

## ANNUAL REPORT 2019 ON MIGRATION AND ASYLUM IN AUSTRIA

Contribution to Commission and to EASO Annual Reports

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## **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 migration and asylum in Austria in 2019. The report provides input to the EMN's Annual Report on Migration and Asylum 2019 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 of the Interior as well as the Criminal Intelligence Service Austria, the Federal Chancellery, the Federal Ministry for Europe, Integration and Foreign Affairs, the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, and the Federal Office for Immigration and Asylum.

## Summary of Changes to the National Migration/Asylum System in 2019

This section aims to reflect any overarching changes to the national migration / asylum systems as well as the main/key developments per “policy area”. Please note that while all the information provided in your National Report will contribute to the development of the EMN Country Factsheets, the information you enter in this section will be used as a starting point for developing your Factsheet. **Therefore, information in this section must be concise and should only focus on legal and policy developments that had a significant impact in the (Member) State during the reporting year (2019).**

The 2019 ARM Synthesis Report this year aims to determine the most significant trends across Member States. In your summary, please highlight in bold those developments considered **the most significant** and with the greatest impacts.

### 0. Overarching changes to the national migration and asylum system in 2019

Departments within the Federal Ministry of the Interior responsible for asylum and migration were widely restructured in January 2019. The changes included the creation of the new Directorate General V to coordinate all departments relating to migration and asylum.<sup>1</sup>

The coalition government formed between the Austrian People’s Party and the Austrian Freedom Party was terminated in May 2019. This led to the nomination of a new Federal Chancellor unaffiliated with any party and to the appointment of a new independent government, to serve until the new elections on 29 September 2019.<sup>2</sup> Coalition talks were held between the Austrian People’s Party and the Green Party from 11 November 2019 to 2 January 2020.<sup>3</sup> The new federal government was sworn in on 7 January 2020.<sup>4</sup>

### 1. Legal Migration

An amendment to the Act Governing the Employment of Foreign Nationals<sup>5</sup> entered into force on 1 January 2019. Among the changes was to alter the points system, referred to in granting Red-White-Red Cards (Act Governing the Employment of Foreign Nationals Art. 12b), as well as to break down the list of shortage occupations by region (Art. 13 para 1 *ibid.*). Consequently, with the Regulation for Skilled Workers 2019,<sup>6</sup> occupations with a shortage of workers in individual provinces also qualify for the first time as shortage occupations. Another result of the amendment is the option of issuing a regulation to admit “very highly qualified” workers (Act Governing the Employment of Foreign Nationals Art. 13 para 4).<sup>7</sup>

<sup>1</sup> Federal Ministry of the Interior, BMI: Peter Webinger zum Leiter der neuen Sektion V „Fremdenwesen“ bestellt. Press release, 5 January 2019. Available at [www.ots.at](http://www.ots.at) (accessed 15 November 2019).

<sup>2</sup> Federal Chancellery, Bundeskanzler Kurz: „Neuwahlen der einzige Weg für Österreich“. Press release, 18 May 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 11 December 2019); Federal Chancellery, Ministerrat fixiert Nationalratswahltermin. Press release, 3 July 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 11 December 2019); Federal Chancellery, Brigitte Bierlein mit Regierungsbildung beauftragt. Press release, 31 May 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 4 December 2019).

<sup>3</sup> Austrian People’s Party, Aviso: Pressestatement zum Start der Koalitionsverhandlungen. Press release, 11. November 2019. Available at [www.ots.at](http://www.ots.at) (accessed 4 Dezember 2019); Austrian Green Party, Aviso: Morgen Di., 17.30h – Pressestatement Kurz/Kogler zum Start der Koalitionsverhandlungen. Press release, 11 November 2019. Available at [www.ots.at](http://www.ots.at) (accessed 4 December 2019); APA, ÖVP und Grüne stehen vor Regierungseinigung. Press release, 30 December 2019. Available at [www.apa.at](http://www.apa.at) (accessed 30 December 2019).

<sup>4</sup> Presidential Chancellery, AVISO: Ernennung und Angelobung der Bundesregierung – Akkreditierung. Press release, 4 January 2020. Available at [www.ots.at](http://www.ots.at) (accessed 13 January 2020); Press Office of the Parliamentary Administration, Bundeskanzler Kurz und Vizekanzler Kogler präsentieren Schwerpunkte des Regierungsprogramms. Press release, 10 January 2020. Available at [www.ots.at](http://www.ots.at) (accessed 13 January 2020).

<sup>5</sup> FLG No. 218/1975, in the version of federal law FLG I No. 94/2018.

<sup>6</sup> FLG II No. 3/2019, in the version of federal law FLG II No. 96/2019.

<sup>7</sup> This was the case, for example, in January 2019 through FLG II No. 2/2019.

## 2. International Protection including Asylum

The Federal Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company<sup>8</sup> was promulgated on 19 June 2019. Based on the act, this new Federal Agency is currently expected to have exclusive responsibility to provide accommodation and care for asylum seekers in the federal reception system, generally as of 1 July 2020. The Federal Agency will receive additional tasks as of 1 January 2021, including legal counselling, return counselling and assistance, as well as making available human rights observers, interpreters and translators (Art. 2 Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company).<sup>9</sup> However, the Federal Minister of the Interior is authorized to postpone these dates by decree for a maximum of twelve months, taking into account the respective technical, personnel and organizational requirements to be created.

Another change was the promulgation on 27 December 2019 of an act amending the Aliens Police Act 2005 temporarily.<sup>10</sup> The amendment was introduced to stop the removal of former asylum seekers formally in apprenticeships who are issued a return decision (Art. 55a and Art. 125 para 31 to 34 Aliens Police Act 2005).<sup>11</sup> The purpose of the amendment is to give (former) asylum seekers the opportunity to complete an apprenticeship in Austria under certain conditions, as it in principle ends ex lege in the event of a final negative decision on the application for international protection.<sup>12</sup> Therefore, the beginning of the period for voluntary return was suspended for asylum seekers, who are subject of a return decision or in case the return decision has not yet been legally issued, and who are undergoing apprenticeship training (Art. 55a Aliens Police Act 2005). It further applies to a postponement of removal of former asylum seekers who have (already) received a final negative decision and who have been in an apprenticeship relationship that ended ex lege before this amendment came into force (Art. 125 para. 31 to 34 Aliens Police Act 2005).

## 3. Unaccompanied Minors and Other Vulnerable Groups

On 3 December 2019 an agreement concerning child and youth welfare was signed between the Federal State and the provinces.<sup>13</sup> The agreement stipulates the provinces' responsibility in the future for implementing the mechanisms, minimum standards and services relating to child and youth welfare that are listed in the Federal Children and Youth Service Act 2013.<sup>14</sup> These responsibilities also include care and support for unaccompanied minor refugees.<sup>15</sup>

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<sup>8</sup> [FLG I No. 53/2019](#).

<sup>9</sup> Ibid.

<sup>10</sup> [FLG I No. 100/2005](#), in the version of federal law [FLG I No. 110/2019](#).

<sup>11</sup> [FLG I No. 110/2019](#).

<sup>12</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Alien-related legislation), 21 February 2020.

<sup>13</sup> [FLG I No. 106/2019](#).

<sup>14</sup> [FLG I No. 69/2013](#), in the version of federal law [FLG I No. 105/2019](#).

<sup>15</sup> Bassermann M.-A., A. Spiegelfeld, *Unaccompanied Minors Following Status Determination in Austria* (EMN, 2018), p. 9. Available at [www.emn.at](http://www.emn.at) (accessed 6 January 2020).

#### 4. Integration

The focus in 2019 was to integrate individuals with asylum or subsidiary protection status into the labour market,<sup>16</sup> as well as to encourage the integration of women with a migration background.<sup>17</sup>

To promote language acquisition by students unable to follow instruction due to inadequate language proficiency, the School Organization Act<sup>18</sup> provides for separate remedial German classes, beginning with the 2018/2019 school year (Art. 8h *ibid.*).<sup>19</sup>

In addition, an amendment to the Integration Act<sup>20</sup> was promulgated on 22 May 2019, requiring that, as of 1 January 2020, German courses be made available to individuals age 15 and over holding asylum or subsidiary protection status, so as to allow them to achieve the B1 level (previously A2; Art. 4 para 1 Integration Act).<sup>21</sup>

#### 5. Citizenship and Statelessness

An act amending the Citizenship Act 1985<sup>22</sup> was issued on 22 October 2019. Accordingly, direct descendants of individuals persecuted under National Socialism are now able to acquire Austrian citizenship more easily (Art. 58c para 1a Citizenship Act 1985). Individuals who had fled the Nazi regime have previously been able to reacquire citizenship under facilitated conditions; another change was to extend the eligibility period in such cases. Now such individuals must have left the country by 15 May 1955 at the latest, instead of 9 May 1945 as previously stated. The group of individuals eligible under these terms was also expanded. The requirements for reacquiring citizenship under facilitated conditions now also apply to citizens of one of the successor states of the former Austro-Hungarian monarchy as well as to stateless individuals whose main residence is in Austria (Art. 58c para 1 Citizenship Act 1985).

#### 6. Borders, Schengen and Visas

With regard to border controls, Austria implemented technical changes in 2019 affecting the Passenger Information Unit (PIU).<sup>23</sup> A new programme for training border police assistants, based on the 2018 amendment to the Border Control Act,<sup>24</sup> was also launched.<sup>25</sup>

<sup>16</sup> Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, *Hartinger-Klein/Hacker: Müssen Asylberechtigte in Beschäftigung bringen*. Press release, 23 March 2019. Available at [www.ots.at](http://www.ots.at) (accessed 15 November 2019); Public Employment Service, *Rund 1.100 Asylberechtigte bei Job-Börse der Regierung*. Press release, 23 January 2019. Available at [www.ams.at](http://www.ams.at) (accessed 12 December 2019).

<sup>17</sup> Federal Ministry for Europe, Integration and Foreign Affairs, Karin Kneissl: „Umsetzung des Integrationsgesetzes und die Förderung der Integration von Frauen mit Migrationshintergrund sind Prioritäten der Integrationsarbeit“. Press release, 14 September 2018. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 12 December 2019); Federal Ministry for Europe, Integration and Foreign Affairs, Karin Kneissl: „Eigenverantwortung ist ein zentrales Element von Integrationsarbeit“. Press release, 16 May 2019. Available at [www.ots.at](http://www.ots.at) (accessed 12 December 2019).

<sup>18</sup> [FLG No. 242/1962](#), in the version of federal law [FLG I No. 86/2019](#).

<sup>19</sup> [FLG I No. 35/2018](#).

<sup>20</sup> [FLG I No. 68/2017](#), in the version of federal law [FLG I No. 41/2019](#).

<sup>21</sup> [FLG I No. 41/2019](#).

<sup>22</sup> [FLG No. 311/1985](#), in the version of federal law [FLG I No. 96/2019](#).

<sup>23</sup> Criminal Intelligence Service Austria, *Kriminalitätsbekämpfung: Fluggastdatenzentralstelle: Das neue Büro im Bundeskriminalamt nimmt operative Arbeit auf*. Press release, 8 March 2019. Available at [www.bundeskriminalamt.at](http://www.bundeskriminalamt.at) (accessed 28 November 2019).

<sup>24</sup> [FLG No. 435/1996](#), in the version of federal law [FLG I No. 93/2018](#).

<sup>25</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2020; See also: Federal Ministry of the Interior, *Grenzkontrollen: 25 Grenzpolizei-Assistentinnen und Assistenten angelobt*. Press release, 28 March 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 28 November 2019); Federal Ministry of the Interior, *Landespolizeidirektion Niederösterreich: 24 neue Grenzpolizeiassistentinnen und -assistenten für den Flughafen Wien-Schwechat*. Press release, 13 August 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 28 November 2019).

In terms of border protection, Austria carried out extensive exchange activities with other countries in 2019, foremost with partners from the Forum Salzburg.<sup>26</sup> Through a regulation issued by the Federal Ministry of the Interior, and in accordance with the rules of the Schengen Borders Code, temporary controls were reintroduced at the EU internal borders with Hungary and Slovenia, effective until 14 May 2020.<sup>27</sup>

## 7. Irregular Migration including Migrant Smuggling

The 2018 status report on migrant smuggling was published in August 2019 by the Federal Ministry of the Interior.<sup>28</sup> According to the report, cases of irregular migration and irregular residence in Austria were becoming less frequent. Steps were taken to address irregular migration and smuggling of migrants along the Silk Road,<sup>29</sup> in the Western Balkans<sup>30</sup> and in the Danube region,<sup>31</sup> utilizing international networks, information exchange and police cooperation.

## 8. Trafficking in Human Beings

Key activities in the area of combating trafficking in human beings in 2019 were trainings in the framework of the *Asyl-Train* project on the identification of victims of human trafficking in asylum procedures,<sup>32</sup> trainings for labour inspectors,<sup>33</sup> and the annual conference of the Task Force on Combating Human Trafficking in Austria titled “Technology and Combating Human Trafficking – Challenge or Opportunity?”.<sup>34</sup>

## 9. Return and Readmission

As of 1 January 2019, a new Department for Return and Reintegration (V/10) was established as part of the efforts to create the new Directorate General V for Aliens Issues in the Federal Ministry of the Interior. The strengthening of bilateral and multilateral relations with third countries, the participation in international and EU bodies and a close exchange with other Member States and EU institutions were actively pursued in 2019.<sup>35</sup>

<sup>26</sup> These are: Albania, Bosnia and Herzegovina, Denmark, Finland, Germany, Greece, Italy, Kosovo, Montenegro, Northern Macedonia, Serbia, and Switzerland. References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

<sup>27</sup> [FLG II No. 316/2019](#).

<sup>28</sup> Criminal Intelligence Service Austria, *Lagebericht Schlepperei 2018: Rücklauf bei illegaler Migration* (BMI, Wien 2019). Available at [www.bmi.gv.at](http://www.bmi.gv.at); Criminal Intelligence Service Austria, *Schleppereibekämpfung bleibt kriminalpolizeiliche Herausforderung*. Press release, 23 August 2019. Available at [www.bundeskriminalamt.at](http://www.bundeskriminalamt.at) (accessed 13 December 2019).

<sup>29</sup> Federal Ministry of the Interior, *Kickl: Schleppereibekämpfung und Rückführungen auf gemeinsamer Agenda mit Afghanistan*. Press release, 19 March 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>30</sup> Federal Ministry of the Interior, *Drittes Treffen der Task Force zur Bekämpfung der Schlepperkriminalität in Wien*. Press release, 22 February 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>31</sup> Criminal Intelligence Service Austria, *Erfolge gegen Schlepperei*. Press release, 18 July 2019. Available at <https://bundeskriminalamt.at> (accessed 13 December 2019).

<sup>32</sup> Written input by IOM Country Office for Austria, Counter-Trafficking Unit, 6 January 2020; IOM Country Office for Austria. *ASYL-Train*, Available at [www.iomvienna.at](http://www.iomvienna.at) (accessed 15 December 2019).

<sup>33</sup> Written Input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

<sup>34</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Konferenz "Technologie und die Bekämpfung des Menschenhandels- Chance oder Herausforderung?" - 16. Oktober 2019*. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 14 February 2020).

<sup>35</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

Similar to 2018, one of the Federal Ministry of the Interior's priorities in 2019 was on return.<sup>36</sup> In the period from 1 January to 31 December 2019, 12,245 departures took place, of which 5,568 were voluntary departures (45%) and 6,677 forced returns (55%).<sup>37</sup> The removals involved a large number of persons who had been convicted of criminal offences (46.1%).<sup>38</sup> By the end of 2019, returns were carried out through 58 charter operations (thereof 54 operations to third countries) to 17 destination countries.<sup>39</sup>

## 10. Migration and Development

With regard to development assistance, support was provided in caring for refugees in third countries, including Bangladesh,<sup>40</sup> Burkina Faso,<sup>41</sup> Ethiopia,<sup>42</sup> Jordan,<sup>43</sup> and Lebanon<sup>44</sup>.

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<sup>36</sup> Federal Office for Immigration and Asylum, *Rückstandsabbau erledigt, Verfahrensdauer unter drei Monaten, Abschiebungen gesteigert*. Press release, 24 January 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 28 November 2019); Federal Ministry of the Interior, Interview mit Gerhard Reischer: Kontrolle, Aberkennung, Qualität, *Öffentliche Sicherheit* 5-6/19. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 15 November 2019).

<sup>37</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Karin Kneissl zu Gast in Bangladesch*. Press release, 20 February 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 13 December 2019).

<sup>41</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Schallenberg: „Österreich setzt sein humanitäres Engagement in Afrika konsequent fort.“* Press release, 27 November 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 17 December 2019).

<sup>42</sup> Ibid.

<sup>43</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Österreich unterstützt Syrien und seine Nachbarländer mit 11 Mio. Euro humanitärer Hilfe*. Press release, 14 March 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 13 December 2019).

