sup>116</sup></p>
	Former Yugoslav Republic of Macedonia	Twenty seconded police officers provide year-round support to their counterparts in the former Yugoslav Republic of Macedonia in surveillance of the border with Greece. <sup>117</sup>
	Serbia	As of January 2017, 20 Austrian police officers support Serbian border police in surveillance of the border with Bulgaria. <sup>118</sup>
	Tunisia	Austria and Tunisia issued a joint statement in May 2017, underscoring their goal to disrupt the business model of human traffickers and smugglers. In this context, consideration was also given to additional options for Austria to support Tunisia and to issues relating to asylum and regular and irregular migration. <sup>119</sup>

<sup>113</sup> Hereinafter referred to as Kosovo/UNSC 1244.

<sup>114</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>115</sup> Albania, Croatia, Czechia, former Yugoslavian Republic of Macedonia, Hungary, Kosovo/UNSCR 1244, Poland, Serbia, Slovakia and Slovenia.

<sup>116</sup> Federal Ministry of the Interior, *Treffen zur Umsetzung des Migrations-Aktionsplans*. Press Release, Vienna, 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>117</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>118</sup> Ibid.

<sup>119</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Joint Statement by Austria and Tunisia*. Press Release, Vienna, 17 May 2017, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/05/joint-statement-by-austria-and-tunisia/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/05/joint-statement-by-austria-and-tunisia/) (accessed on 5 January 2018).

Central Asia Border Security Initiative (CABSI)		The thirteenth conference of the Central Asia Border Security Initiative was held in Vienna in October 2017. The topics discussed at the conference included enhancing border security and improving migration management. The initiative was founded 14 years ago by Austria and the EU, with the goal of strengthening cooperation with Central Asia. The conference was attended by representatives from Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. <sup>120</sup>
---	--	--

## 5.2. Preventing and tackling of misuse of legal migration channels

### 5.2.1. *Irregular migration as a result of visa liberalisation*

Please describe any *new or planned* policies / measures introduced to prevent irregular migration as a result of visa liberalisation.

The Federal Ministry of the Interior reports a striking increase for the final quarter of 2017 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>121</sup>

#### 5.2.1.1. *Effects of visa free regimes*

Please describe any *new or planned* policies / measures introduced to monitor the effects of visa free regimes in your (Member) State.

No changes in 2017.

#### 5.2.1.2. *Key findings of monitoring activities*

Please describe the results/key findings of these monitoring activities – especially in relation to impact on the number unfounded asylum applications registered in your (Member) State.

No changes in 2017.

## 5.2.2. *Irregular migration as a result of misuse of legal migration channels*

### 5.2.2.1. *Misuse of legal migration channels by third-country national workers*

Please describe any *new or planned* policies / measures to tackle misuse of legal migration channels by **third-country national workers**.

Extension of the Red-White-Red Card from 12 to 24 months: see 2.2.1.

<sup>120</sup> Federal Ministry of the Interior, *Grenzsicherheit in der Schlüsselregion Zentralasien erhöhen*. Press Release, Vienna, 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).

<sup>121</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.



#### **5.2.2.2. *Misuse of legal migration channels by third-country national students and researchers***

Please describe any *new or planned* policies / measures to tackle misuse of legal migration channels by third-country national students and researchers.

No changes in 2017.

#### **5.2.2.3. *Misuse of family reunification migration channels***

Please describe any *new or planned* policies / measures to tackle misuse of family reunification migration channels.

No changes in 2017.

#### **5.2.3. *False travel documents***

Please describe any *new or planned* policies / measures to prevent, identify and/or investigate fraudulent acquisition and use of false travel documents.

The Deregulation and Adaptation Act<sup>122</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-VG and stored in the Central Aliens Register (Art. 3a 1991 Registration Act).<sup>123</sup> In this way, foreigners' identity information can be precisely classified and later used to assess whether any documents presented have been forged.<sup>124</sup>

After the amended Art. 8 of the Schengen Borders Code<sup>125</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>126</sup>

#### **5.2.4. *Irregular migration caused by the misuse of free movement rights by third-country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals***

Please describe any *new* activities implemented during 2017 to prevent the fraud and misuse of free movement rights.

No changes in 2017.

<sup>122</sup> FLG I No.120/2016.

<sup>123</sup> FLG No. 9/1992, in the version of FLG I No. 120/2016.

<sup>124</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>125</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>126</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

### **5.3. The fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay**

#### ***5.3.1. Combatting facilitation of irregular migration (smuggling)***

Please provide information on any *new or planned* policies / measures aimed at preventing and combatting facilitation of irregular migration (smuggling), including facilitation of unauthorised entry.