<sup>44</sup> Ibid.



## 0 OVERARCHING CHANGES TO THE NATIONAL MIGRATION AND ASYLUM SYSTEM IN 2019

Please describe any overarching changes in the national migration and asylum system that have taken place in 2019. These are likely to result from a change of government or an overarching policy change that affects the overall approach to policymaking which in turn accounts for changes reported in the specific policy areas.

**Were there any overall changes in the national migration and asylum system in 2019? Y/N**

If yes, please elaborate below, stating the **drivers for the change / intended impact** if applicable.

The coalition government formed between the Austrian People's Party and the Austrian Freedom Party was terminated on 18 May 2019.<sup>45</sup> As a result, a date was set for early elections.<sup>46</sup> Brigitte Bierlein, President of the Constitutional Court and unaffiliated with any party, was nominated Federal Chancellor on 30 May 2019.<sup>47</sup> The new independent government, mostly consisting of public officials from the various ministries, was sworn to office on 3 June 2019.<sup>48</sup> In the National Council elections on 29 September 2019, shares of the popular vote were distributed as follows: Austrian People's Party 37.5 per cent, Social Democratic Party of Austria 21.2 per cent, Austrian Freedom Party 16.2 per cent, Austrian Green Party 13.9 per cent, NEOS – The New Austria 8.1 per cent.<sup>49</sup> Coalition talks were held between the Austrian People's Party and the Green Party from 11 November 2019 to 2 January 2020.<sup>50</sup> The new federal government, consisting of representatives of those two parties, were sworn in by the Austrian Federal President on 7 January 2020.<sup>51</sup> Plans relating to migration and asylum are described in the government programme under the section entitled "Europe, integration, migration and security".<sup>52</sup>

The specialist division for asylum and migration within the Federal Ministry of the Interior was widely restructured in January 2019. The newly established Directorate General V consists of the directorates (a) Citizenship and Residence Matters, (b) Borders and Aliens Police, and (c) Asylum and Return.<sup>53</sup> Basic care facilities as well as the Federal Office for Immigration and Asylum have now also been placed under Directorate General V.<sup>54</sup> Drawing on the experiences from 2015 to 2016, restructuring

<sup>45</sup> Federal Chancellery, *Bundestkanzler Kurz: „Neuwahlen der einzige Weg für Österreich“*. Press release, 18 May 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 11 December 2019).

<sup>46</sup> Federal Chancellery, *Ministerrat fixiert Nationalratswahltermin*. Press release, 3 July 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 11 December 2019).

<sup>47</sup> Federal Chancellery, *Brigitte Bierlein mit Regierungsbildung beauftragt*. Press release, 31 May 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 4 December 2019).

<sup>48</sup> Federal Chancellery, *Bundestkanzlerin Brigitte Bierlein angelobt*. Press release, 3 June 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 30 December 2019).

<sup>49</sup> Federal Ministry of the Interior, *Nationalratswahl 2019 – Österreich, Endgültiges Endergebnis*. Available at <https://wahl19.bmi.gv.at/> (accessed 11 December 2019).

<sup>50</sup> Austrian People's Party, *Aviso: Pressestatement zum Start der Koalitionsverhandlungen*. Press release, 11. November 2019. Available at [www.ots.at](http://www.ots.at) (accessed 4 Dezember 2019); Austrian Green Party, *Aviso: Morgen Di., 17.30h – Pressestatement Kurz/Kogler zum Start der Koalitionsverhandlungen*. Press release, 11 November 2019. Available at [www.ots.at](http://www.ots.at) (accessed 4 December 2019); APA, *ÖVP und Grüne stehen vor Regierungseinigung*. Press release, 30 December 2019. Available at [www.apa.at](http://www.apa.at) (accessed 30 December 2019).

<sup>51</sup> Presidential Chancellery, *AVISO: Ernennung und Angelobung der Bundesregierung – Akkreditierung*. Press release, 4 January 2020. Available at [www.ots.at](http://www.ots.at) (accessed 13 January 2020); Press Office of the Parliamentary Administration, *Bundestkanzler Kurz und Vizekanzler Kogler präsentieren Schwerpunkte des Regierungsprogramms*. Press release, 10 January 2020. Available at [www.ots.at](http://www.ots.at) (accessed 13 January 2020).

<sup>52</sup> Federal Government, *Aus Verantwortung für Österreich: Regierungsprogramm 2020–2024*, p. 174–224. Available at [www.dieneuevolkspartei.at](http://www.dieneuevolkspartei.at) (accessed 29 January 2020).

<sup>53</sup> Federal Ministry of the Interior, *BMI: Peter Weßinger zum Leiter der neuen Sektion V „Fremdenwesen“ bestellt*. Press release, 5 January 2019. Available at [www.ots.at](http://www.ots.at) (accessed 15 November 2019).

<sup>54</sup> Ibid.

was aimed at merging the portfolios relating to asylum and aliens law, towards the higher goal of developing a national migration strategy.<sup>55</sup>

The Provincial Police Directorates were also restructured by dividing the tasks of the Operations, Aliens and Border Police Department and creating a separate Aliens and Border Police Department in each of the police headquarters in March 2019.<sup>56</sup> This was occasioned by growing challenges and responsibilities related to migration.<sup>57</sup>

**Were there any developments in your Member State in 2019 regarding preparations for the impact of the UK's departure from the EU for example, the development of a specific strategy, in relation to your Member State's immigration system? Y/N**

If yes, please elaborate below.

The Act Accompanying Brexit 2019<sup>58</sup> was promulgated on 25 March 2019. The act contains legal procedures in the event that the United Kingdom of Great Britain and Northern Ireland should leave the European Union (EU) without a withdrawal agreement. Among the matters covered by the provisions are the residence permit application procedures applying to citizens of the United Kingdom of Great Britain and Northern Ireland and their family members in the event of a withdrawal without an agreement. Specifically, where such individuals have held residence status under EU law prior to withdrawal and were lawfully employed in Austria as of the effective date, they will have six months to apply for a residence title (Art. 32b Act Governing the Employment of Foreign Nationals),<sup>59</sup> if they intend to continue residing in Austria. Individuals meeting these conditions will continue to have unlimited access to the Austrian labour market until a final decision on the application is issued. Where students from the United Kingdom of Great Britain and Northern Ireland were receiving financial aid prior to the withdrawal becoming effective, that aid would be extended in each case until completion of the course of studies (Art. 75 para 40 Student Support Act 1992).<sup>60</sup> These steps were taken because, based on political developments in the United Kingdom of Great Britain and Northern Ireland, it had initially been expected that the country might leave the EU without a withdrawal agreement.<sup>61</sup>

Another step was a regulation issued by the Federal Minister for Europe, Integration and Foreign Affairs on 27 March 2019,<sup>62</sup> exempting citizens of the United Kingdom of Great Britain and Northern Ireland as well as their family members from obligations under the Integration Agreement.<sup>63</sup> Similarly, that regulation will become law only in the event that the United Kingdom of Great Britain and Northern Ireland does actually withdraw from the EU without an agreement.

<sup>55</sup> Federal Ministry of the Interior, *Kickl präsentiert neue Sektion V und gibt Ausblick für 2019*. Press release, 7 January 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 15 November 2019); Federal Ministry of the Interior, *BMI: Kickl: Asyl-Betreuungsagentur, Neukodifikation des Fremdenrechts und Migrationsstrategie sind wesentliche Projekte 2019*. Press release, 7 January 2019. Available at [www.ots.at](http://www.ots.at) (accessed 15 November 2019).

<sup>56</sup> Written input by the Federal Ministry of the Interior, Department V/7 (Aliens Police), 21 February 2020.

<sup>57</sup> Federal Ministry of the Interior, *Neue Struktur und Aufgaben für Einsatz-, Grenz- und Fremdenpolizeiliche Abteilungen (EGFA)*. Press release, 31 March 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 15 November 2019).

<sup>58</sup> [FLG I No. 25/2019](#).

<sup>59</sup> [FLG No. 218/1975](#), in the version of federal law [FLG I No. 94/2018](#).

<sup>60</sup> [FLG No. 305/1992](#), in the version of federal law [FLG I No. 25/2019](#).

<sup>61</sup> Written input by the Federal Ministry of the Interior, Department V/2 (Residence and Citizenship), 22 January 2020.

<sup>62</sup> [FLG II No. 80/2019](#).

<sup>63</sup> According to Integration Act Art. 9 and 10, [FLG I No. 68/2017](#), in the version of federal law [FLG I No. 41/2019](#).

## 1 LEGAL MIGRATION

### 1.1 Transposition of EU legislation on legal migration

Please provide a ‘snapshot’ on the status of transposition of each of the EU Directives relating to legal migration listed below as of (the end of) 2019. If developments have taken place in 2019 in terms of the implementation of these Directives, please elaborate these in the respective sections below.

EU Legislation	Equivalent National Legislation	Status*	Additional information
Directive on the conditions of entry and residence of third-country nationals for the purpose of research, studies, training ... <sup>64</sup> (23 May 2018)	Act Amending the Aliens Law 2018 <sup>65</sup>	In force	
Directive on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (30 September 2016) <sup>66</sup>	Act Amending the Aliens Law 2017 <sup>67</sup>	In force	
Directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (29 November 2016) <sup>68</sup>	Act Amending the Aliens Law 2017 <sup>69</sup>	In force	

\*Please state whether the equivalent national legislation is a) in force; b) passed but not in force c) in progress; d) not applicable.

### 1.2 WORK-RELATED migration

#### Admission policies of specific categories of third-country nationals

Please describe any **new** concrete developments regarding admission of the following categories of third-country nationals. Please state the **driver for the change / intended impact** (e.g. incentive mechanisms, measures to prevent mis-use) if applicable.

#### 1.2.1.1 Highly skilled/qualified workers

Were there any **new** developments in relation to highly skilled/qualified workers in 2019? Y/N.

If yes, please elaborate below. Please include one development per row and indicate the nature of each development in the tick boxes below. If needed, please add additional rows to the table below.

Development (Please describe)	Nature*
An amendment to the Act Governing the Employment of Foreign Nationals <sup>70</sup> was adopted in December 2018 and entered into force on 1 January 2019. Accordingly, the points system for granting a Red-White-Red Card (RWR Card) for other key workers was modified through the introduction of English language proficiency as a criterion while giving more weight to the criterion of	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>64</sup> Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, OJ L 132, pp. 21–57.

<sup>65</sup> FLG I No. 56/2018.

<sup>66</sup> Directive (EU) 2014/36 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 L 94, pp. 375–390.

<sup>67</sup> FLG I No. 145/2017.

<sup>68</sup> Directive (EU) 2014/66 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ L 157, pp. 1–22.

<sup>69</sup> FLG I No. 145/2017.

<sup>70</sup> FLG No. 218/1975, in the version of federal law FLG I No. 94/2018.

occupational experience and less to age (see annex C Act Governing the Employment of Foreign Nationals). <sup>71</sup> The change resulted from a Constitutional Court ruling from 2017 which had determined the previous rule based on an applicant's age to be discriminatory and unconstitutional. <sup>72</sup>	
Another result of the amendment to the Act Governing the Employment of Foreign Nationals is the option of issuing a regulation that would declare third-country nationals with certain types of university-level training as being "very highly qualified" and eligible for facilitated immigration to Austria (Art. 13 para 4 Act Governing the Employment of Foreign Nationals). <sup>73</sup> Use was made of this option in January 2019 when the Federal Minister of Labour, Social Affairs, Health and Consumer Protection issued a corresponding regulation. The preferred category of "very highly qualified" workers includes university-level mechanical engineers, data-processing engineers and business engineers as well as physicians. <sup>74</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
As of 1 January 2019 the list of shortage occupations can be broken down by region (Art. 13 para 1 Act Governing the Employment of Foreign Nationals). It is subsequently possible to issue an RWR Card for skilled workers in a specified province (Art. 20d para 5 Act Governing the Employment of Foreign Nationals) so as to ensure a controlled supply of workers in line with needs. <sup>75</sup> In addition to vocations for which a maximum of 1.5 employment seekers are registered per vacancy, skilled workers from third countries can now be employed in occupations for which there is a shortage of workers in certain provinces (Art. 13 para 1 Act Governing the Employment of Foreign Nationals). Under the Regulation for Skilled Workers 2019, <sup>76</sup> as of 2019 skilled workers from third countries could apply for an RWR Card valid in 45 occupations nationwide and in 18 additional occupations in specific provinces. The list included significantly more shortage occupations than in the previous year (2018: 27). <sup>77</sup> A regulation was issued on 12 April 2019 limiting the number of province-level permits to 300. <sup>78</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
The Council of Ministers passed a decision on 27 February 2019 to reduce the red tape involved in applying for an RWR Card and to expand its use. <sup>79</sup> In March 2019 the Austrian Federal Government subsequently presented a draft	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>71</sup> [FLG I No. 94/2018](#).

<sup>72</sup> Constitutional Court, 13 December 2017, [G281/2017](#).

<sup>73</sup> [FLG I No. 94/2018](#).

<sup>74</sup> [FLG II No. 2/2019](#).

<sup>75</sup> Austrian Parliament, *Nationalrat beschließt Reform der Rot-Weiß-Rot-Karte samt Regionalisierung der Mangelberufsliste*. Parliamentary Correspondence No. 1509 from 13 December 2018, available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 28 December 2018).

<sup>76</sup> [FLG II No. 3/2019](#), in the version of federal law [FLG II No. 96/2019](#).

<sup>77</sup> [FLG II No. 377/2017](#).

<sup>78</sup> [FLG II No. 96/2019](#).

<sup>79</sup> Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, Federal Ministry for Digital and Economic Affairs and Federal Ministry of the Interior, *Vortrag an den Ministerrat: Dem Fachkräftemangel bedarfsorientiert begegnen – Entbürokratisierung und Weiterentwicklung Rot-Weiß-Rot Karte*. 26 February 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at); Federal Chancellery, *Bundestkanzler Kurz: Neue Rot-Weiß-Rot-Karte erleichtert Zuzug von hochqualifizierten Fachkräften*. Press release, 27 February 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 11 December 2019).

amendment of the provisions regulating the RWR Card. <sup>80</sup> No corresponding legislation has yet been passed. <sup>81</sup>	
The Regulation on the Employment of Foreigners <sup>82</sup> was amended on 30 August 2019. The amendment expanded the scope of exemptions in regard to the employment of foreigners, as of 1 September 2019. <sup>83</sup> This applies to foreign nationals employed, amongst others, with international institutions and organizations and international schools in Austria. <sup>84</sup> Now individuals employed at other such institutions are exempt from the provisions of the Act Governing the Employment of Foreign Nationals (Art. 1 para 2 and 12 Regulation on the Employment of Foreigners).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
The Regulation for Skilled Workers 2020 <sup>85</sup> was adopted on 19 December 2019. In 2020 workers from third countries can apply for an RWR Card to work in 56 occupations throughout Austria as well as in additional occupations in specific provinces, ranging from 1 (Carinthia) to 26 (Upper Austria). To mitigate the shortage of personnel in nursing and health care, <sup>86</sup> nursing assistants and nursing professionals are listed for the first time. <sup>87</sup> As previously in 2019, the list additionally specifies shortage occupations according to individual province as well as a maximum quota of 300 permits for such skilled workers (Art. 1 para 2 Regulation for Skilled Workers 2020).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 1.2.1.2 Intra-corporate transferees

Were there any **new** developments in relation to intra-corporate transferees in 2019? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>80</sup> Ministerial draft of the Federal Act, which amends the Employment of Foreign Nationals Act and the Settlement and Residence Act, Ministerial draft – Explanatory Notes (124/ME XXVI. GP). Available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 4 December 2019); Austrian Parliament, *Ausländerbeschäftigungsgesetz, Niederlassungs- und Aufenthaltsgesetz u.a., Änderung (124/ME)*. Available at [www.parlament.gv.at](http://www.parlament.gv.at).

<sup>81</sup> The political future of this amendment is uncertain, however, as the Austrian Federal Government was dissolved in May 2019.  
<sup>82</sup> FLG No. 609/1990, in the version of federal law FLG II No. 263/2019.

<sup>83</sup> FLG II No. 263/2019.

<sup>84</sup> Ibid.

<sup>85</sup> FLG II No. 421/2019.

<sup>86</sup> Chamber of Labour, Noch immer viele Baustellen bei Pflege- und Gesundheitsberufen - Kalliauer: „Jobs attraktivieren statt über Personalmangel jammern!“ Press release, 23 September 2019. Available at [www.ots.at](http://www.ots.at) (accessed 30 December 2019); Austrian Federal Economic Chamber, IHS-Kocher vor WKÖ-Wirtschaftsparlament: Reformnotwendigkeiten am Standort aktiv begegnen! Press release, 27 June 2019. Available at [www.ots.at](http://www.ots.at) (accessed 30 December 2019).

<sup>87</sup> See FLG II No. 207/2012, FLG II No. 328/2013, FLG II No. 278/2014, FLG II No. 329/2015, FLG II No. 423/2016, FLG II No. 377/2017 and FLG II No. 3/2019.



### 1.2.1.3 Seasonal workers

Were there any **new** developments in relation to seasonal workers in 2019? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
The Settlement Regulation 2019 <sup>88</sup> became effective as of 1 February 2019. Among other things, the regulation defines the maximum number of work permits for temporarily employed foreigners and harvest workers. A maximum of 4,000 employment permits may be issued to foreign workers and no more than 600 to harvest workers in 2019 (Art. 2 Settlement Regulation 2019).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
On 19 April 2019 the Federal Minister for Labour, Social Affairs, Health and Consumer Protection issued a regulation relating to the temporary employment of foreign nationals in tourism and in agriculture and forestry in 2019. <sup>89</sup> The regulation sets a quota of 1,263 permits for time-limited employment in the tourist industry, 2,727 in agriculture and forestry, and an additional 288 for the short-term employment of harvest workers. <sup>90</sup> Temporary work permits may be issued with a maximum validity of six months (nine months under certain conditions) and for a maximum of six weeks in the case of short-term employment (Art. 4 para 1 and 2 <i>ibid.</i> ). Preference is to be given to foreign nationals falling under the transitional provisions governing the free movement of workers in the EU as well as to seasonal workers employed in Austria in recent years (Art. 5 <i>ibid.</i> ). The need for additional seasonal workers varies highly between seasons. Consequently, quotas may be exceeded by a maximum of 20 per cent during seasonal spikes providing the yearly average is not above the number of permits allotted under the quotas (Art. 4 para 3 <i>ibid.</i> ). <sup>91</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
On 17 December 2019 the Federal Minister for Labour, Social Affairs, Health and Consumer Protection issued the regulation relating to the temporary employment of foreign nationals in tourism, agriculture and forestry in 2020. <sup>92</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 1.2.1.4 Low and medium skilled workers (other than seasonal workers)

Were there any **new** developments in relation to low and medium skilled workers, other than seasonal workers, in 2019? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>88</sup> FLG II No. 29/2019.

<sup>89</sup> FLG II No. 100/2019.

<sup>90</sup> *Ibid.*

<sup>91</sup> FLG II No. 100/2019; Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, *Ausländische Saisoniers für den Tourismus und die Land- und Forstwirtschaft*. Press release, 12 April 2019. Available at [www.ots.at](http://www.ots.at) (accessed 31 December 2019).

<sup>92</sup> FLG II No. 407/2019.

### 1.2.1.5 Entrepreneurs, start-ups, and investors

Were there any **new** developments in relation to entrepreneurs, business start-ups and investors in 2019? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 1.2.1.6 Trainees, au-pairs and volunteers

Were there any **new** developments in relation to trainees, au-pairs and volunteers in 2019? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 1.2.1.7 Other remunerated workers

Were there any **new** developments in relation to other remunerated workers in 2019? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### Satisfying labour market needs - admission policies

Were there any **new** developments to satisfy labour market and skill needs/shortages in relation to the employment of third-country nationals (which were not already covered in question 1.2.1 above) in 2019? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

‘Social dumping’<sup>93</sup> and labour exploitation

**Were there any new developments aimed at tackling labour exploitation and/or social dumping of third-country national workers legally residing in your (Member) State in 2019? Y/N.**

If yes, please elaborate below, stating the **drivers for the change / intended impact** if applicable.

Development (Please describe)	Nature*
<p>Within the Task Force on Combating Human Trafficking in Austria under the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, the working group set up to address labour exploitation continued its activities in 2019, meeting on five occasions.<sup>94</sup> The following points were especially relevant:</p> <p>(a) The working group is focusing on the role played by intermediary agencies in ensuring that personal care is given under fair conditions.<sup>95</sup> This issue has come into focus because most of the 24/7 personal caregivers in Austria are non-citizens working on a self-employed basis and placed by agencies. The Austrian quality certificate for intermediary agencies active in 24/7 personal care was presented at a working group meeting. The certificate was launched in 2019 to ensure enhanced transparency and security for clients as well as caregivers.<sup>96</sup></p> <p>(b) Another presentation subject was the ASAROBAs project under the Austrian Trade Union Federation, with co-funding from the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection. ASAROBAs serves to provide counselling on labour and social issues in the first language of clients speaking Arabic, Romanian or Bulgarian.<sup>97</sup></p> <p>(c) The trade union’s vidaflex programme was also presented within the working group on labour exploitation. This is aimed at helping one-person companies and the self-employed.<sup>98</sup></p>	<p><input type="checkbox"/> Legislation</p> <p><input type="checkbox"/> Policy</p> <p><input checked="" type="checkbox"/> Practice/Other</p>

\*Please tick the appropriate box

Circular migration

**Were there any new developments regarding circular migration in 2019? Y/N.** If yes, please elaborate below, stating the **drivers for the change / intended impact** if applicable.

Development (Please describe)	Nature*
No significant changes in 2019.	<p><input type="checkbox"/> Legislation</p> <p><input type="checkbox"/> Policy</p> <p><input type="checkbox"/> Practice/Other</p>

\*Please tick the appropriate box

<sup>93</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', more info at [www.eurofound.europa.eu](http://www.eurofound.europa.eu).

<sup>94</sup> Written Input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.; Vidaflex, *Wir leben Gewerkschaft für EPUs*. Available at [www.vidaflux.at](http://www.vidaflux.at) (accessed 28 January 2020).



Were there any new developments regarding bilateral labour agreements between your (Member) State and third countries in 2019? Y/N.

If yes, please elaborate below, stating the **drivers for the change / intended impact** if applicable.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### Other developments in WORK-RELATED migration

Were there any other new developments in the area of work-related migration in 2019? Y/N.

If yes, please elaborate below, stating the **drivers for the change / intended impact** if applicable.

Development (Please describe)	Nature*
The budget of the Austrian Business Agency (ABA) was increased from EUR 4.3 million to roughly EUR 7 million in 2019, with funds earmarked especially to address the shortage of skilled workers. <sup>99</sup> The ABA, an organization belonging to the Republic of Austria, is the main actor at federal level involved in attracting international companies. <sup>100</sup> Expansion of the ABA's activities in 2019 was centred on programmes to encourage businesses to set up here (Invest in Austria), and to attract skilled workers from other countries (Work in Austria). <sup>101</sup> The fields mainly targeted in the first phase of the Work in Austria programme are IT, as well as metal and electrical engineering, with skilled workers to be recruited from the EU Member States of Bulgaria, Croatia, Greece, Poland and Romania. <sup>102</sup> The goal is to alleviate the shortage of skilled workers and thus to maintain Austria's ability to compete internationally. <sup>103</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
See <a href="#">4.1. c)</a>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>99</sup> Federal Ministry for Digital and Economic Affairs, *Udolf-Strobl: "Work in Austria gegen Fachkräftemangel"*. Press release, 10 July 2019. Available at [www.bmdw.gv.at](http://www.bmdw.gv.at) (accessed 4 December 2019).

<sup>100</sup> Austrian Business Agency, *ABA – Über uns*. Available at <https://investinaustria.at/de/> (accessed 30 December 2019); See also A. Spiegelfeld, *Migratory Pathways for Start-Ups and Innovative Entrepreneurs to Austria* (EMN Austria, 2019), pp. 48. Available at [www.emn.at](http://www.emn.at) (accessed 30 December 2019).

<sup>101</sup> Federal Ministry for Digital and Economic Affairs, *Udolf-Strobl: "Work in Austria gegen Fachkräftemangel"*. Press release, 10 July 2019. Available at [www.bmdw.gv.at](http://www.bmdw.gv.at) (accessed 4 December 2019).

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

### 1.3 Students and researchers

Were there any **new** developments in relation to a) Students and b) Researchers in 2019? Y/N

If yes, please elaborate below. Please state the **driver for the change / intended impact** if applicable.

Development for a) STUDENTS (please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
Development for b) RESEARCHERS (please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 1.4 Family reunification and family formation of economic migrants

Were there any **new** developments regarding family reunification and family formation in 2019? Y/N.

If yes, please elaborate below. Please state the **driver for the change / intended impact**.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 1.5 Information on routes to and conditions of legal migration

Were there any **new** developments in 2019 to improve the provision of information on the routes to and conditions of legal migration for third-country nationals? Y/N.

For example, provision of information through:

- Information campaigns, websites, specific centres, etc.
- Cooperation with third countries, for example on pre-departure measures, which may include provision of information on visas and residence / work permits, which take place both in the (Member) State and/or a third country.

If yes, please elaborate below.

Development (please describe)	Nature*
The annual conference of the National Contact Point Austria in the European Migration Network (EMN Austria) was held on the topic of “Migration and Communication – Information Campaigns in Countries of Origin and Transit” on 3 December 2019. At the conference, which was attended by over 100 participants from various countries, current information campaigns were presented, along with the goals and fundamental assumptions in each case. Within the framework of the conference the importance of reliable data and critical evaluations has been discussed, for ensuring that information campaigns are geared towards results and that communication in the context of migration is	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

effective. <sup>104</sup> The event reflected the increasing importance of the methodology of information campaigns as a possible effective instrument of proactive prevention work in the field of irregular migration at European and international level. <sup>105</sup>	
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*\*Please tick the appropriate box*

## 1.6 Other measures regarding legal migration

Were there any **other new** developments regarding legal migration? Y/N.

If yes, please elaborate below, and state the **driver for the change / intended impact** in 2019.

Development (please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>104</sup> EMN Austria, *Migration and Communication – Information Campaigns in Countries of Origin and Transit*, Austrian National EMN Conference 2019, 3 December 2019, Vienna. Available at [www.emn.at](http://www.emn.at) (accessed 20 December 2019).

<sup>105</sup> Written input by the Federal Ministry of the Interior, Department V/5 (International Migration Developments and Migration Communication), 23 January 2020.

## 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

Changes in legislation, policies and practices

Please provide **information on new developments** relating to any of the areas as indicated below. **Please state the driver for the change/intended impact in 2019, as applicable.**

#### 2.1.1.1 Access to the asylum procedure<sup>106</sup>

**Were there any new developments in relation to access to the asylum procedure (making, registering and lodging of applications for international protection in 2019? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) First arrival on the territory</b> (including information provided at the time of first arrival on the EU territory and services to help asylum seekers to access the asylum procedures on arrival);	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Access to the asylum procedure</b> (i.e. developments related to making and lodging applications, including at the border, within the (Member) State's territory and in detention); <sup>107</sup>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Registration of applications for international protection</b> (including subsequent applications and Dublin returnees), identification and fingerprinting.	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>106</sup> Questions in this sub-section cover developments related to Articles 6 and 7 of Directive 2013/32/EU (Recast Asylum Procedures Directive).

<sup>107</sup> This question refers to any developments related to the Member State's obligation to ensure that a person who intends to make an application for international protection has an effective opportunity to lodge it as soon as possible, in line with Directive 2013/32/EU (Recast Asylum Procedures Directive).

### 2.1.1.2 Reception of asylum applicants

Were there any new developments in relation to reception of asylum applicants in 2019? Y/N.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<p><b>a) Reception of applicants</b> (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)</p>	
<p>On 25 February 2019, the Federal Ministry of the Interior put forth a package of five measures aimed at accelerating asylum procedures,<sup>108</sup> partially implemented from March 2019 onwards. The package included: (a) accommodation at “departure centres” (<i>Ausreisezentren</i>); (b) compulsory presence of asylum seekers during night hours; (c) additional action to accelerate asylum procedures; (d) steps at European level relating to withdrawal of asylum status after specified criminal offences; and (e) preventive detention.<sup>109</sup> The measure listed under (a) involved expanding reception centres for asylum seekers to become “departure centres”.<sup>110</sup> As such they would, according to the Federal Minister of the Interior, help accelerate asylum procedures while reducing appeals against first-instance decisions.<sup>111</sup> The new term “departure centre” to designate such facilities was later revoked by the successor to the office of Federal Minister of the Interior,<sup>112</sup> in May 2019.<sup>113</sup></p>	<p><input type="checkbox"/> Legislation  <input checked="" type="checkbox"/> Policy  <input type="checkbox"/> Practice/Other</p>
<p>On 21 May 2019, the Federal Minister of the Interior<sup>114</sup> issued a regulation specifying terms for the deployment of asylum seekers and other defined foreigners at unskilled community service jobs as well as the corresponding honorarium to be paid.<sup>115</sup> One of the provisions of the regulation sets a maximum hourly rate of EUR 1.50 for the honorarium paid to asylum seekers working at minor tasks in community service (Art. 3 <i>ibid.</i>). After the coalition between the Austrian People’s Party and the Austrian Freedom Party had been terminated, the newly appointed Federal Minister for the Interior of the new government<sup>116</sup> revoked the provision.<sup>117</sup></p>	<p><input checked="" type="checkbox"/> Legislation  <input type="checkbox"/> Policy  <input type="checkbox"/> Practice/Other</p>

<sup>108</sup> Federal Ministry of the Interior, *Kickl präsentiert Neuerungen im Asylbereich*. Press release, 25 February 2019. Available at [www.ots.at](http://www.ots.at) (accessed 15 November 2019).

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*

<sup>112</sup> E. Ratz, Federal Minister of the Interior in the federal government of S. Kurz after the dismissal of FPÖ nominated members of the government, between 22 May – 28 May 2019; see also: Federal Chancellery, *Regierungen seit 1945*. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 14 January 2020).

<sup>113</sup> *Wiener Zeitung*, „Ausreisezentrum“-Tafeln werden abmontiert, 29 May 2019. Available at [www.wienerzeitung.at](http://www.wienerzeitung.at) (accessed 11 December 2019).

<sup>114</sup> H. Kickl, Federal Minister of the Interior in the ÖVP-FPÖ federal government of S. Kurz, between 18 December 2017 – 22 May 2019; See Federal Chancellery, *Regierungen seit 1945*. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 14 January 2020).

<sup>115</sup> [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) FLG II No. 123/2019.

<sup>116</sup> E. Ratz, Federal Minister of the Interior in the federal government of S. Kurz after the dismissal of FPÖ nominated members of the government, between 22 May – 28 May 2019. See Federal Chancellery, *Regierungen seit 1945*. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 14 January 2020).

<sup>117</sup> [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) FLG II No. 131/2019.

Development (Please describe)	Nature*
<p>The Federal Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company<sup>118</sup> was issued on 19 June 2019. Accordingly, a new Federal Agency for Care and Support Services was to be established, which is expected to assume exclusive responsibility for the accommodation and care of asylum seekers, as of 1 July 2020. The Federal Agency will additionally take on tasks as of 1 January 2021, including legal counselling, return counselling and assistance, as well as making available human rights observers, interpreters and translators (Art. 2 Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company). The Federal Minister of the Interior can, however, issue a regulation postponing the deadlines for implementing the items specified in the legislation for a maximum of 12 months, taking into account the respective technical, personnel and organizational requirements to be created. The goal in setting up the State-owned entity is to reduce the previous dependency on external service providers in the fields that have now been transferred to the Federal Agency.<sup>119</sup> Other goals include enhanced cost-effectiveness, increased numbers of voluntary returnees as a result qualitative legal counselling, and a high level of quality assurance.<sup>120</sup></p> <p>Legal counselling was previously provided by ARGE Rechtsberatung, which is run by the organizations Diakonie and Volkshilfe, and Verein Menschenrechte Österreich.<sup>121</sup> On 27 December 2019, these non-governmental organizations previously responsible for care also agreed to a shortened notice period for terminating their contracts. Thus, a decision on termination by 31 December 2020 would have been possible until 29 February 2020.<sup>122</sup> This means that the new Federal Government now has sufficient opportunity to review the planned changes affecting how care and assistance services are provided.<sup>123</sup></p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<p>In relation to the accommodation of asylum seekers, seven care facilities run by the Federal State were shut down as of 31 December 2018 due to reduced numbers of asylum applications.<sup>124</sup> One additional facility and five other federal care facilities were closed in the course of 2019.<sup>125</sup> Since then, the Federal Ministry of the Interior has maintained the decommissioned care facilities as reserve capacities.<sup>126</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>118</sup> [FLG I No. 53/2019](#).

<sup>119</sup> Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020.

<sup>120</sup> Written input by the Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 14 January 2020 and Department III/1 (Legislation), 23 January 2020 and 21 February 2020; Federal Ministry of the Interior, *Asyl- und Fremdenwesen: Nationalrat beschließt Bundesagentur für Betreuungs- und Unterstützungsleistungen*. Press release, 16 May 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 11 December 2019).

<sup>121</sup> Federal Ministry of the Interior, *Beantwortung der parlamentarische Anfrage zu „Rechtsberatung im Asylverfahren“ 2567/AB vom 8. März 2019 zu 2565/J (XXVI. GP)*, p. 1. Available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 18 December 2019).