The Joint Operational Office (JOO), an international bureau for investigating smuggling, was opened in May 2016. The office is to serve as a link at operational level with Europol's European Migration Smuggling Centre (EMSC). Besides exchanging information with Europol, the investigators at JOO cooperate directly with other criminal prosecution authorities.<sup>127</sup> JOO participated in several international Joint Action Days in 2017. On these occasions, Europol coordinates simultaneous verification and search activities taking place at once in several EU Member States.<sup>128</sup> In a joint action with Bulgaria, Germany, Hungary and Romania in February 2017, several people smugglers were arrested and 58 persons were apprehended.<sup>129</sup> Shortly afterwards, another 11 smugglers were arrested in a joint effort with the Croatian police.<sup>130</sup> Following investigations of an Iraqi-Syrian smuggling ring, 24 members had been arrested and 62 identified by March 2017.<sup>131</sup>

In August 2017, after increasing cases of apprehension by police of large groups of migrants entering Austria by illegal means, the Federal Minister of the Interior ordered targeted checks on a large scale, with support from the Austrian armed forces. These activities mainly involved more thorough checks in border areas.<sup>132</sup>

In September 2017, Austria and Hungary agreed to renew their police cooperation agreement and expand its scope. Among others, in the agreement stipulates a closer exchange of information to combat human smuggling.<sup>133</sup>

At Europol, Austria will take the lead in combating criminal smuggling and irregular migration in 2018. 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>134</sup>

<sup>127</sup> Federal Ministry of the Interior, *Menschenhandel: Chinesische Polizisten unterstützen bei Ermittlungen*. Press Release, Vienna, 31 May 2017, available at <http://bmi.gv.at/news.aspx?id=56724570645A415655326B3D> (accessed on 5 January 2018).

<sup>128</sup> Ibid.

<sup>129</sup> Federal Ministry of the Interior, *Gemeinsame Aktion gegen Schlepperbanden*. Press Release, Vienna, 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>130</sup> Criminal Intelligence Service, *Bundeskriminalamt identifiziert 62 Mitglieder eines Schleppernetzwerkes*. Press Release, Vienna, 6 March 2017, available at [www.bundeskriminalamt.at/news.aspx?id=7139447A514335756B366B3D](http://www.bundeskriminalamt.at/news.aspx?id=7139447A514335756B366B3D) (accessed on 13 December 2017).

<sup>131</sup> Criminal Intelligence Service, *Internationaler Schlepperring gesprengt*. Press Release, Vienna, 18 February 2017, available at [www.bundeskriminalamt.at/news.aspx?id=686F6C43316E6A356F44553D](http://www.bundeskriminalamt.at/news.aspx?id=686F6C43316E6A356F44553D) (accessed on 13 December 2017).

<sup>132</sup> Federal Ministry of the Interior, *Sobotka plant Schwerpunktkontrollen mit Assistenzeinsatz des Bundesheeres*. Press Release, Vienna, 9 August 2017, available at [www.bmi.gv.at/news.aspx?id=494F7351535175694463383D](http://www.bmi.gv.at/news.aspx?id=494F7351535175694463383D) (accessed on 31 December 2017).

<sup>133</sup> Federal Ministry of the Interior, *Österreich und Ungarn vertiefen Polizeikooperation*. Press Release, Vienna, 5 September 2017, available at [www.bmi.gv.at/news.aspx?id=4E77733678466D634F67593D](http://www.bmi.gv.at/news.aspx?id=4E77733678466D634F67593D) (accessed on 13 December 2017).

<sup>134</sup> Federal Ministry of the Interior, *Österreich übernimmt ab 2018 Vorsitz auf Europol-Ebene*. Press Release, Vienna, 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).

### 5.3.2. *Prevention of irregular migration*

Please describe any *new or planned* policies / measures responding to the objective of prevention of irregular migration (for example, through unsafe routes) from third countries of origin and transit (information campaigns, websites, projects with grass-roots NGOs or involving the diaspora, etc., with the exception of cooperation activities with third countries to be reported in section 5.3.4).

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>135</sup> 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>136</sup>

### 5.3.3. *Prevention of irregular stay*

Please provide information on any *new or planned* policies / measures aimed at preventing and combatting facilitation of irregular stay, including disincentives and sanctions.

As part of the 2017 Act Amending the Aliens Law,<sup>137</sup> more heavily punishable administrative offences were introduced in the Aliens Police Act<sup>138</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>139</sup>

Introduction of obligation to cooperate for foreigners required to depart: see 6.2.1.1.