<sup>122</sup> Austrian Press Agency (APA), *Asyl-Betreuung durch BBU könnte doch nicht kommen*. Press release, 30 December 2019. Available at [www.apa.at](http://www.apa.at) (accessed 30 December 2019).

<sup>123</sup> Ibid.

<sup>124</sup> Written input by the Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 14 January 2020; Federal Ministry of the Interior, *Beantwortung der Anfrage zu „Stilllegung und Nachnutzung der Häuser, in denen AsylwerberInnen untergebracht waren“ 2912/AB vom 25. April 2019 zu 2964/J (XXVI.GP)*, p. 3. Available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 18 December 2019).

<sup>125</sup> Written input by the Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 14 January 2020.

<sup>126</sup> Federal Ministry of the Interior, *Beantwortung der Anfrage zu „Stilllegung und Nachnutzung der Häuser, in denen AsylwerberInnen untergebracht waren“ 2912/AB vom 25. April 2019 zu 2964/J (XXVI.GP)*, p. 3. Available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 18 December 2019).

Development (Please describe)	Nature*
<b>b) Detention during the asylum procedure</b> (detention capacity – rise/fall/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)	
The Federal Government held a “security summit” on 6 March 2019, at which the principles for introducing “preventive detention for dangerous asylum seekers” were agreed upon. <sup>127</sup> The planned changes call for the Federal Office for Immigration and Asylum to be empowered to impose preventive detention on potentially dangerous asylum seekers. A court review is to take place to determine whether it would be legitimate for that authority to exercise such a power. <sup>128</sup> Corresponding legislation has not yet been passed. <sup>129</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 2.1.1.3 Asylum procedures<sup>130</sup>

Were there any new developments in relation to asylum procedures in 2019? Y/N.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Access to information and legal counselling/representation</b> (including at the border and during the asylum procedure);	
The Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company <sup>131</sup> was passed on 19 June 2019, resulting in the need to adapt specific provisions of legislation governing asylum and aliens affairs to reflect the new organizational structure. The related amendments affected the Federal Office for Immigration and Asylum Procedures Act, <sup>132</sup> the Asylum Act 2005, <sup>133</sup> and the Federal Basic Care Act 2005. <sup>134</sup> In compliance with EU law, the Federal Office for Immigration and Asylum Procedures Act was modified to provide for non-payable legal counselling in asylum procedures, subject to available resources (Art. 49 Federal Office for Immigration and Asylum Procedures Act; see also <a href="#">2.1.1.2. a)</a> . In certain cases, however, such as with unaccompanied minors, applicants for asylum are legally entitled to legal counselling (Art. 49 Federal Office for Immigration and Asylum Procedures Act). Where no legal counselling is provided, the asylum applicant is in any case to be informed on request about legal and procedural aspects. The amendments	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>127</sup> Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020.

<sup>128</sup> Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020; Federal Ministry of the Interior, *Kickl: Sicherungshaft für Gefährder statt Sicherheit vor Haft für Gefährder*. Press release, 6 March 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 12 December 2019). Federal Chancellery, *Bundeskanzler Sebastian Kurz: Sicherungshaft mit richterlicher Genehmigung soll Österreich wieder sicherer machen*. Press release, 6 March 2019. Available at [www.bundeskanzleramt.gv.at](http://www.bundeskanzleramt.gv.at) (accessed 12 December 2019).

<sup>129</sup> Due to the dissolution of the Austrian federal government in May 2019, no corresponding law has yet been passed. A discussion is currently underway on how preventive detention can be introduced in the light of the Austrian Federal Constitution.

<sup>130</sup> Questions in this sub-section cover developments related to Articles 8-43 and 46 of Directive 2013/32/EU (Recast Asylum Procedures Directive), and the Dublin III Regulation (for point b).

<sup>131</sup> [FLG I No. 53/2019](#).

<sup>132</sup> [FLG I No. 87/2012](#), in the version of federal law [FLG I No. 53/2019](#).

<sup>133</sup> [FLG I No. 100/2005](#), in the version of federal law [FLG I No. 53/2019](#).

<sup>134</sup> [FLG No. 405/1991](#), in the version of federal law [FLG I No. 53/2019](#).



Development (Please describe)	Nature*
become effective in each case as of the date when the Federal Agency takes over provision of the corresponding service. <sup>135</sup>	
<b>b) Provision of interpretation;</b>	
See <a href="#">2.1.1.2. a</a>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Dublin procedure</b> (including changes in: the organisational framework, IT systems, <sup>136</sup> practical development and suspension of transfers to selected countries, detention in the framework of Dublin procedures);	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Special procedures:</b> border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads;	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Safe country concept:</b> 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);	
The Regulation on Countries of Origin <sup>137</sup> was amended on two occasions in 2019. The Federal Government issued a regulation on 8 May 2019 adding Namibia, the Republic of Korea and Uruguay to the list of countries considered to be safe countries of origin. <sup>138</sup> A later regulation issued by the Federal Government on 5 June 2019 delisted Sri Lanka as a safe country of origin. <sup>139</sup> A review disclosed that Sri Lanka had announced the reintroduction of capital punishment, which subsequently disqualified the country as a safe country of origin. <sup>140</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>f) Procedures at first instance</b> (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);	
The Bridge project by the United Nations High Commissioner for Refugees (UNHCR) was implemented in Austria with co-funding from the European Commission and the Federal Ministry of the Interior to foster the quality of asylum procedures in the first instance. <sup>141</sup> As part of the project, the 2019 Asylum Day was held on 14 November to discuss current challenges regarding refugee	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>135</sup> Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020.

<sup>136</sup> For example, information on setting up new databases that allow managing 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>137</sup> [FLG II No. 177/2009](#), in the version of federal law [FLG II No. 145/2019](#).

<sup>138</sup> [FLG II No. 113/2019](#).

<sup>139</sup> [FLG II No. 145/2019](#).

<sup>140</sup> [FLG II No. 130/2018](#); Federal Chancellery, *Erster Ministerrat der Regierung Bierlein*. Press release, 5 June 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 4 December 2019).

<sup>141</sup> UNHCR Austria, *Projekt Bridge*. Available at [www.unhcr.org](http://www.unhcr.org) (accessed 30 December 2019).



Development (Please describe)	Nature*
protection in Europe as well as legal issues especially relevant in the Austrian context. <sup>142</sup>	
<b>g) Appeal/judicial review</b> (changes in: organisation of the process, hearings, written procedures, timeframes, case management, including backlog management);	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>h) Country of origin information</b> (changes or updates in: organisation, methodology, products, databases, fact-finding missions, cooperation between (Member) States).	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

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

Were there any new developments in relation to the rights and obligations related to the status of beneficiary of international protection in 2019? Y/N.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Residence/entry documents</b> granted to beneficiaries of international protection (including length/duration);	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Rights and obligations</b> regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, education, employment etc.	
A temporary amendment to the Aliens Police Act 2005 <sup>143</sup> was issued on 27 December 2019, relating to postponement of the period granted for voluntary departure to asylum seekers training in an apprenticeship who are issued a return decision or have not yet been issued a final return decision (Art. 55a Aliens Police Act 2005). <sup>144</sup> It further applies to a postponement of removal of former asylum seekers who have (already) received a final negative decision and who have been in an apprenticeship relationship that ended ex lege before this amendment came into force (Art. 125 para. 31 to 34 Aliens Police Act 2005). The arrangement is intended to give (former) asylum seekers the opportunity to complete their apprenticeships in Austria, once begun, as long as specified conditions are met. <sup>145</sup> About 800 asylum seekers in apprenticeships could fall under the new rule. <sup>146</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>142</sup> Constitutional Court, *Hochkarätiger Besuch am Asyltag 2019 im VfGH*. Press release, 14 November 2019. Available at [www.vfgh.gv.at](http://www.vfgh.gv.at) (accessed 30 December 2019).

<sup>143</sup> [FLG I No. 100/2005](#), in the version of federal law [FLG I No. 110/2019](#).

<sup>144</sup> [FLG I No. 110/2019](#).

<sup>145</sup> Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020.

<sup>146</sup> Federal Ministry of the Interior, *Vom Parlament geforderte "pragmatische Lösung" bei Asylwerber in Lehre bedarf einer Gesetzesänderung*. Press release, 5 November 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 12 December 2019).

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

Were there any **new** developments in relation to 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 in 2019? Y/N.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Information on residence/entry documents</b> granted to beneficiaries of international protection (including length/duration);	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Information on rights and obligations</b> regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, employment and integration programme.	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 2.1.1.6 Withdrawal of international protection

Were there any **new** developments regarding the withdrawal of international protection? Y/N.

Please include information in relation to institutional and organisational aspects, procedural rules, cessation, grounds for revocation of, ending of, or refusal to renew international protection (grounds for ending international protection include: exclusion, misrepresentation or omission of facts and danger to national security or the community) and consequences following revocation of, ending of, or refusal to renew international protection.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
In 2019 continued priority was placed on withdrawal procedures and on subsequent removal from Austria by the Federal Office for Immigration and Asylum. <sup>147</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>147</sup> Federal Office for Immigration and Asylum, *Rückstandsabbau erledigt, Verfahrensdauer unter drei Monaten, Abschiebungen gesteigert*. Press release, 24 January 2019. Available at [www.bfa.gv.at](http://www.bfa.gv.at) (accessed 20 November 2019); Federal Ministry of the Interior, Interview mit Gerhard Reischer: Kontrolle, Aberkennung, Qualität, *Öffentliche Sicherheit* 5-6/19. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 15 November 2019).

### 2.1.1.7 Cooperation with third countries

Were there any **new policies/measures in 2019 implemented in cooperation with third countries, including activities related to the external dimension of the CEAS** (e.g. 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)?

If evidence is available, please describe the outcomes of these developments in the box below

In 2019 Austria supported regional development in North Africa through participation in the project entitled “Migration Management for Libyan authorities to identify and register migrants”, with an emphasis on “protection in the region”.<sup>148</sup>

At the first Global Refugee Forum, held on 17 and 18 December 2019 in Geneva,<sup>149</sup> the Federal Ministry of the Interior pledged funding towards resolving conflicts, financing programmes in third countries, and for return and reintegration.<sup>150</sup>

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

Were there any **other new developments in 2019 which were not covered above, in particular in relation to any specific challenges?**

Development (Please describe)	Nature*
An amendment to the Weapons Act 1996 <sup>151</sup> was adopted in December 2018. One of the changes was to expand the scope of the previous ban on firearms to include weapons of all kinds; the ban applies to asylum seekers, persons staying in Austria irregularly and other third-country nationals not having long-term residence status (Art. 11a Weapons Act). <sup>152</sup> These amendments became effective as of 1 January 2019.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### Institutional changes in the national asylum system

Were there any **new 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) in 2019? Y/N.**

If yes, please elaborate below, and state the **driver for the change / intended impact in 2019.**

The new Directorate General V for Aliens Issues was established within the Federal Ministry of the Interior as of 1 January 2019 (see [0](#)). A resolution to set up a new Federal Agency for Care and Support Services as a Private Limited Company was adopted on 19 June 2019 (see [2.1.1.2](#)).

<sup>148</sup> Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020.

<sup>149</sup> UNHCR, *Global Refugee Forum*, available at [www.unhcr.org](http://www.unhcr.org) (accessed 28 January 2020).

<sup>150</sup> Ibid.

<sup>151</sup> [FLG I No. 12/1997](#), in the version of federal law [FLG I No. 97/2018](#).

<sup>152</sup> [FLG I No. 97/2018](#).

## Efficiency and Quality of the national asylum system

### Were there any measures undertaken to improve:

If yes, please state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Safeguards of the national asylum system</b> (preventing and combatting unfounded applications, credibility assessment, <sup>153</sup> establishing identity, nationality verification, detection of security concerns, age fraud) including information on tools, mechanisms and training provided to staff.	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Quality of the national asylum system</b> (internal measures to improve quality in decision-making processes and the content of issued decisions, e.g. creation of guidelines and instructions). Please include information on training, tools and mechanisms and state how results are measured.	
<p>In the period under review, from February to June 2018, the Austrian Court of Audit performed an audit of the Federal Office for Immigration and Asylum, examining organization, strategies, procedures involving asylum and aliens law, quality management, and internal control systems.<sup>154</sup> With regard to asylum and procedures under aliens law, the Court of Audit made recommendations relating to reviews of individual cases involving asylum seekers convicted of criminal offences, specifically to stress accelerated procedures and to harmonize the system used to handle procedures in the provinces.<sup>155</sup></p> <p>Ensuring quality standards in asylum and procedures under aliens law continued to be a priority of the Federal Ministry of the Interior and the Federal Office for Immigration and Asylum in 2019. Core elements of the annual quality framework plan are the implementation of quality controls, such as the evaluation of decisions, and the implementation of quality assurance measures.<sup>156</sup> A focus was also placed on specialist training and ongoing further training of all staff at the Federal Office for Immigration and Asylum. To ensure a uniform standard of training, a new training model for procedural case officer and special training for staff working on quality assurance was developed in line with the Court of Auditors' recommendation.<sup>157</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>153</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>154</sup> Austrian Court of Audit, Bundesamt für Fremdenwesen und Asyl: Bericht des Rechnungshofes, *Reihe BUND* 2019(46). Available at [www.rechnungshof.gv.at](http://www.rechnungshof.gv.at) (accessed 17 December 2019).

<sup>155</sup> Austrian Court of Audit, Bundesamt für Fremdenwesen und Asyl: Bericht des Rechnungshofes, *Reihe BUND* 2019(46), pp. 126–128. Available at [www.rechnungshof.gv.at](http://www.rechnungshof.gv.at) (accessed 17 December 2019).

<sup>156</sup> The various organisational units of the Federal Office for Immigration and Asylum are also working on regional quality plans with specific regional focuses and objectives. Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

<sup>157</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

Development (Please describe)	Nature*
<p><b>c) Efficiency of the processing of (first) applications and appeals</b> (increasing speed, reducing costs, use of new technology, specialised training provided) of the national asylum system. Please indicate if there are any procedural changes, which are specific to subsequent applications.</p>	
<p>In January 2019 the Federal Office for Immigration and Asylum announced that the recent years' backlog of outstanding asylum applications had been resolved.<sup>158</sup> In the case of procedures involving asylum applications received since 1 June 2018, procedures took on average three months in 2019.<sup>159</sup> In addition to a significant increase in staff, this figure is related to the decline in asylum applications, with 13,746 submitted in 2018, which is a 44 per cent decrease from 2017 (24,735).<sup>160</sup> In 2019, a total of 12,511 asylum applications were filed. Compared to 2018, this represents a further decline of 9 per cent.<sup>161</sup> The Federal Office for Immigration and Asylum issued 17,203 decisions on asylum cases in 2019, granting protection in 6,959 cases and issuing a negative decision in 7,782 cases.<sup>162</sup></p>	<p><input type="checkbox"/> Legislation  <input type="checkbox"/> Policy  <input checked="" type="checkbox"/> Practice/Other</p>

\*Please tick the appropriate box

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

No significant changes in 2019.

<sup>158</sup> Federal Ministry of the Interior, *BFA: Rückstandsabbau erledigt, Verfahrensdauer unter drei Monaten, Abschiebungen gesteigert*. Press release, 24 January 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 20 November 2019).

<sup>159</sup> Written input by the Federal Office for Immigration and Asylum, 26 February 2020; Federal Office for Immigration and Asylum, *BFA-Bilanz: Fremdenrechtlicher Schwerpunkt im 1. Halbjahr 2019*. Press release, 30 July 2019. Available at [www.bfa.gv.at](http://www.bfa.gv.at) (accessed 20 November 2019); Federal Office for Immigration and Asylum, *BFA-Halbjahresbilanz 2019 (as of 30. July 2019)*. Available at [www.bfa.gv.at](http://www.bfa.gv.at) (accessed 4 December 2019).

<sup>160</sup> Written input by the Federal Office for Immigration and Asylum, 26 February 2020; Statistics Austria, *Migration & Integration: Zahlen, Daten, Indikatoren 2019* (Vienna, 2019), p. 8. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 5 February 2020).

<sup>161</sup> Written input by the Federal Office for Immigration and Asylum, 26 February 2020.

<sup>162</sup> The remaining 12 per cent refer to „other decisions“. Federal Office for Immigration and Asylum, *BFA-Bilanz: Fremdenrechtlicher Schwerpunkt im 1. Halbjahr 2019*. Press release, 30 July 2019. Available at [www.bfa.gv.at](http://www.bfa.gv.at) (accessed 20 November 2019); Federal Office for Immigration and Asylum, *BFA-Halbjahresbilanz 2019 (as of 30. July 2019)*. Available at [www.bfa.gv.at](http://www.bfa.gv.at) (accessed 4 December 2019).

## 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.**

### Relocation<sup>163</sup>

#### 2.2.1.1 Intra-EU relocation mechanism

**Did your Member State carry out activities in the framework of the voluntary relocation exercise coordinated by the European Commission since January 2019? Y/N.**

If **yes**, please elaborate below. Please also mention any challenges related to this mechanism.

No significant changes in 2019.

#### 2.2.1.2 National relocation mechanisms

**Were there any actions undertaken in 2019 with regard to relocation activities organised under national schemes (i.e. on bilateral basis, not EU level schemes)? This also includes informal relocation arrangements following disembarkation in Italy and Malta, outside of official EU-relocation programmes. Y/N.**

If **yes**, please elaborate below.

No significant changes in 2019.

### Resettlement and Humanitarian Admission Programmes<sup>164</sup>

#### 2.2.1.3 EU Joint Resettlement Programmes and national resettlement programmes

**Please report on any activities related to resettlement and humanitarian admission programmes by filling in the table below. Please distinguish between EU- and national resettlement programmes, whereby the latter do not contribute to EU resettlement pledges, but may be implemented through UNHCR.**

<sup>163</sup> Relocation: The transfer of persons having a status defined by the Geneva Refugee Convention and Protocol or subsidiary protection within the meaning of Directive 2011/95/EU (Recast Qualification Directive) 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 relocation programme, the transfer of persons in clear need of international protection, as defined in Council Decision 2015/1601 and 2016/1754, having applied for international protection from the EU Member State, CH or NO which is responsible for examining their application to another EU Member State, CH or NO where their application for international protection will be examined. (see EMN Glossary V6).

<sup>164</sup> Resettlement: In the EU context, the transfer, on a request from the United Nations High Commissioner for Refugees (UNHCR) and based on their need for international protection, of a third-country national or stateless person, from a third country to an EU 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 (Recast Qualification Directive); (ii) a status which offers the same rights and benefits under national and EU law as refugee status. (see EMN Glossary Version 6).

	Type of programme	Name of programme	Resettlement quota	Number of resettlements carried out in 2019	Country/ies of origin of resettled persons	Challenges
<b>EU programmes</b>	EU Joint resettlement programme	No changes.				
	Resettlements in framework of UNHCR programmes counting towards EU pledges	No changes.				
<b>National programmes</b>	National Resettlement programme	No changes.				
	National Humanitarian Admission Programme	No changes.				
	Private Sponsorship programme/scheme	No changes.				
	ad hoc special programmes (national or international initiatives)	No changes.				



### 2.3 Information for EASO purposes (REPORT and EASO [Database on Case LAW](#)) only, not for inclusion in EMN 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/Parties**
- **Case Number/ Citation/Document Symbol/ECLI**
- **Abstract**
- **Link to the full version/or attach original document**

*Please provide information on the impact of CJEU/ECHR judgements on national policy*

**Court name:** Supreme Administrative Court

**Date of decision:** 4 April 2019

**Title:** Referral to court proceedings in risk assessment for withdrawal of asylum

**Case number:** Ro 2018/01/0014

**Summary:**

In accordance with Art. 7 para 1 subpara 1 of the Asylum Act 2005,<sup>165</sup> asylum status is to be withdrawn ex officio from a foreigner by issuing an administrative decision if grounds for exclusion as enumerated in Art. 6 exist. Cases falling under this rule include those in which there are reasonable grounds for assuming that the foreigner represents a threat to the security of the Republic of Austria (Art. 6 para 1 subpara 3 Asylum Act 2005). Based on that provision, the Federal Office for Immigration and Asylum issued an administrative decision withdrawing asylum status from a Russian citizen belonging to the Chechen ethnic minority, and determining that the individual no longer qualified under law for refugee status. Departing from the legal opinion of the Federal Administrative Court, the Supreme Administrative Court ruled that, for asylum status to be withdrawn as referred to above, it was not necessary for the foreigner to be finally convicted of a criminal offence or to have committed a crime punishable in court. Apart from that, it was sufficient if reasonable grounds existed for assuming the foreigner represented a threat to the security of the Republic of Austria. In this case the administrative court is to carry out an independent review of a potential threat based on asylum law, as a prerequisite to determining whether to take measures under administrative law to withdraw asylum status.

**Link to full text (in German):** see footnote.<sup>166</sup>

**Court name:** Supreme Administrative Court

**Date of decision:** 21 May 2019

**Title:** No interpretation of Art. 8 para 1 Asylum Act 2005 in conformance with the Directive possible

**Case number:** Ro 2019/19/0006

**Summary:**

In this decision, the Supreme Administrative Court dealt with the question of how to interpret Art. 8 para 1 of the Asylum Act 2005 in accordance with EU law, an issue previously unresolved



by case law. Here the Supreme Administrative Court adhered to its previous rulings, according to which the granting of subsidiary protection as set out in Art. 8 para 1 of the Asylum Act 2005 can be based on the real risk of violating Art. 2 and 3 of the European Convention on Human Rights (ECHR)<sup>167</sup> as a result of rejecting a foreigner at the border or forcibly returning or removing that individual to the person's country of origin. Such a risk need not result from the conduct of third parties or from a threat arising in an armed conflict. Thus, the Supreme Administrative Court did not concur with the opinion of the Federal Administrative Court, which had ruled that the decision to grant such status was to be based exclusively on the Qualification Directive, without applying the provision in Art. 8 para 1 of the Asylum Act 2005.

**Link to full text (in German):** see footnote.<sup>168</sup>

**Court name:** Supreme Administrative Court

**Date of decision:** 4 March 2019

**Title:** Art. 4a Asylum Act 2005: Family procedure under Art. 34 Asylum Act 2005 not applicable where protection status has already been granted in another EEA Member State

**Case number:** Ra 2019/14/0023

**Summary:**

Pursuant to Art. 4a of the Asylum Act 2005, an application for international protection is to be rejected as inadmissible where the foreign person has been granted asylum or subsidiary protection status in another EEA Member State or Switzerland. In the specific case, the appellant, a Syrian citizen, filed an application for international protection in April 2018. The appellant had been granted subsidiary protection status in Denmark in 2015. The individual's family was granted asylum in Austria, however. The Supreme Administrative Court reasoned that a prerequisite for deciding on an application made by an individual in a family procedure was that person's need for protection. Where, on the other hand, the individual had no need for protection due to their having already been granted asylum or subsidiary protection status and having found protection from persecution in that country, as set out in Art. 4a of the Asylum Act 2005, a decision on the matter underlying a family procedure was not warranted. The Supreme Administrative Court rejected the appeal since the case met the conditions set out in Art. 4a of the Asylum Act 2005, thus opposing any treatment of the substance of the case in accordance with Art. 34 of that act.

**Link to full text (in German):** see footnote.<sup>169</sup>

**Court name:** Supreme Administrative Court

**Date of decision:** 26 March 2019

**Title:** Asylum seekers not entitled as parties to a consultation procedure based on Art. 10 of the Dublin III Regulation

**Case number:** Ro 2018/19/0005-0010

**Summary:**

<sup>165</sup> [FLG I No. 100/2005](#), in the version of federal law [FLG I No. 53/2019](#).

<sup>166</sup> Supreme Administrative Court, 4 April 2019, [Ro 2018/01/0014](#).

<sup>167</sup> [FLG No. 210/1958](#), in the version of federal law [FLG III No. 139/2018](#).

<sup>168</sup> Supreme Administrative Court, 21 May 2019, [Ro 2019/19/0006](#).

<sup>169</sup> Supreme Administrative Court, 4 March 2019, [Ra 2019/14/0023](#).

The appellants were a family from Afghanistan with four children, who together had entered Greece in March 2016. The first appellant travelled on to Austria where, on 22 January 2017, he filed an application for international protection, which was admitted. The other family members filed their applications for international protection in Greece on 27 January 2017. In April, June and July 2017, Greek authorities directed requests to Austrian authorities to take charge of the family members based on Art. 10 of the Dublin III Regulation, in accordance with the family's written request for reunification with the first appellant. The Federal Office for Immigration and Asylum refused the requests on grounds that the appellants had been united as a family when they entered Greece and their separation had been intentional. It was further argued that it was not the intention of family reunification under Art. 10 of the Dublin III Regulation to allow a family unit to separate and continue travel to another Member State of their own choosing. On 11 August 2017 the appellants jointly submitted a formal document to the Federal Office for Immigration and Asylum, requesting among other things decisions to be issued ascertaining the authority's refusals and declaring that the authority had not consented to take charge of the second to sixth appellants because, based on Art. 10 of the Dublin III Regulation, Austria was not responsible for examining their applications for international protection. The Federal Office for Immigration and Asylum largely refused those requests on the grounds that the consultation procedure under the Dublin III Regulation was solely a bilateral procedure between the requesting and requested Member States. In accordance with the Federal Administrative Court, the court of second instance, the Supreme Administrative Court ruled that no Austrian legislation, including the Asylum Act 2005, required a decision to be issued ascertaining whether Austria was the Member State responsible for examining an application for international protection under the Dublin III Regulation and was correspondingly obliged to consent to or refuse a request to take charge of or take back an applicant. Asylum seekers are not entitled as parties to a consultation procedure based on Art. 10 of the Dublin III Regulation.

**Link to full text (in German):** see footnote.<sup>170</sup>

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<sup>170</sup> Supreme Administrative Court, 26 March 2019, [Ro 2018/19/0005-0010](#).

### 3 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

Across (Member) States, unaccompanied minors may be recorded within the national asylum system or in other migration / protection procedures, or may remain outside of such systems. Please check the relevant boxes as applicable in your Member State:

- ☒ unaccompanied minors are recorded within the asylum system (please fill in section 3.1);
- ☐ unaccompanied minors not applying for asylum who are recorded within the child protection system and may apply for a different migration status. If so, please specify which procedures are used and fill in section 3.2);
- ☐ unaccompanied minors not applying for asylum who remain outside the asylum/migration/(child) protection-system (please fill in section 3.3).

#### 3.1 Unaccompanied minors applying for asylum

Were there any new developments at national level in 2019 in relation to unaccompanied minors (UAMs) who were applying for asylum using the specific headings outlined below? Y/N.

If yes, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Increase/Decrease of human resources and/or training of staff;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Protection and care of UAMs, including reception facilities;</b>	
An agreement based on Art. 15a of the Federal Constitutional Act <sup>171</sup> concerning child and youth welfare was signed between the Federal State and the provinces on 3 December 2019. <sup>172</sup> The agreement became effective as of 1 January 2020 and is aimed at harmonizing the child and youth welfare system in Austria as well as defining and continually developing common standards (Art. 1 <i>ibid.</i> ). Accordingly, the agreement stipulates the provinces' responsibility in future for implementing the mechanisms, minimum standards and services relating to child and youth welfare that are enumerated in Art. 2 of the Federal Children and Youth Service Act 2013. <sup>173</sup> These responsibilities also include care and support of unaccompanied minor refugees. <sup>174</sup> Several of the provisions of the Federal Children and Youth Service Act 2013 are to be detailed in a future federal act (Art. 3 <i>ibid.</i> ). <sup>175</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Legal guardianship and foster care;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>171</sup> FLG No. 1/1930, in the version of federal law FLG I No. 100/2003.

<sup>172</sup> FLG I No. 106/2019.

<sup>173</sup> FLG I No. 69/2013, in the version of federal law FLG I Nr. 105/2019.

<sup>174</sup> Bassermann M.-A., A. Spiegelfeld, *Unaccompanied Minors Following Status Determination in Austria* (EMN, 2018), p. 9. Available at [www.emn.at](http://www.emn.at) (accessed 6 January 2020).

<sup>175</sup> FLG I No. 106/2019.

Development (Please describe)	Nature*
<b>d) Age assessment;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Procedural safeguards;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>f) Provision of information</b> (info material, e.g. videos, leaflets, booklets etc.);	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>g) Other.</b>	
Based on an evaluation of the human rights standards at return counselling facilities, it was recommended that neither children nor families with children required to attend school, against whom a final return decision has been issued, should be housed at the Schwechat and Fieberbrunn facilities in future (see <a href="#">9.2.1.5</a> ). <sup>176</sup> The reason given was the lack of adequate access to schooling. <sup>177</sup> Since 21 November 2019 the affected individuals are housed at the federal care facility Bad Kreuzen in Upper Austria, where a pilot project is being conducted with the local school. <sup>178</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 3.2 Unaccompanied minors recorded within the child-protection system

Were there any **new** developments at national level in 2019 in relation to unaccompanied minors (UAMs) who were recorded within the child protection system and may apply for a different migration status (other than asylum) using the specific headings outlined below? Y/N.

If yes, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Increase/Decrease of human resources</b> and/or training of staff;	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Protection and care</b> of UAMs, including reception or detention facilities;	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Legal guardianship</b> and foster care;	
No significant changes in 2019.	<input type="checkbox"/> Legislation

<sup>176</sup> Federal Ministry of the Interior, *Menschenrechtliche Prüfung der Rückkehrberatungseinrichtungen (RÜBE)*. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 17 December 2019).

<sup>177</sup> Federal Ministry of the Interior, *Menschenrechtliche Überprüfung der Rückkehrberatungseinrichtungen durch Innenminister Peschorn*. Press release, 21 November 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 17 December 2019).

<sup>178</sup> Ibid.

Development (Please describe)	Nature*
	<input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Age assessment;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Procedural safeguards</b> (e.g. modalities on the assessment of best interests);	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>f) Provision of information</b> (info material, e.g. videos, leaflets, booklets etc.);	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>g) Other.</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 3.3 Unaccompanied minors NOT applying for asylum who remain outside the asylum/migration/(child) protection-system

Were there any new developments at national level in 2019 in relation to unaccompanied minors (UAMs) NOT applying for asylum who are also not recorded as part of another migration/protection-related procedure, following the specific headings outlined below? Y/N.

If yes, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Increase/Decrease of human resources</b> and/or training of staff;	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Protection and care</b> of UAMs, including reception facilities;	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Legal guardianship</b> and foster care;	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Age assessment;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

Development ( <i>Please describe</i> )	Nature*
<b>e) Procedural safeguards;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>f) Provision of information</b> (info material, e.g. videos, leaflets, booklets etc.);	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>g) Other.</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 3.4 Other vulnerable groups applying for asylum

Were there any new developments at national level in relation to other vulnerable groups<sup>179</sup> applying for asylum in 2019? Y/N.

Other vulnerable groups include (accompanied) minors, disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) 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 headings outlined below.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Measures clarifying the definition of vulnerable groups;</b>	
As a result of the cooperation between the Federal Ministry of the Interior and the United Nations High Commissioner for Refugees (UNHCR), a training course on LGBTQI issues was held for the first time in 2019 for procedural case officers of the Federal Office for Foreign Affairs and Asylum. <sup>180</sup> Two further training events on the topic of "vulnerability and flight" were also offered in 2019 in cooperation with UNHCR. <sup>181</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>b) Special reception facilities for vulnerable groups;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Identification mechanisms/referrals;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>179</sup> Not including victims of human trafficking, as this is covered in Section 7.

<sup>180</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

<sup>181</sup> Ibid.

Development (Please describe)	Nature*
<b>d) Applicable procedural safeguards;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Other.</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 3.5 Other vulnerable groups NOT applying for asylum

Were there any **new developments at national level in 2019 in relation to other vulnerable groups NOT** applying for asylum (such as (accompanied) minors, disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) 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 headings outlined below? **Y/N**.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Measures clarifying the definition of vulnerable groups;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Special reception or detention facilities for vulnerable groups;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Identification mechanisms/referrals;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Applicable procedural safeguards;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Other.</b>	
The criminal law task force initiated by the Federal Government has launched a campaign focusing on issues including female genital mutilation. Where indications exist that genital mutilation is planned in another country, child and youth welfare authorities will in future be authorized to have travel documents	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other



confiscated. <sup>182</sup> As part of a project calling for “measures to address female genital mutilation and violence against women in the context of integration”, the Austrian Integration Fund is subsidizing seven projects with a total budget of EUR 1 million in the period of 2019 to 2021. <sup>183</sup> These projects, targeting women and girls with a migration background, provide information on therapy options as well as professional counselling, and are active in education and prevention. <sup>184</sup>	
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\*Please tick the appropriate box

## 4 INTEGRATION

### 4.1 Integration of third-country nationals

#### Integration through socio-economic participation

**Were there any new significant developments to facilitate integration of third-country nationals, through socio-economic participation in 2019? Y/N.**

*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. Please also consider measures to increase the participation of third-country nationals (both women and men) in the design and implementation of integration policies.*

If yes, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Measures to improve attainment in schooling and/or the education system and/or vocational training;</b>	
A scholarship, the <i>Liese Prokop Stipendium</i> , was awarded in October 2019 to 17 students with migration background. <sup>185</sup> To date, grants have been awarded to more than 300 students not eligible for student aid who either attend a university preparation course or have had their previous studies recognized by an Austrian university. <sup>186</sup> The scholarship recipients are supported in various ways, for instance in finishing their courses of studies and when entering the Austrian labour market. Cultural and social training is also an important part of the programme. <sup>187</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>b) Measures to enhance language skills;</b>	
As of the 2018/2019 school year, students at general compulsory schools and lower and upper secondary schools who are unable to follow regular instruction due to inadequate language skills are instructed in separate remedial German	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>182</sup> Federal Ministry of the Interior, *Edtstadler: Task Force Strafrecht plant Maßnahmen gegen weibliche Genitalverstümmelung*. Press release, 17 February 2019. Available at <https://bmi.gv.at> (accessed 18 November 2019).