### 5.3.4. *Cooperation with third countries to prevent irregular migration:*

Please describe any specific cooperation activities developed in 2017 in your (Member) State to prevent irregular migration in relation to the specific regions outlined below:

- (a) the Western and Southern Mediterranean countries (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania, Palestine\*, Syria and Tunisia);

On a visit to Israel in February 2017, the Federal Minister of the Interior inter alia discussed the topics of migration and border protection with his Israeli counterpart. At the meeting, the Austrian Minister of the Interior spoke out in favour of increased cooperation with Israel.<sup>140</sup>

- (b) the Eastern Partnership countries (i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine);

With the aim of providing participants with theoretical knowledge relating to document security, 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

<sup>135</sup> Federal Ministry of the Interior, *Sobotka: Italien ist ein wichtiger Partner für Österreichs Freiheit und Sicherheit*. Press Release, Vienna, 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>136</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 17 January 2018.

<sup>137</sup> FLG I No. 145/2017.

<sup>138</sup> FLG I No. 100/2005, in the version of FLG I No. 145/2017.

<sup>139</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>140</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

supplemented by practical exercises.<sup>141</sup> In addition to projects co-funded by the EU, several projects in 2017 involving Azerbaijan and Georgia were conducted within the framework of Technical Assistance and Information Exchange<sup>142</sup> (TAIEX). Most of the projects implemented had been initiated by the International Centre for Migration Policy Development (ICMPD) and the International Organization for Migration (IOM).

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>143</sup>

Within the framework of various ICMPD projects, in June 2017 delegations from Azerbaijan and Georgia and in September 2017 from Armenia participated in study visits to Austria.<sup>144</sup>

(c) the Western Balkans countries (i.e. Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia);

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 (see 5.3.4.d.).

In November 2017, representatives of the aliens authority in Bosnia and Herzegovina met in Vienna with representatives of the Federal Ministry of the Interior 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>145</sup>

Salzburg Forum as well as bilateral operations in the Former Yugoslav Republic of Macedonia and in Serbia: see 5.1.3.

(d) Countries in the African Atlantic coast (e.g. Gambia, Ghana, Nigeria, Democratic Republic of Congo, Ivory Coast etc.).

During the ICMPD's Vienna Migration Conference in October 2017, discussions took place between the Austrian Federal Minister of the Interior and his colleague in the Nigerian government. The topics included irregular migration, human trafficking and returning migrants.<sup>146</sup>

### 5.3.5. *Monitoring and identifying irregular migration routes*

Please describe any *new or planned* policies / measures to identify, monitor and aggregate information on irregular migration routes and please explain how is this information used to develop your (Member) State's response to migratory flows?

The 2016 annual report on the smuggling of migrants<sup>147</sup> was presented in July 2017. The report provides a survey of current statistics and data as well as organizational activities, along with an outlook for 2017.<sup>148</sup>

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

<sup>142</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).

<sup>143</sup> Written input by the Federal Ministry of the Interior, Unit I/7 (EU Affairs), 17 January 2018.

<sup>144</sup> *Ibid.*

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*

<sup>147</sup> Criminal Intelligence Service, *Schlepperei Jahresbericht 2016*, available at [www.bundeskriminalamt.at/bmi\\_documents/2052.pdf](http://www.bundeskriminalamt.at/bmi_documents/2052.pdf) (accessed on 31 December 2017).

<sup>148</sup> Criminal Intelligence Service, *Schlepperbericht: Kontrolldruck hoch, Zahlen rückläufig*. Press Release, Vienna, 27 July 2017, available at <http://bundeskriminalamt.at/news.aspx?id=64794533683343423075343D> (accessed on 31 December 2017).

## 6. RETURN

### 6.1. Enhancing return migration management including cooperation among EU Member States on return practices

PLEASE NOTE THAT THIS SECTION 6.1 OF THE SYNTHESIS REPORT WILL CONSIST OF THE FOLLOWING

- 6.1.1. *Summary of the EMN REG return and reintegration activities developed during 2017*
- 6.1.2. *Summary of the Frontex Return Implementation Framework, including Joint Return Operations (JTOs)*
- 6.1.3. *Maximising the potential of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis*

### 6.2. Main national developments in the field of return

#### 6.2.1. *Swift, sustainable and effective return*

##### 6.2.1.1. *Overarching policy developments in the area of return*

Please describe any new or planned policies / measures to develop swift, sustainable and effective return.

The 2017 Act Amending the Aliens Law<sup>149</sup> resulted in several changes affecting return policy. Among these were new provisions in the Aliens Police Act, regulating withdrawal of protection against removal as specified on issue of a return decision. A return decision can now be issued despite protection against removal, whereas the authority must simultaneously determine that removal is not permitted (Art. 52 para 9 Aliens Police Act). 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. This does not, however, affect the obligation to depart (Art. 46a para 1 subpara 4 Aliens Police Act).<sup>150</sup>

Foreigners obliged to depart from Austria are now also required to procure their travel documents personally. Pursuant to Art. 46 para 2 Aliens Police Act, such persons must obtain the documents independently from the competent representation authority in another country and take all required action, unless this is not possible due to circumstances beyond the person's influence. The foreign national is responsible for providing evidence of meeting this obligation. Despite this obligation to cooperate 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 preparations for that person's removal, as 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).

<sup>149</sup> FLG I No. 145/2017.

<sup>150</sup> Written input by the Federal Ministry of the Interior, Unit III/5 (Asylum and Alien Matters), 17 January 2018; Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

The Federal Office for Immigration and Asylum Procedure Act<sup>151</sup> also provides for compulsory return counselling after a negative decision (Art. 52a para 2 Federal Office for Immigration and Asylum Procedure Act). Failure to participate can also result in an administrative penalty (Art. 120 para 1b Aliens Police Act).<sup>152</sup>

A new option was introduced allowing authorities to require the individual affected to reside at designated 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). Under certain conditions, a third-country national obliged to depart can be ordered by the Federal Office for Immigration and Asylum to reside at designated quarters (Art. 57 para 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 care 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 is to encourage thorough counselling, preparation and assistance prior to voluntary departure.<sup>153</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).

The Austrian Development Agency (ADA) plans to contribute EUR 11 million to resettlement and reintegration programmes for displaced persons and refugees in Iraq. Since March 2017, the 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 and create employment and income opportunities.<sup>154</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>155</sup>

### 6.2.1.2. *Issuing Return decisions*

Please describe and *new or planned* policies / measures with regard to issuing return decisions.

Return decision despite protection against removal: see 6.2.1.

<sup>151</sup> FLG I No. 87/2012, in the version of FLG I No. 145/2017.

<sup>152</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 17 January 2018; Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>153</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, p. 88, available at [www.parlament.gv.at/PAKT/VHG/XXV/A/A\\_02285/fname\\_670108.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/A/A_02285/fname_670108.pdf) (accessed 1 February 2018).

<sup>154</sup> Austrian Development Agency, *Irak: Österreich fördert Rückkehrmöglichkeiten*. Press Release, Vienna, 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>155</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.

### 6.2.1.3. Issuing Entry bans

Please describe any *new or planned* policies / measures with regard to issuing entry bans.

Through the 2017 Act Amending the Aliens Law, the list of cases potentially resulting in an entry ban was also expanded. This now includes third-country nationals who are convicted of a crime with final effect and receive an unconditional prison sentence of three months or five years or a conditional or partially conditional reprieved prison sentence of six months (Art. 53 para 3 subpara 1 and 5 Aliens Police Act). 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 (Art. 53 para 3 subpara 9 Aliens Police Act). 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.<sup>156</sup>

### 6.2.1.4. (Assisted) voluntary return

Please describe any *new or planned* policies / measures with regard to (assisted) voluntary return.

Within the framework of the European Reintegration Network (ERIN), experts in return and reintegration held their first working group meeting on the topic of “harmonization” in Vienna in February 2017. Subsequent meetings of the working group took place in The Hague, Dubai, Nuremberg and Ghana. The goal 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. A working meeting was later held in Dubai. The goal of the working group is to design a pilot project that enables smooth reintegration of people wishing to return voluntarily to their home countries.<sup>157</sup>

A total of 956 individuals, including programme participants and family members, departed voluntarily for their home countries<sup>158</sup> in 2017, by means of ERIN and with support from the Federal Ministry of the Interior and funding by the European Commission.<sup>159</sup> The assistance comprises EUR 500 in cash and as much as EUR 3,000 in material benefits, which are granted based on business models presented by returnees.<sup>160</sup>

In March 2017 the Federal Ministry of the Interior in tandem with the Federal Office for Immigration and Asylum launched an information campaign with the slogan of “Voluntary departure – a new start with perspectives”, to inform asylum seekers and foreigners of options for voluntary departure and assistance benefits. As part of the campaign, the special initiative entitled “1,000 euros for 1,000 people” was introduced to supplement existing return assistance. The first 1,000 voluntary returnees each received EUR 1,000 in startup assistance, with families granted up to EUR 3,000.<sup>161</sup> In response to the great demand, the number eligible for startup assistance was increased to 1,500 individuals, with grants awarded up to 31 December 2017.<sup>162</sup>

To replace the existing programme, the Federal Office for Immigration and Asylum also developed a new, two-stage model of return assistance, based on the principle of providing more assistance

<sup>156</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 26 January 2018.

<sup>157</sup> Federal Ministry of the Interior, *Freiwillige Rückkehr und Reintegration*. Press Release, Vienna, 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>158</sup> Afghanistan, Iraq, Islam Republic of Iran, Morocco, Nigeria, Pakistan, Russian Federation and Somalia.

<sup>159</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>160</sup> Ibid.