<sup>183</sup> Austrian Integration Fund, *Geförderte Projekte - Sonderauftrag „Maßnahmen gegen weibliche Genitalverstümmelung (FGM) sowie gegen Gewalt an Frauen im Kontext von Integration“*. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 5 December 2019).

<sup>184</sup> Austrian Integration Fund, *Maßnahmen gegen weibliche Genitalverstümmelung (FGM) sowie gegen Gewalt an Frauen im Kontext von Integration*. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 5 December 2019).

<sup>185</sup> Austrian Integration Fund, *Verleihung des Liese Prokop Stipendiums an asylberechtigte Studierende*. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 24 January 2020).

<sup>186</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020.

<sup>187</sup> Ibid.



courses or classes (Art. 8h School Organization Act). <sup>188</sup> Students who have a poor knowledge of German are assigned to remedial German courses, while those with little or no proficiency are assigned to remedial German classes. Students can attend the programmes, normally spanning one semester, for a maximum of four semesters. <sup>189</sup> According to a report from February 2019, after the 2018/2019 winter semester, 800 students in Vienna successfully transferred from a remedial German class to regular instruction, and over 1000 students successfully completed remedial German courses. <sup>190</sup>	
The amendment to the Integration Act <sup>191</sup> was promulgated on 22 May 2019, requiring as of 1 January 2020 the Federal Ministry for Europe, Integration and Foreign Affairs to make German courses available to individuals aged 15 and over holding asylum or subsidiary protection status, so as to allow them to achieve the B1 level as a minimum (previously A2; Art. 4 para 1 Integration Act). <sup>192</sup> In addition, as of 1 June 2019, access to values and orientation courses is given to third-country citizens who under the General Social Assistance Act receive benefits in the category subject to an individual's willingness to work. The courses are managed by the Austrian Integration Fund (Art. 16a Integration Act). <sup>193</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
The Regulation Implementing the Integration Agreement <sup>194</sup> entered into force on 1 October 2019, replacing the Regulation on the Integration Agreement 2017. <sup>195</sup> The legislation specifies in detail items in the Integration Act relating to organization. This includes the criteria to be met by institutions seeking to offer German courses, along with the requirements applying to teaching staff and examinees. Quality standards as well as course and exam content are also defined in the regulation. <sup>196</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>c) Access to social security, social assistance, healthcare, housing and other basic services;</b>	
<p>The Federal Act for the integration of persons without Austrian citizenship lawfully staying in Austria (Integration Act)<sup>197</sup> was amended in 2019. The intention was to bring the act into harmony with relevant provisions set out in the Federal Act concerning principles of social assistance (General Social Assistance Act).<sup>198</sup></p> <p>As a result of this package of measures, a minimum of 35 per cent of the benefit to be paid out to adult-age recipients of social assistance was contingent on the individual's employability in the Austrian labour market (Art. 5 para 6 to 9 General Social Assistance Act); this portion was referred to as</p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>188</sup> FLG No. 242/1962, in the version of federal law FLG I No. 35/2018.

<sup>189</sup> Federal Ministry of Education, Science and Research, *Deutschförderklassen und Deutschförderkurse*, available at [www.bmbwf.gv.at](http://www.bmbwf.gv.at) (accessed 4 December 2019).

<sup>190</sup> Austrian People's Party, *Blümel/Wölbitsch: Deutschförderklassen zeigen erste Erfolge*. Press release, 22 February 2019. Available at [www.ots.at](http://www.ots.at) (accessed 28 November 2019).

<sup>191</sup> FLG I No. 68/2017, in the version of federal law FLG I No. 41/2019.

<sup>192</sup> FLG I No. 41/2019.

<sup>193</sup> Ibid.

<sup>194</sup> FLG II No. 286/2019.

<sup>195</sup> FLG II No. 242/2017.

<sup>196</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020.

<sup>197</sup> FLG I No. 68/2017, in the version of federal law FLG I No. 41/2019.

<sup>198</sup> FLG I No. 41/2019.

<p>the “employment qualification bonus”. Employability as defined in the General Social Assistance Act was given where individuals:</p> <ul style="list-style-type: none"> <li>- achieved the B1 level in German or C1 in English;</li> <li>- met obligations under integration law (as defined in Art. 16c para 1 Integration Act);</li> <li>- or optionally had completed an appropriate vocational training programme.</li> </ul> <p>The Austrian Constitutional Court reviewed the General Social Assistance Act to determine whether it was constitutional. In a ruling handed down on 12 December 2019, the court found certain provisions, including the one on the “employment qualification bonus”, to be unconstitutional and revoked them.<sup>199</sup> The justification given was the lack of any clear reason why an individual’s employability in the labour market necessarily followed from such a high level of proficiency in German and English. Additionally, it was noted, legislators had not taken into account the manifold reasons potentially preventing individuals from achieving such a high level of language proficiency.<sup>200</sup> Despite the fact that the “employment qualification bonus” in the General Social Assistance Act has been ruled to be unconstitutional, the obligations set out in the Integration Act continue to apply.<sup>201</sup></p>	
<p><b>d) Integration into the labour market.</b></p>	
<p>A job exchange for unemployed persons granted asylum was initiated in 2019 through a cooperative effort by the Public Employment Service Austria, the Austrian Integration Fund, the Austrian Federal Economic Chamber, the Federation of Austrian Industries and the Federal Government. About 1,100 persons granted asylum took advantage of the opportunity to reach out to some 40 local businesses.<sup>202</sup></p>	<p><input type="checkbox"/> Legislation  <input type="checkbox"/> Policy  <input checked="" type="checkbox"/> Practice/Other</p>
<p>In February 2019 the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection and the Vienna Executive City Councillor for Social Affairs agreed to promote employment opportunities for individuals granted asylum or subsidiary protection status. Efforts were to be focused on areas including: expanding German courses for specific occupational groups, in cooperation with businesses; encouraging completion of compulsory schooling; women’s German courses; and a joint project, run by the Vienna Youth Support department, aimed at labour market integration for 15- to 25-year-olds.<sup>203</sup> Based on statistics published in 2019, as a result of increased training opportunities, the above-average unemployment rate among young people from Afghanistan, Iraq and the Syrian Arab Republic fell to 27 per cent in 2018, from 37.2 per cent the year before.<sup>204</sup></p>	<p><input type="checkbox"/> Legislation  <input checked="" type="checkbox"/> Policy  <input type="checkbox"/> Practice/Other</p>

<sup>199</sup> Constitutional Court, 12 December 2019, [G 164/2019-25](#), [G 171/2019-24](#), p. 102.

<sup>200</sup> Ibid.

<sup>201</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020.

<sup>202</sup> Public Employment Service, *Rund 1.100 Asylberechtigte bei Job-Börse der Regierung*. Press release, 23 January 2019. Available at [www.ams.at](http://www.ams.at) (accessed 12 December 2019); Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, *Hartinger-Klein/Hacker: Müssen Asylberechtigte in Beschäftigung bringen*. Press release, 23 March 2019. Available at [www.ots.at](http://www.ots.at) (accessed 15 November 2019).

<sup>203</sup> Ibid.

<sup>204</sup> Statistics Austria, *Migration & Integration: Zahlen, Daten, Indikatoren 2019* (Vienna, 2019), p. 11. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 7 February 2020); Statistics Austria, *Migration & Integration: Zahlen, Daten, Indikatoren 2018* (Vienna, 2018), p. 12. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 7 February 2020).

At 11.2 per cent, the jobless rate among foreign nationals was significantly higher than the rate of 6.6 per cent for Austrian citizens in the first six months of 2019. <sup>205</sup> To combat this trend, the next stage of the Mentoring for Migrants programme was launched in November 2019. The project was started in 2008 with the goal of helping individuals with a migration or refugee background to connect with mentors from the business world, as a way of gaining a foothold in the Austrian labour market. <sup>206</sup> Ninety-six mentor–mentee pairs are participating in the 2019/2020 course in Vienna, Lower Austria and Burgenland. <sup>207</sup> 97 per cent of the group of mentees is made up of university graduates, and 52 per cent of highly qualified women with a migration background. <sup>208</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
The Counselling Centre for Migrants in Vienna <sup>209</sup> was awarded the Europe-wide VINCE Validation Prize 2019 for its achievements in supporting migrants in having their qualifications assessed and recognized. <sup>210</sup> The centre is one of four project contractors that have been established to provide counselling services under the Recognition and Assessment Act. <sup>211</sup> More than 8,000 individuals benefited from counselling in 2018 alone, with the number reaching almost 4,700 in the first six months of 2019. <sup>212</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
Deployment of labour market policy instruments that had proved effective for targeting migrants in earlier years continued in 2019. These instruments specifically include: developing language skills, retraining in line with labour demands, diversity management as part of counselling provided by the Public Employment Service, as well as collaboration between the latter and institutions for migrant care and counselling. <sup>213</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>e) Other.</b>	
Promoting the integration of women with a migration background is a main focus of the Federal Ministry for Europe, Integration and Foreign Affairs. <sup>214</sup> Funding for the implementation of this focus in integration projects was increased to EUR 2.3 million in 2019, from EUR 1.4 million in the previous year. <sup>215</sup> In 2019 this focus topic was also addressed in the annual <i>Integration Report</i> , at the	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>205</sup> Statistics Austria, *Migration & Integration: Zahlen, Daten, Indikatoren 2019* (Vienna, 2019), p. 11. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 7 February 2020); Statistics Austria, *Migration & Integration: Zahlen, Daten, Indikatoren 2018* (Vienna, 2018), p. 12. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 7 February 2020); Public Employment Service, *Mentoring unterstützt MigrantInnen beim Einstieg in den Arbeitsmarkt*. Press release, 11 November 2019. Available at [www.ams.at](http://www.ams.at) (accessed 9 December 2019).

<sup>206</sup> Public Employment Service, *Mentoring unterstützt MigrantInnen beim Einstieg in den Arbeitsmarkt*. Press release, 11 November 2019. Available at [www.ams.at](http://www.ams.at) (accessed 9 December 2019).

<sup>207</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020. See also Austrian Integration Fund, *Bundesministerin Dr. Susanne Raab bei "Mentoring für MigrantInnen" Auftaktveranstaltung*. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 28 January 2020).

<sup>208</sup> Ibid.

<sup>209</sup> Beratungszentrum für Migranten und Migrantinnen, available at [www.migrant.at/](http://www.migrant.at/) (accessed 27 January 2020).

<sup>210</sup> VINCE Validierungspreis 2019, available at <https://vince.eucen.eu> (accessed am 27 January 2020).

<sup>211</sup> Written Input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid.

<sup>214</sup> Federal Ministry for Europe, Integration and Foreign Affairs, Karin Kneissl: „Umsetzung des Integrationsgesetzes und die Förderung der Integration von Frauen mit Migrationshintergrund sind Prioritäten der Integrationsarbeit“. Press release, 14 September 2018. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 12 December 2019).

<sup>215</sup> Federal Ministry for Europe, Integration and Foreign Affairs, Karin Kneissl: „Eigenverantwortung ist ein zentrales Element von Integrationsarbeit“. Press release, 16 May 2019. Available at [www.ots.at](http://www.ots.at) (accessed 12 December 2019).

meeting of the Advisory Board on Integration and by the Austrian Integration Fund. <sup>216</sup>	
The <i>Integration Report 2019</i> , prepared by the Expert Council for Integration, was presented in early September. This year's report featured the topics of gender roles, integration of young people, family reunification and marriage migration, religious diversity and secularism. <sup>217</sup> The report also presents a summary of official data and statistics relating to integration, covering asylum and stay/residence, education, social benefits, labour market, German courses, values and orientation courses, and research (integration monitoring under Art. 21 Integration Act). This provides a robust statistical basis for understanding structural integration among migrants and holders of asylum or subsidiary protection status in Austria. It additionally allows the observation of changes over time, which is a potential source of information for evidence-based integration policy measures. <sup>218</sup> This information is supplemented by the <i>migration &amp; integration</i> statistical yearbook, also presented in early September 2019. <sup>219</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
The study <i>Integration Barometer 2019</i> , commissioned by the Austrian Integration Fund, was presented on 21 October 2019. In the study, 1,000 Austrian citizens age 16 and over were surveyed on issues relating to the community life of Austrians, migrants and refugees. According to the study findings, as of mid-2019, 42 per cent of respondents rated positively how well Austrians and immigrants were living in the same communities. <sup>220</sup> A total of 27 per cent had a positive perception of the way Muslims and non-Muslims coexist. <sup>221</sup> The majority of respondents referred to the integration of migrants from Bosnia and Herzegovina, Croatia, Germany, Hungary and Poland as "successful", while the integration of people belonging to the Chechen ethnic minority and of individuals from Afghanistan and Somalia was termed "less successful" or "unsuccessful". <sup>222</sup> According to the study, 90 per cent of those surveyed were in favour of compulsory integration measures, along with sanctions in response to non-compliance. <sup>223</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
A study by the Austrian Integration Fund focused on young people in Vienna with a Muslim background, specifically looking at identities as well as devaluing attitudes and others. In summary, basic democratic attitudes become stronger the longer a person lives in Austria. <sup>224</sup> Anti-democratic and devaluing attitudes	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>216</sup> Austrian Integration Fund, *ÖIF-Förderaufruf für Maßnahmen gegen Gewalt an Frauen im Kontext von Integration*. Press release, 17 January 2019. Available at [www.ots.at](http://www.ots.at) (accessed 13 December 2019); Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsbericht 2019 – Österreich ist im Integrationsbereich auf einem guten Weg*. Press release, 4 September 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 13 December 2019); Federal Ministry for Europe, Integration and Foreign Affairs, *Bundesminister Alexander Schallenberg eröffnet 19. Sitzung des Integrationsbeirats*. Press release, 7 November 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 13 December 2019).

<sup>217</sup> Expert Council for Integration, *Integrationsbericht 2019* (Vienna, 2019). Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 7 February 2020).

<sup>218</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020.

<sup>219</sup> Statistics Austria, *Migration & Integration: Zahlen, Daten, Indikatoren 2019* (Vienna, 2019). Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 7 February 2020).

<sup>220</sup> P. Hajek, *Integrationsbarometer 2019: Integrationsbefragung*. (Austrian Integration Fund, Vienna, 2019), p. 11. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 20 November 2019).

<sup>221</sup> Ibid., p. 12.

<sup>222</sup> Ibid., p. 14.

<sup>223</sup> Ibid., p. 19.

<sup>224</sup> Austrian Integration Fund, *Junge Menschen mit muslimischer Prägung in Wien: Zugehörigkeiten, Einstellungen und Abwertungen*. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 17 December 2019).

towards basic and liberal rights were associated with familial socialization, any violence experienced, authoritarian structures in countries of origin, and individual attitudes towards religion. <sup>225</sup> The details reported by young Muslims also infer interrelationships between origins, religion and social status. <sup>226</sup>	
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\*Please tick the appropriate box

## Integration through ACTIVE participation and social inclusion

**Were there any new developments to promote the integration of third-country nationals through active participation and social inclusion in 2019? Y/N.**

For instance, consider measures to increase the participation of third country nationals (both women and men) in the design and implementation of integration policies; outreach programmes, capacity-building within migrant organisations; and measures to enhance democratic and civic participation, for example, training, civic courses on national history, political institutions and values, mentors etc.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<p>The Austrian Integration Fund awarded its Integration Prize for Sports to 12 projects that are aimed at the integration of migrants and refugees in Austria through sports.<sup>227</sup> The winning project by the Austrian Alpine Association, for example, is devoted to sparking enthusiasm for climbing and introducing individuals with and without a migration background to Austria's alpine world.<sup>228</sup></p> <p>With its Intercultural Achievement Awards, the Federal Ministry for Europe, Integration and Foreign Affairs recognized seven interreligious and intercultural dialogue initiatives in 2019.<sup>229</sup> The special prize in the Austrian Integration Fund category of integration went to <i>FEM Süd</i>, a centre for women's and men's health in Vienna. <i>FEM Süd</i> provides counselling to girls and women threatened by violence, particularly in cases involving female genital mutilation.<sup>230</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

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

**Were there any new developments specifically targeted to facilitate integration of specific categories of third-country nationals, such as beneficiaries of international protection, family migrants, UAMs and other vulnerable groups etc. in 2019? Y/N.** Please also consider measures

<sup>225</sup> Austrian Integration Fund, *Junge Menschen mit muslimischer Prägung in Wien: Zugehörigkeiten, Einstellungen und Abwertungen*. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 17 December 2019); see also: Austrian Integration Fund, *Neue ÖIF-Befragung zu Einstellungen von muslimischen Jugendlichen in Wien*. Press release, 30 November 2019. Available at [www.ots.at](http://www.ots.at) (accessed 17 December 2019).