<sup>161</sup> Federal Office for Immigration and Asylum, *1.000 Euro für 1.000 Personen*. Press Release, Vienna, 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>162</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

benefits to asylum seekers who return to their countries of origin at an earlier stage. Applicants for asylum receive EUR 500 in startup 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>163</sup>

Return counselling is provided by Caritas Austria and Verein Menschenrechte Österreich, under contract with the Federal Ministry of the Interior. The programmes and funding of the return counselling organizations were expanded in 2017. In addition, as of November 2017, return counselling is increasingly taking place directly at basic welfare support facilities. Such counselling is provided in addition to the programmes offered at the recently established counselling centres and to the information events for potential returnees and stakeholders involved in refugee care.<sup>164</sup>

#### **6.2.1.5. Use of (alternatives for) detention in return procedures**

Please describe any *new or planned* policies / measures with regard to the use of detention and alternatives to detention in return procedures.

Changes affecting the duration of detention: 2.1.1.2.b.

Residence requirement and area restriction: see 6.2.2.1.

#### **6.2.1.6. Recording of entry bans in the SIS and exchange of information**

Please describe any *new or planned* policies / measures with regard to recording entry bans in the SIS and facilitating the exchange of information on entry bans.<sup>165</sup>

Austria supports the proposal by the European Commission to use the Schengen Information System (SIS) for the return of illegally staying third-country nationals.<sup>166</sup>

#### **6.2.1.7. Operation of national forced return monitoring system**

Please describe any *new or planned* policies / measures with regard to the operation of the national forced return monitoring system (established in accordance with Article 8 (6) of the Return Directive).<sup>167</sup>

No changes in 2017.

<sup>163</sup> Federal Office for Immigration and Asylum, *1.000 Euro für 1.000 Personen*. Press Release, Vienna, 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>164</sup> Written input by the Federal Ministry of the Interior, Unit III/5/a (Asylum and Return Funding), 26 January 2018.

<sup>165</sup> This category of measure relates to the commitments of the Stockholm Programme specifically.

<sup>166</sup> Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 26 January 2018.

<sup>167</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, L 348/98.



### 6.2.1.8. *Other actions related to swift, sustainable and effective return*

Please describe any *new or planned* policies / measures related to the field of return not covered above.

In 2017, Austria, specifically the Federal Office for Immigration and Asylum, returned individuals by 83 charter flight to a total of 18 destinations.<sup>168</sup> These return activities were conducted in cooperation with other countries, including the Czechia, Denmark, France, Germany, Hungary, Norway, Spain, Switzerland and Sweden.<sup>169</sup>

Revised police agreements with Hungary, Italy, Liechtenstein and Switzerland were implemented in 2017, one of the goals being to better combat irregular migration. With Italy, for example, police powers were defined that allow joint patrols and cross-border activities in relation to train travel.<sup>170</sup> The agreement with Liechtenstein and Switzerland stipulates measures enabling the return transport and transit of third-country nationals.<sup>171</sup>

### 6.2.2. *Return of rejected asylum seekers*

Please describe any *new or planned* policies / measures regarding the **return of rejected asylum applicants** (including measures in relation to reception measures and supports, (alternatives) to detention, etc.). Please specify if there are any specific measures for unaccompanied minors and other vulnerable groups<sup>172</sup>.

As part of the 2017 Act Amending the Aliens Law,<sup>173</sup> the Aliens Police Act<sup>174</sup> was amended to allow the serving of a prison sentence or substitute imprisonment penalty 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). The new provisions are intended to support the return of foreigners obliged to leave Austria.<sup>175</sup> In addition, 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 care support unless they cooperate in departing voluntarily (Art. 2 para 7 Federal Basic Welfare Support Act<sup>176</sup>).<sup>177</sup>

<sup>168</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 30 January 2018).

<sup>169</sup> Federal Ministry of the Interior, *Charter Rückführung nach Nigeria*. Press Release, Vienna 20 February 2017, available at <http://bmi.gv.at/news.aspx?id=385956717351782F6E416F3D> (accessed on 6 January 2018).

<sup>170</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>171</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>172</sup> This group includes minors, disabled people, elderly people, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

<sup>173</sup> FLG I No. 145/2017.

<sup>174</sup> FLG I No. 100/2005, in the version of FLG I No. 145/2017.

<sup>175</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, p. 74, available at [www.parlament.gv.at/PAKT/VHG/XXV/A/A\\_02285/fname\\_670108.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/A/A_02285/fname_670108.pdf) (accessed on 1 February 2018).

<sup>176</sup> FLG I No. 405/1991, in the version of FLG I No. 145/2017.

<sup>177</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).

### 6.2.3. *Return of irregular migrants*

Please describe *any new or planned* policies / measures to ensure the accelerated and swift return of persons, to be overstaying permissions to stay or otherwise misusing legal migration channels. Please specify if there are any specific measures for unaccompanied minors and other vulnerable groups.

Obligation to cooperate, residence requirement and area restriction: see 6.2.1.1. and 6.2.1.5.

### 6.2.4. *Evidence of the effectiveness of the measures to ensure return*

Please provide information regarding the effectiveness of the above-mentioned measures in ensuring return.

No changes in 2017.

## 6.3. **Strengthening cooperation with third countries of origin and transit on return and reintegration management**

### 6.3.1. *Involvement of third countries in return measures*

Please describe any *new or planned* policies / measures regarding return activities implemented – or to be implemented- in cooperation with third countries:

Afghan nationals represent the second largest group of asylum seekers in Austria. A total of 2,835 negative asylum decisions were issued with final effect in 2017. Returns to Afghanistan are carried out on the basis of the declaration of intent between Afghanistan and the EU referred to as the Joint Way Forward on migration issues. In addition, Austria proposed to Afghanistan a “bilateral declaration of implementation” in 2017, intended to further facilitate the return, readmission and reintegration of Afghan nationals in future.<sup>178</sup>

In 2017 delegations of representatives from Ghana, Liberia and Sierra Leone visited Austria on several occasions. As part of these visits, identification missions were conducted with the assistance of the Federal Office for Immigration and Asylum, with the aim of verifying the identities of persons thought to be nationals of the particular countries.<sup>179</sup>

### 6.3.2. *Ensuring implementation of all EU readmission agreements to their full effect*<sup>180</sup>

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

<b>EU Readmission agreement (country)</b>	<b>National development (i.e. implementing protocol, cooperation)</b>	<b>Date of agreement (if relevant)</b>
Azerbaijan	In November 2017, the Austrian Federal Government issued authorization to begin negotiations over a bilateral implementation protocol. <sup>181</sup>	

<sup>178</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>179</sup> Ibid.

<sup>180</sup> Norway is invited to report on any National agreements in place.

<sup>181</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.

**6.3.3. Reintegration measures implemented in cooperation with third countries, e.g. countries of origin.**

*Measures to support return may include developing a rights-based framework for re-integration and for temporary and circular migration.*

Please describe any new or planned measures regarding **reintegration activities** implemented – or to be implemented- in cooperation with countries of origin.

In 2017 the Austrian Development Cooperation approved funding for a total of nine projects and programmes, aimed among other things at assisting in the reintegration of returnees. The funding, totalling about EUR 11 million, primarily went to UN organizations such as the International Organization for Migration, and mainly to support projects and programmes in Afghanistan, Iraq, Kenya, Somalia and the Syrian Arab Republic.<sup>182</sup>

---

<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.

## 7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

*This Section should be completed in the context of the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)"<sup>183</sup> and you should liaise with your National Rapporteur on Trafficking in Human Beings or Equivalent Mechanism (NREMs).*

**Please note that the scope of this section refers only to third-country national victims of trafficking.**

*NREMs share information with the Commission (via the informal EU Network of NREMs) on a biannual basis on developments relevant to their national legal and policy framework. This information can be used for this reporting exercise too. All information is uploaded accordingly to the EU Anti-Trafficking Website under the section of national pages.<sup>184</sup>*

### 7.1. National strategic policy developments

Please describe any new or planned policies / measures regarding the prevention and/or the fight against trafficking in human beings of third-country nationals (e.g. national action plans or national strategies introduced during 2017)

The fourth National Action Plan on Combating Human Trafficking in 2015–2017 was completed in 2017.<sup>185</sup> The plan had been detailed and verified by the Task Force on Combating Human Trafficking. The implementation report, 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>186</sup>

The new plan is intended to reflect the change in situation resulting from the increased influx of migrants in 2015 and 2016. In particular, additional training and awareness-raising measures are to be held for individuals working at the Federal Office for Immigration and Asylum, reception centres, institutions providing basic welfare support and police detention centres; another item is to improve the availability of native-language information materials for potential victims. The plan also provides for expanded measures for the identification and care of victims of child trafficking. In this context, special attention will be given to unaccompanied minors as a group at risk, through the preparation of information material that appeals to children.<sup>187</sup>

<sup>183</sup> European Commission, *EU Policy EU Anti-Trafficking Day: Stronger action needed to fight trafficking in human beings*, available at <http://ec.europa.eu/anti-trafficking/> (accessed on 6 February 2018).

<sup>184</sup> European Commission, *Member States*, available at [http://ec.europa.eu/anti-trafficking/member-states-0\\_en](http://ec.europa.eu/anti-trafficking/member-states-0_en) (accessed on 6 February 2018).

<sup>185</sup> The Austrian Federal Government, *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>186</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>187</sup> Ibid.

## **7.2. Improving identification of and provision of information to third-country national victims of human trafficking**

### ***7.2.1. Provision of information on assistance and support to third-country national victims***

Please describe any new or planned policies / measures for the improvement of **provision of information on assistance and support to third-country national victims (including child victims and applicants for asylum)**. Please describe the information according to:

(a) Legislative changes/policies;

National Action Plan on Combating Human Trafficking: see 7.1.