<sup>226</sup> Austrian Integration Fund, *Junge Menschen mit muslimischer Prägung in Wien: Zugehörigkeiten, Einstellungen und Abwertungen*, p. 104. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 17 December 2019).

<sup>227</sup> Austrian Integration Fund, *Integrationspreis Sport*. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 5 December 2019).

<sup>228</sup> Austrian Integration Fund, *ÖIF-„Integrationspreis Sport“: Hauptpreise an „Miteinander am Berg“ und „Sportvereint in Raaba-Grambach“*. Press release, 27 March 2019. Available at [www.ots.at](http://www.ots.at) (accessed 5 December 2019).

<sup>229</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Verleihung des Intercultural Achievement Awards 2019*. Press release, 28 October 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 20 December 2019).

<sup>230</sup> Austrian Integration Fund, *Intercultural Achievement Award 2019: ÖIF-Integrationspreis an Frauengesundheitszentrum FEM Süd*. Available at [www.integrationsfonds.at](http://www.integrationsfonds.at) (accessed 17 January 2020).



to increase the participation of specific categories of third-country nationals in the design and implementation of integration policies.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Measures to improve attainment in schooling and/or the education system and/or vocational training;</b>	
Within labour market policy, fields of focus were defined for 2019 in relation to individuals with asylum or subsidiary protection status. These include language courses and retraining and, especially, skills checks. <sup>231</sup> These advancement measures seek primarily to determine the qualifications, skills and occupational experience of recognized refugees who are registered as unemployed with the Public Employment Service. <sup>232</sup> The United Nations recognized the Skills Check for Women with the 2019 Public Service Award. <sup>233</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Measures to enhance language skills;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Access to social security, social assistance, healthcare, housing and other basic services;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Integration into the labour market;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Other.</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 4.3 Non-discrimination

**Were there any new relevant developments in 2019 that concern promotion, implementation and monitoring of non-discrimination policies, in particular on grounds of ethnicity, race and others, as well as the intersection of several grounds for discrimination that would be particularly relevant for third-country nationals? Y/N.**

Specifically mention any measures beyond those introduced through the transposition and implementation of EU legislation.<sup>234</sup> Please also consider measures to increase the participation of

<sup>231</sup> Skills checks are implemented throughout Austria by the Public Employment Service (AMS). From 2015-2018, more than 21,000 recognised refugees completed skills checks.

<sup>232</sup> Written input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

<sup>233</sup> Ibid.

<sup>234</sup> European non-discrimination law, as constituted by the EU non-discrimination directives (Racial Equality and Employment Equality Directive), Article 21 of the EU Charter of Fundamental rights 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.

third-country nationals (both women and men) in the design and implementation of non-discrimination policies.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

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

**Were there any new relevant activities implemented 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 in 2019? Y/N.**

They might include activities addressing integration challenges in disadvantaged urban areas; supporting integration through the involvement of local communities/organisation, including private sponsorship schemes; improving multi-level cooperation between different levels of governance (e.g. national, regional, local government) and stakeholders (e.g. civil society organisations, economic and social partners, education institutions, public employment services); granting voting rights in local elections. Please also consider measures to increase the participation of third-country nationals (both women and men) in the design and implementation of such policies.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019.

Development ( <i>Please describe</i> )	Nature*
The project <i>WIR II</i> - Workshops for Integration and Prevention of Radicalization continued to be implemented in 2019. The project under the National Action Plan for Integration (NAP.I) is funded by the Federal Ministry for Europe, Integration and Foreign Affairs and is being implemented by the International Organization for Migration (IOM) Country Office for Austria in cooperation with local stakeholders. The aim is to support young people with Chechen roots in developing their identity and in integrating into Austrian society. <sup>235</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
Similarly, in phase II of the <i>ADMin4ALL</i> project, the inclusion of disadvantaged migrants is being supported through development of social and economic structures at local level. This international project, implemented by the IOM Country Office for Austria, seeks to support actors at local and community levels in their activities and interactions with migrants. <sup>236</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
A regional Advisory Board on Integration was set up for Lower Austria in 2019. The focus here is the overarching organization of the integration agenda, in cooperation with representatives of NGOs, provincial chambers, the Municipal Association of Lower Austria, the Austrian Integration Fund, district authorities,	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>235</sup> IOM Country Office for Austria, *WIR*, available at <https://austria.iom.int> (accessed 13 December 2019).

<sup>236</sup> IOM Country Office for Austria, *ADMin4ALL*, available at <https://austria.iom.int> (accessed 13 December 2019).



parties providing housing, and the specialist department of the Lower Austrian government. <sup>237</sup>	
In 2019 the province of Tyrol published a revised master plan for integration, originally put out in 2006. <sup>238</sup> The new master plan for living in communities in Tyrol is devoted to strengthening public interest and regional identity. Serving as a guide for policymakers, administrators and local actors, the plan sets out a practical strategy for fostering community living, among the population as a whole and within the context of growing diversity. <sup>239</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

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

**Were there any new developments 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.) in 2019? Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 4.6 Integration measures in the countries of origin and/or involving diaspora communities

##### Pre-departure integration measures in countries of origin

**Were there any new pre-departure policies / measures taking place in the countries of origin of third-country nationals to prepare for their integration after arrival in 2019? For example, language training, vocational training, recognition of qualifications and skills. Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

##### Integration measures involving the diaspora communities in Member States

**Were there any new integration developments involving the diaspora communities in your Member State (as a host country) in 2019? For example, activities either organised by public**

<sup>237</sup> Freiheitlicher Klub im NÖ Landtag, *Landesrat Waldhäusl hebt „NÖ Integrationsbeirat“ aus der Taufe!* Press release, 4 April 2019. Available at [www.ots.at](http://www.ots.at) (accessed 28 November 2019).

<sup>238</sup> Provincial Government Tyrol, *Gemeinwohl und Zugehörigkeit stärken: Leitbild zum Zusammenleben in Tirol*. Available at [www.tirol.gv.at](http://www.tirol.gv.at) (accessed 31 December 2019).

<sup>239</sup> Provincial Government Tyrol, *Gemeinwohl und Zugehörigkeit stärken: Umsetzungsstrategien zum Zusammenleben in Tirol ExpertInnenpositionen*, p. 4. Available at [www.tirol.gv.at](http://www.tirol.gv.at) (accessed 31 December 2019).

authorities or by diaspora communities with the government's support, to promote cultural awareness and/or integration activities for particular diaspora communities. **Y/N**.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019.

Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

## 5 CITIZENSHIP AND STATELESSNESS

### 5.1 Acquisition of Citizenship

Were there any new developments in relation to the acquisition of citizenship (prerequisites and conditions) for legally residing third-country nationals in your (Member) State during 2019? Y/N.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<p>A federal act amending the Citizenship Act 1985 was issued on 22 October 2019.<sup>240</sup> Based on the amendment, direct descendants of individuals persecuted under National Socialism are now able to acquire Austrian citizenship more easily (Art. 58c para 1a Citizenship Act 1985). The provision enters into force as of 1 September 2020.</p> <p>Under previous legal provisions, the generation of immediate victims had already been able to acquire Austrian citizenship under defined, less stringent terms. One change was to extend the cut-off date by which such individuals fled the country (previously “prior to 9 May 1945” and now “prior to 15 May 1955”). The group of individuals eligible under these terms was also expanded. The new provisions now also apply to citizens of one of the successor states of the former Austro-Hungarian monarchy as well as to stateless individuals whose main residence is in Austria (Art. 58e para 1 Citizenship Act 1985). This provision entered into force on 23 October 2019.<sup>241</sup></p>	<p><input checked="" type="checkbox"/> Legislation</p> <p><input type="checkbox"/> Policy</p> <p><input type="checkbox"/> Practice/Other</p>

\*Please tick the appropriate box

### 5.2 Statelessness

#### Statelessness determination, STATUS AND RIGHTS GRANTED

Were there any new developments in relation to statelessness determination and status during 2019? Y/N

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Ratification of international conventions on statelessness;</b>	
No significant changes in 2019.	<p><input type="checkbox"/> Legislation</p> <p><input type="checkbox"/> Policy</p> <p><input type="checkbox"/> Practice/Other</p>
<b>b) A dedicated statelessness determination procedure (SDP) or any other procedures or mechanisms by which statelessness can be identified and status determined;</b>	
No significant changes in 2019.	<p><input type="checkbox"/> Legislation</p> <p><input type="checkbox"/> Policy</p> <p><input type="checkbox"/> Practice/Other</p>
<b>c) Good practices;</b>	

<sup>240</sup> FLG No. 311/1985, in the version of federal law FLG I No. 96/2019.

<sup>241</sup> FLG I No. 96/2019.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Rights granted to recognised statelessness persons.</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

## 6 BORDERS, VISA AND SCHENGEN

### 6.1 Enhanced border management at the external borders

#### Border control measures/management

**Were there any new developments in relation to border control measures/ management implemented during 2019? Y/N.**

**NB:** This question only pertains to technical developments and measures taken at the external borders.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
A border protection unit, referred to as “Puma”, was installed in each of the provinces’ police administrations in 2018. As of March 2019, such units were placed under the new Aliens and Border Police Unit since, according to the Federal Ministry of the Interior, the challenges being faced in recent years had grown strongly. <sup>242</sup> The unit’s tasks include verifying whether foreigners are residing and being employed lawfully in Austria, processing asylum applications, and carrying out border checks. <sup>243</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
Austria took steps to implement two EU regulations relating to the interoperability of EU information systems, on the one hand in the field of borders and visas (PE-CONS 30/19), <sup>244</sup> and, on the other, in police and judicial cooperation, asylum and migration (PE-CONS 31/19) <sup>245</sup> . For the five-year implementation phase in Austria, improvements are planned in biometric identification methods, fingerprinting and photos, with new identification systems for external border protection being put in place. <sup>246</sup> Current efforts are focused on implementing the European Entry/Exit System (EES) in Austria, which is planned to become operational in 2022. This system is used to record the entry and exit data of third-country nationals at the external Schengen borders. <sup>247</sup> Implementing the EES is regarded as the first important step towards future interoperability of European information systems. <sup>248</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
To implement Directive (EU) 2016/681 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>242</sup> Federal Ministry of the Interior, *Neue Struktur und Aufgaben für Einsatz-, Grenz- und Fremdenpolizeiliche Abteilungen (EGFA)*. Press release, 1 March 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 15 November 2019).

<sup>243</sup> Federal Ministry of the Interior, *Streifen und kontrollieren*. In: Federal Ministry of the Interior (ed.), *Öffentliche Sicherheit 9-10/18*, p. 29. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>244</sup> European Parliament, Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems in the field of borders and visa (PE-CONS 30/19). Brussels, 2 May 2019. Available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 7 February 2020).

<sup>245</sup> European Parliament, Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration (PE-CONS 31/19). Brussels, 2 May 2019. Available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 7 February 2020).

<sup>246</sup> Criminal Intelligence Service Austria, *EU-Ratspräsidentschaft 2018: Identitätsmissbrauch: Kickl feiert Erfolg auf EU-Ebene*. Press release, 6 February 2019. Available at [www.bundeskriminalamt.at](http://www.bundeskriminalamt.at) (accessed 28 November 2019).

<sup>247</sup> EMN Glossary, *Entry/Exit System (EES)*, available at <https://ec.europa.eu> (accessed 28 January 2020).

<sup>248</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2020; See also: Federal Ministry of the Interior, *Terrorismusbekämpfung: Kickl besichtigt neues Security-System am Flughafen Wien-Schwechat*. Press release, 30 April 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 5 December 2019).

terrorist offences and serious crime, <sup>249</sup> a new Passenger Information Unit was set up under Criminal Intelligence Service Austria in March 2019. <sup>250</sup> The new unit evaluates the personal data of air travellers arriving in and departing from Austria and reports the data to the central office in Brussels. <sup>251</sup>	
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\*Please tick the appropriate box

### Activities to improve the effectiveness of controls at external borders

**Were there any new developments to ensure more effective control of the external borders, such as reinforcing border control staff, providing training, increasing overall resources, introducing action plans or protocols, etc. in 2019? Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
As a result of an amendment to the Border Control Act effective as of 23 December 2018, <sup>252</sup> the director of a provincial police administration can empower employees not belonging to the public security service to issue orders and exercise force at Austria's international borders (Art. 12b para 1 Border Control Act). Training of such employees began on 1 March 2019, at the Security Academy of the Federal Ministry of the Interior. <sup>253</sup> Candidates are required to complete a five-month course and pass a service exam. <sup>254</sup> The first 24 border police assistants completed the course on 9 August 2019. <sup>255</sup> This measure became necessary to assist police officers who are facing an increased number of passengers when carrying out border checks at Vienna-Schwechat International Airport. <sup>256</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### Reinforced cooperation with third countries in the area of border management

**Please list any 2019 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.**

<sup>249</sup> Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. OJ L 199, pp. 132–149.

<sup>250</sup> Criminal Intelligence Service Austria, *Kriminalitätsbekämpfung: Fluggastdatenzentralstelle: Das neue Büro im Bundeskriminalamt nimmt operative Arbeit auf*. Press release, 8 March 2019. Available at [www.bundeskriminalamt.at](http://www.bundeskriminalamt.at) (accessed 28 November 2019).

<sup>251</sup> Ibid.

<sup>252</sup> FLG No. 435/1996, in the version of federal law FLG I No. 93/2018.

<sup>253</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2020; Federal Ministry of the Interior, *Grenzkontrollen: 25 Grenzpolizei-Assistentinnen und Assistenten angelobt*. Press release, 28 March 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 28 November 2019).

<sup>254</sup> Ibid.

<sup>255</sup> Federal Ministry of the Interior, *Landespolizeidirektion Niederösterreich: 24 neue Grenzpolizeiassistentinnen und -assistenten für den Flughafen Wien-Schwechat*. Press release, 13 August 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 28 November 2019).

<sup>256</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2020.

<b>Title of agreement (where relevant)</b>	<b>Third country (countries) with whom the cooperation exists</b>	<b>Description (e.g. provision of border equipment, training of border guards, etc.)</b>
Agreement between the parties to the Police Cooperation Convention for Southeast Europe on the Automated Exchange of DNA Data, Dactyloscopic Data and Vehicle Registration Data (PCC Prüm)	Albania, North Macedonia, Republic of Moldova, Montenegro and Serbia	A working meeting was held in Vienna in June 2019 to implement the PCC Prüm Agreement, <sup>257</sup> signed in 2018. The goal here is rapid and automated exchange of DNA data, dactyloscopic data and vehicle registration data among and with the partner States in the Western Balkans. Implementing the agreement results in highly facilitated operations, allowing thousands of crimes to be solved. The agreement entered into force on 11 August 2019, when the first two States deposited ratification documents. <sup>258</sup>
Salzburg Forum Central European security partnership	Salzburg Forum States, <sup>259</sup> “Group of friends” <sup>260</sup> and guests <sup>261</sup> .	Austria chaired the Salzburg Forum in the first six months of 2019 and later held a ministers’ conference in Vienna on 6–7 November 2019, when border police chiefs also met. The main purpose was to assess the current situation along the “Balkan route” and to discuss and detail proposals for a future common European asylum and migration system. <sup>262</sup> Action as follows was agreed: consistent border controls along the Western Balkan route, support at trouble spots, and coordinated action through the Joint Operational Office in Vienna to combat migrant smuggling and human trafficking. <sup>263</sup>
OSCE seminar for instructors involved in	North Macedonia	Police officer training to help recognize falsified and forged documents. The one-week seminar consisted of a theory section covering

<sup>257</sup> Police Cooperation Convention for Southeast Europe (PCC SEE), Agreement between the parties to the Police Cooperation Convention for Southeast Europe on the automated exchange of DNA data, dactyloscopic data and vehicle registration data. Available at [www.eu2018.at](http://www.eu2018.at) (accessed 13 December 2019); Police Cooperation Convention for Southeast Europe (PCC SEE), Memorandum of Understanding on the automated exchange of DNA, dactyloscopic and vehicle registration data. Available at [www.eu2018.at](http://www.eu2018.at) (accessed 13 December 2019).

<sup>258</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

<sup>259</sup> Members of the Central European Security Partnership Forum Salzburg are: Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia and Slovenia.

<sup>260</sup> The “group of friends” consists of: Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Republic of Moldova and Serbia.