(b) Training and awareness raising measures;

Under the involvement of victim protection institutions, in particular LEFÖ-IBF (Intervention Centre for Trafficked Women), the subject of human trafficking is receiving focused attention in the basic training of police officers, in the training of higher levels of administration as well as in compulsory advanced training courses. Experts from Austria are also involved in the training offered by CEPOL, the European Union Agency for Law Enforcement Training.<sup>188</sup>

In 2017 training courses on human trafficking were included in the continued education programme for employees of police detention centres in Austria. Two three-day workshops on human trafficking and cross-border prostitution were also 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 conducted by the Criminal Intelligence Service and LEFÖ-IBF. A three-day workshop on human trafficking, attended by 20 individuals, was also held by the Federal Academy of Finance for employees of the Ministry of Finance.<sup>189</sup>

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, the police administrations of the province, the Danube University Krems, victim counselling centres and project partners from Germany discussed research findings and drafted an assessment, counselling and interview plan.<sup>190</sup>

Training on child trafficking, specifically covering victim protection during migration flows in Europe, was held at the Joint Operational Office (JOO) of the Criminal Intelligence Service in November 2017. The training session, under the guidelines for the advanced training of criminal police, was jointly organized by the Criminal Intelligence Service, ECPAT (End Child Prostitution in Asian Tourism) and the International Organization for Migration (IOM).<sup>191</sup>

Targeted workshops on child trafficking were held by the Federal Ministry of the Interior for employees of the youth welfare authorities in Vienna, Carinthia and Tyrol. Training sessions also take place each year for representatives of the labour inspectorates. In addition, as part of IOM's Asyl-Train project, staff members of the Federal Office for Immigration and Asylum have been

<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> Federal Ministry of the Interior, *Kampf dem Menschenhandel*. Press Release, Vienna, 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>191</sup> Joint written input by the Federal Ministry for Europe, Integration and Foreign Affairs and the Federal Ministry of the Interior, 19 January 2018.

trained in intercultural competencies and heightened awareness for identifying victims of human trafficking since 1 January 2017.<sup>192</sup>

(c) Measures on cooperation between national authorities;

The Federal Ministry of the Interior manages ongoing exchange and coordination among all parties responsible for the Task Force on Combating Human Trafficking. In 2017 the ministry also drafted a decree aimed at ensuring care for victims of human trafficking throughout Austria. The decree, which entails a national referral mechanism (NRM) for ensuring victims' rights, is scheduled to be issued in early 2018 and subsequently implemented.<sup>193</sup>

(d) Measures on cooperation between (Member) States.

Since the JOO was established, numerous working meetings have been held at the Criminal Intelligence Service (see 5.3.1.).

Talks on future joint procedures were held with the National Agency on the Prohibition of Trafficking in Persons (NAPTIP) in Abuja, Nigeria in December 2017, during a working meeting on a pending investigation in Austria. Meetings also took place with the European liaison officers for migration and human trafficking in Nigeria and with representatives of Nigeria's justice and foreign ministries.<sup>194</sup>

As part of the Action Plan for a Safe Austria, staff members of the Criminal Intelligence Service met with authorities in Romania and Bulgaria to discuss the exchange of criminal intelligence on organized begging in the context of human trafficking as well as closer cooperation with representatives of minorities and non-governmental organizations.<sup>195</sup>

In January 2017, Criminal Intelligence Service representatives attended a workshop on the subject of Developing Intelligence Capability on Trafficking in Human Beings, organized by the United Kingdom of Great Britain and Northern Ireland and with the aim of improving intelligence exchange on human trafficking among countries in Central and Eastern Europe.<sup>196</sup>

### 7.2.2. Identification of victims

Please describe any *new or planned* policies / measures for the improvement of **the identification of victims (including child victims and applicants for asylum)**. Please describe the information according to:

(a) Legislative changes/policies;

In 2017 the Federal Ministry of the Interior drafted a decree aimed at ensuring care for victims of human trafficking throughout Austria, which is to be implemented in 2018 (see 7.2.1.c.).

(b) Training and awareness raising measures;

The "Action guidelines for identifying and dealing with potential victims of child trafficking"<sup>197</sup>, prepared in 2016, was utilized for the first time in 2017, during training provided to youth welfare

<sup>192</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>193</sup> Ibid.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

<sup>197</sup> Federal Chancellery, *Handlungsorientierungen zur Identifizierung von und zum Umgang mit potenziellen Opfern von Kinderhandel*, available at [www.bmfj.gv.at/service/publikationen/familie/Handlungsorientierungen.html](http://www.bmfj.gv.at/service/publikationen/familie/Handlungsorientierungen.html) (accessed on 23 January 2018).

authorities and at institutions for unaccompanied minors, and distributed to the competent authorities.<sup>198</sup>

On the occasion of the EU Anti-Trafficking Day on 20 October 2017, the Minister of the Interior announced the new focus of the Criminal Intelligence Service on identifying exploitation of human beings. He added that, in addition to working closely with victim protection institutions, police were being trained in identifying victims and information campaigns organized in victims' countries of origin.<sup>199</sup>

In relation to identifying victims of human trafficking, four workshops were held by LEFÖ in 2017, with a total of 68 employees of the Federal Office for Immigration and Asylum participating.<sup>200</sup>

(c) Measures on cooperation between national authorities;

See details in: 7.2.1.c.

(d) Measures on cooperation between (Member) States.

See details in: 7.2.1.b. and 7.2.1.d.

### 7.2.3. Cooperation with third countries

Please describe any *new or planned* policies / measures involving cooperation with third-countries on the prevention and fight against trafficking in human beings.

(a) Training and capacity building measures;

In 2017 bilateral workshops were organized with delegates from Pakistan and Azerbaijan, as part of the project entitled Fight against Trafficking in Human Beings by the International Centre for Migration Policy Development (ICMPD). Besides introducing the JOO 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>

(b) Joint investigation teams;

Numerous focused measures in the fight against human trafficking were jointly implemented with other EU Member States and third countries in 2017 (see 7.2.1.). In addition, six delegates from China participated in job shadowing at the Criminal Intelligence Service in May 2017. The aims were to share information on ongoing investigations and to build lines of communication for future cooperation. A follow-up meeting was held in December 2017.<sup>202</sup>

(c) Information and prevention campaigns.

Under the Austrian OSCE Chairmanship in 2017 and on the occasion of the EU Anti-Trafficking Day, the annual conference on anti-trafficking took place on 20 October. Discussions there centred on current challenges and on devising sustainable strategies to combat human trafficking. Special topic was given to human trafficking in conflict and crisis situations. The 400 or so participants

<sup>198</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>199</sup> Federal Ministry of the Interior, *Sobotka: Menschenhandelsopfer müssen geschützt, Täter bestraft werden*. Press Release, Vienna, 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).

<sup>200</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>201</sup> Ibid.

<sup>202</sup> Ibid.

included representatives from the OSCE member countries, international and non-governmental organizations, and civil society, as well as human trafficking experts.<sup>203</sup>

An event focused on combating trafficking in private domestic workers among diplomats' households was held under the Austrian OSCE Chairmanship in 2017. 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>204</sup>

---

<sup>203</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>204</sup> Ibid.



## 8. MAXIMIZING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

### 8.1. Progress towards mainstreaming migration in development policies

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

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>205</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>206</sup>

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>207</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>208</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>209</sup>

---

<sup>205</sup> Austrian Development Agency, *Bundesminister Sebastian Kurz; „Durch Hilfe vor Ort den Migrationsdruck lindern“*. Press Release, Vienna, 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>206</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>207</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>208</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>209</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).

Austria also provided the International Organization for Migration in Niger with EUR 500,000 for efforts aimed at improving the living conditions of refugees and other residents of the Diffa region. Addressing the UN General Assembly, the Austrian foreign minister announced Austria's decision to double bilateral development assistance and quadruple the emergency fund. He underscored the necessity of creating perspectives at local level, as a means of effectively meeting the growing challenges of global migration.<sup>210</sup>

### **8.1.1. Cooperation with partner / third countries for economic migration**

Please note that this section will be completed with an updated overview on the (Member) States' involvement in EU Mobility Partnerships, provided by the European Commission.

In addition to the EU Mobility Partnerships, please indicate if your (Member) State has planned or implemented bilateral agreements linked to economic migration (including circular migration) during the reporting period (2017)

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, will receive EUR 1 million in funding from ADA.<sup>211</sup>

### **8.1.2. Efforts to mitigate 'brain drain'**

Please describe any *new or planned* policies / measures to mitigate brain drain. For example: awareness rising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain.

No changes in 2017.

## **8.2. Migrants' Remittances**

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

No changes in 2017.

<sup>210</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Bundesminister Sebastian Kurz bei der UNO-Generalversammlung in New York*. Press Release, Vienna, 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>211</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).

### 8.3. Working with Diasporas

Please provide information on *new or planned* policies / measures for involving third-country diaspora groups in development initiatives and supporting third-country diaspora groups in their efforts to enhance development in their countries of origin. Including for example:

(a) Promotion of transnational entrepreneurship;

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 project will continue in 2018.<sup>212</sup>

(b) Cooperation on trade between countries of origin and stay

No changes in 2017.

(c) Others (e.g. education).

No changes in 2017.

\*\*\*\*\*

---

<sup>212</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.