<sup>261</sup> As guests, Denmark, Finland (Presidency of the Council of the EU at the time), Germany, Greece, Italy and Kosovo and Switzerland were present. References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

<sup>262</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

<sup>263</sup> Ibid.; Federal Ministry of the Interior, *Peschorn: Neue Migrationskrise mit Notfallplänen verhindern*. Press release, 7 November 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019). Federal Ministry of the Interior, *Hochrangiges Treffen zu Migration und Grenzen in Wien*. Press release, 18 September 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).



document training in North Macedonia		document security and a practical section to help recognize non-genuine documents. <sup>264</sup>
International ministers conference on the Balkan route	States including Albania, Bosnia and Herzegovina, Kosovo, <sup>265</sup> Montenegro, North Macedonia and Serbia	An international ministers conference on the Balkan route was held in Vienna in May 2019, with a package of 12 measures stipulated centring on crisis prevention. The measures include periodic exchange of information, strategy meetings, stepped-up efforts to combat migrant smuggling and underlying networks, coordinated border protection action, and close cooperation in return cases and in combating extremist threats. <sup>266</sup>

*If information is available, please describe any evidence of the effectiveness of these measures*  
Not applicable.

## 6.2 Visas Policy

Were there any **new** developments 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 in 2019? Y/N

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<p>Several annexes to agreements stipulating mutual representation in procedures for granting visas were amended in 2019:</p> <p>a) Supplements were added on 30 April and 8 October 2019 to the current agreement with Germany stipulating the procedure for granting Schengen visas. Representation of Austria by Germany in this type of procedure was restricted to individuals holding a diplomatic or official passport from their particular country, in Tashkent, Uzbekistan as of 1 April 2019<sup>267</sup> and in Kampala, Uganda as of 1 October 2019.<sup>268</sup></p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>264</sup> Federal Ministry of the Interior, *OSCE Seminar - Trainerausbildung für Dokumentenschulungen in Nordmazedonien*. Press release, 27 September 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>265</sup> References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

<sup>266</sup> Federal Ministry of the Interior, *Kickl: Wollen mit Partnern neue Migrationskrise am Balkan verhindern*. Press release, 3 May 2019. Available at <https://bmi.gv.at> (accessed 13 December 2019); Regional Police Directorate Vienna, *Migrationskonferenz in Wien*. Press release, 3 May 2019. Available at [www.polizei.gv.at](http://www.polizei.gv.at) (accessed 13 December 2019).

<sup>267</sup> FLG III No. 55/2019.

<sup>268</sup> FLG III No. 168/2019.

<p>b) The current agreement between Czechia and Austria to represent each other through their diplomatic and consular representations in procedures for granting visas was amended, with Dakar, Senegal being removed from the annex effective as of 1 January 2019.<sup>269</sup></p> <p>c) The current agreement between Slovakia and Austria over mutual diplomatic and consular representation in procedures for granting visas was amended, with Abu Dhabi, United Arab Emirates being removed from the annex effective as of 1 April 2019.<sup>270</sup></p> <p>d) Effective as of 1 March 2019, Austria is represented in Tripoli, Libya by Hungary. This provision applies only to third-country citizens holding a diplomatic pass of their particular country and is subject to conferral with the Austrian embassy in Tunis.<sup>271</sup></p> <p>As of 1 June 2019, the Schengen representation by Finland in Saint Petersburg (Russian Federation) and by Austria in Beirut (Lebanon) was suspended.<sup>272</sup></p>	
<p>A new Consular Regulation entered into force as of 13 November 2019,<sup>273</sup> the Regulation by the Federal Minister for Europe, Integration and Foreign Affairs on the responsibility of Austrian representation authorities in other countries for consular duties. The annexes to this regulation set out the responsibilities at local level of embassies/professional representation authorities<sup>274</sup> and of consulates under honorary consuls.<sup>275</sup></p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 6.3 Schengen governance

**Were there any new developments in relation to Schengen governance during 2019? Y/N**

*Where relevant, please include any (planned) actions in relation to the new Schengen acquis, temporary suspension of Schengen, etc.*

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<p>Through a regulation issued by the Federal Minister of the Interior in accordance with Art. 10 para 2 of the Border Control Act, temporary controls at the EU internal borders with Hungary and Slovenia were introduced, initially until 13 November 2019<sup>276</sup> and then until 14 May 2020.<sup>277</sup> Among the reasons given for reintroducing border controls were the situations in Greece, the Syrian Arab Republic and Turkey, as well as secondary movements of migrants and risks related to terrorism, organized crime and inadequate protection of external</p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>269</sup> [FLG III No. 24/2019.](#)

<sup>270</sup> [FLG III No. 30/2019.](#)

<sup>271</sup> [FLG III No. 29/2019.](#)

<sup>272</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General IV (Consular Section and Corporate Services), 26 February 2020.

<sup>273</sup> [FLG II No. 327/2019.](#)

<sup>274</sup> [FLG II No. 327/2019 Annex 1.](#)

<sup>275</sup> [FLG II No. 327/2019 Annex 2.](#)

<sup>276</sup> [FLG II No. 114/2019.](#)

<sup>277</sup> [FLG II No. 316/2019.](#)

borders. <sup>278</sup> Germany also introduced checks at the internal borders with Austria. <sup>279</sup>	
In the EU negotiations over the Visa Code, Austria advocated introducing the use of “visa leverage” in 2019. The notion here involves defining stricter conditions for visa applications from citizens of third countries which do not cooperate sufficiently with EU Member States in the context of readmission. <sup>280</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>278</sup> Federal Ministry of the Interior, *Kickl: EU-Initiativen zum Schutz der Menschen in Österreich*. Press release, 10 April 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 30 December 2019); European Commission, *Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 et seq. of the Schengen Borders Code*. Available at <https://ec.europa.eu> (accessed 13 December 2019).

<sup>279</sup> Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020; Federal Ministry of the Interior, *Statement des BMI zur deutschen Entscheidung, die Grenzkontrollen zu Österreich weiter zu verlängern*. Press release, 25 September 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>280</sup> Federal Ministry of the Interior, Beantwortung der parlamentarischen Anfrage betreffend „Rückübernahmeabkommen“ 2916/AB vom 25. April 2019 zu Nr 2969/J (XXVI.GP), p.2. Available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 18 December 2019); Federal Ministry for Europe, Integration and Foreign Affairs, Beantwortung der parlamentarischen Anfrage betreffend „Rückübernahmeabkommen“ 2949/AB vom 26. April 2019 zu Nr 2969/J (XXVI.GP), p. 2. Available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 18 December 2019).

## 7 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

### 7.1 Preventing and tackling of misuse of legal migration channels

#### Irregular migration as a result of visa liberalisation

Were there any **new** developments introduced in 2019 to prevent irregular migration as a result of visa liberalisation? Y/N.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 7.1.1.1 Effects of visa free regimes

Were there any **new** developments to monitor the effects of visa free regimes in your (Member) State in 2019? Y/N

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 7.1.1.2 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.

Not applicable.

#### Irregular migration as a result of misuse of legal migration channels

#### 7.1.1.3 Misuse of legal migration channels by third-country national workers

Were there any **new** developments in 2019 to tackle misuse of legal migration channels by third-country national workers (e.g. overstay, misuse of rights granted by a permit)? Y/N.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 7.1.1.4 Misuse of legal migration channels by third-country national students and researchers

**Were there any new developments in 2019 to tackle misuse of legal migration channels by third-country national students and researchers (e.g. overstay, misuse of rights granted by a permit)? Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 7.1.1.5 Misuse of family reunification migration channels

**Were there any new developments in 2019 to tackle misuse of family reunification migration channels? Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### False travel documents

**Were there any new developments in 2019 to prevent, identify and/or investigate fraudulent acquisition and use of false travel documents? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
In August 2019 the Federal Ministry of the Interior published the status report on migrant smuggling in 2018. According to the report, two multi-year	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

investigations, namely VISA.XIN and RANSCHO, were successfully carried out to thwart networks engaged in falsifying documents for migrants. <sup>281</sup>	
Advanced training was held in May for document advisors from Austria who are frequently posted on short or long-term duty to other countries. The topic here was the redesigned programme for training officers in verifying personal identity. Other training courses were held on the topics of visas and forensics. <sup>282</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

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

**Were there any new developments in 2019 to prevent the fraud and misuse of free movement rights? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

## 7.2 The fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay

Combatting facilitation of irregular migration (smuggling)

**Were there any new developments aimed at preventing and combatting facilitation of irregular migration (smuggling), including facilitation of unauthorised entry in 2019? Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
In March 2019 a meeting was held in Vienna with representatives from Afghanistan as part of SILK ROAD, an EU-sponsored project dedicated to combating the smuggling of migrants along the Silk Road. The aims are enhanced detection of networks and improved border controls, through collaboration among criminal police forces and through training programmes. <sup>283</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
In 2018 the Joint Operational Office (JOO) of the Criminal Intelligence Service Austria set up a task force for the Western Balkans to help combat migrant	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>281</sup> Federal Ministry of the Interior, *Schleppereibekämpfung bleibt kriminalpolizeiliche Herausforderung*. Press release, 23 August 2019 Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 10 December 2019); Criminal Intelligence Service Austria, *Lagebericht Schlepperei 2018: Rücklauf bei illegaler Migration* (MoI, Vienna 2019). Available at [www.bmi.gv.at](http://www.bmi.gv.at).

<sup>282</sup> Federal Ministry of the Interior, *Gefälschte Dokumente erkennen*. Press release, 14 May 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 10 December 2019).

<sup>283</sup> Federal Ministry of the Interior, *Kickl: Schleppereibekämpfung und Rückführungen auf gemeinsamer Agenda mit Afghanistan*. Press release, 19 March 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

smuggling along the Balkan routes. <sup>284</sup> This group met in February and December 2019. In the interests of counteracting illegal people smuggling and human trafficking, the group seeks to strengthen cooperation among Member States through sharing real-time information, through early warning systems, multilateral investigations and smart identification techniques, for example the analysis of mobile phone data. <sup>285</sup> To enhance effectiveness in tackling the smuggling of migrants, Turkey was accepted into the task force group at the meeting in December 2019, held in Ankara. <sup>286</sup>	
Twelve migrant smugglers and 95 individuals attempting to enter Austria irregularly were apprehended during the Joint Action Days Danube, taking place under the leadership of Frontex and with the JOO as the centre of operations. During the operation, checks were done on about 1,700 individuals and 1,200 vehicles as well as 15 freight trains, with individuals' identities being verified in numerous cases. <sup>287</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### Prevention of irregular migration

**Were there any new developments responding to the objective of prevention of irregular migration 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 7.2.4) in 2019? **Y/N**.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
Representatives of EU organizations, third countries and competent national authorities participated in a simulation on irregular migration, which took place in Vienna in June 2019. The aim in staging the simulation was to learn more about flows of funding and the financing models used in migrant smuggling, and to better understand migration routes in order to prevent their use. <sup>288</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
The International Organization for Migration (IOM) project entitled "Strengthening the delivery of information provision and counselling within the scope of AVR in the Western Balkans" was launched on 15 June 2019 with the goal of encouraging voluntary return from Western Balkan States. The regional focus of the project is Albania and Bosnia and Herzegovina. A campaign (including brochures, information materials and return counselling by IOM) has	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>284</sup> Federal Ministry of the Interior, *Drittes Treffen der Task Force zur Bekämpfung der Schlepperkriminalität in Wien*. Press release, 22 February 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019); Criminal Intelligence Service Austria, *Schleppereibekämpfung: Treffen der "Task Force Western Balkan" in Ankara*. Press release, 16 December 2019. Available at [www.bundeskriminalamt.at](http://www.bundeskriminalamt.at) (accessed 30 December 2019).

<sup>285</sup> Federal Ministry of the Interior, *Drittes Treffen der Task Force zur Bekämpfung der Schlepperkriminalität in Wien*. Press release, 22 February 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019); Criminal Intelligence Service Austria, *Drei Jahre Schleppereibekämpfung durch das "Joint Operational Office"*. Press release, 10 May 2019. Available at [www.bundeskriminalamt.at](http://www.bundeskriminalamt.at) (accessed 13 December 2019).

<sup>286</sup> Criminal Intelligence Service Austria, *Schleppereibekämpfung: Treffen der "Task Force Western Balkan" in Ankara*. Press release, 16 December 2019. Available at [www.bundeskriminalamt.at](http://www.bundeskriminalamt.at) (accessed 30 December 2019).

<sup>287</sup> Criminal Intelligence Service Austria, *Erfolge gegen Schlepperei*. Press release, 18 July 2019. Available at <https://bundeskriminalamt.at> (accessed 13 January 2020).

<sup>288</sup> Criminal Intelligence Service Austria, *Planspiel Illegale Einwanderung über die östliche Mittelmeerroute*. Press release, 8 June 2019. Available at [www.bundeskriminalamt.at](http://www.bundeskriminalamt.at) (accessed 13 December 2019).



been designed to provide migrants with information about the possibility of voluntary return and the risks of irregular migration. <sup>289</sup>	
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*\*Please tick the appropriate box*

### Prevention of ILLEGAL stay

**Were there any new developments aimed at preventing illegal stay and combatting facilitation of irregular stay, including disincentives and sanctions in 2019? Y/N.**

Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### Cooperation with third countries to prevent irregular migration

**Were there any specific cooperation activities developed in 2019 in your (Member) State to prevent irregular migration in relation to the specific regions outlined below? Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019.

<p>a) <b>The Western and Southern Mediterranean countries</b> (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania, Palestinian Territories, Syrian Arab Republic and Tunisia);</p> <p>In May 2019 Austrian officials held a working meeting with the Director General for International Relations in Tunisia, at which a draft police cooperation agreement was presented. The agreement relates to bilateral cooperation on irregular migration, people smuggling and return activities.<sup>290</sup></p> <p>In October 2019, the Federal Minister of the Interior met the Egyptian Ambassador to discuss further cooperation in the area of return.<sup>291</sup></p>
<p>b) <b>The Eastern Partnership countries</b> (i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine);</p> <p>Talks were held between the Federal Ministry of the Interior and representatives of Georgia to discuss visa liberalization and police cooperation.<sup>292</sup></p>
<p>b) <b>The Western Balkans countries</b> (i.e. Albania, Bosnia and Herzegovina, Kosovo<sup>265</sup>, North Macedonia, Montenegro and Serbia);</p> <p>For several years Austria has been dedicated to working with the Western Balkan States, foremost on the issues of border protection and irregular migration. In 2019 efforts included:</p>

<sup>289</sup> Written input by the Federal Ministry of the Interior, Department V/5 (International Migration Developments and Migration Communication), 23 January 2020.

<sup>290</sup> Federal Ministry of the Interior, *Goldgruber: Verstärkte Kooperation mit Tunesien gegen illegale Migration*. Press release, 17 May 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 20 November 2019).

<sup>291</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 26 February 2020.

<sup>292</sup> Federal Ministry of the Interior, *Goldgruber: Georgien wichtiger bilateraler Partner für Österreich*. Press release, 26 February 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

- (a) At diplomatic talks over visa liberalization between Kosovo<sup>265</sup> and Austria in January 2019, the subjects included bilateral cooperation, EU cooperation and combating organized crime.<sup>293</sup>
- (b) A meeting with the Albanian minister of the interior in Vienna in May 2019, discussions centred on bilateral cooperation, migration and police cooperation.<sup>294</sup> A follow-up meeting with authorities of that country was held in Albania in November 2019.<sup>295</sup>
- (c) Activities with Serbia included a discussion on border protection in May 2019 and a working meeting in August to discuss the migration situation in Serbia.<sup>296</sup>
- (d) Another working meeting in July 2019, with representatives from North Macedonia, centred on the “Balkan route” and regional cooperation in migration affairs.<sup>297</sup>
- (e) A working meeting also took place with representatives from Bosnia and Herzegovina in July 2019 to talk about bilateral cooperation on migration.<sup>298</sup>
- (f) An international ministers’ conference on the Balkan route was held in Vienna in May 2019, while meetings took place in September and November 2019 with members and partners of the Salzburg Forum.<sup>299</sup>

**b) Countries in the African Atlantic coast** (e.g. Gambia, Ghana, Nigeria, Democratic Republic of Congo, Côte d'Ivoire etc.).

No significant changes in 2019.

### Monitoring and identifying irregular migration routes

#### Were there any new developments with regard to identifying, monitoring and aggregating information on irregular migration routes in 2019? Y/N

If yes, please indicate the nature of each development in the tick boxes below.

*Please explain how this information is used to develop your (Member) State’s response to migratory flows.*

Development (Please describe)	Nature*
The 2018 status report on migrant smuggling, based on records of authorities’ activities and published in August 2019, reveals a renewed decrease in the number of persons smuggled in 2018 (27,753 in 2017 compared with 21,236 in 2018). <sup>300</sup> In its outlook, the report forecasts continued migration from Afghanistan, Iraq, Libya and the Syrian Arab Republic as well as continued immigration from Morocco. <sup>301</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>293</sup> Federal Ministry of the Interior, Goldgruber: „Ehrlicher Makler“ für Kosovos Anliegen. Press release, 29 January 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>294</sup> Federal Ministry of the Interior, Goldgruber: Neue Massenmigration durch gemeinsames Handeln verhindern. Press release, 2 May 2019. Available at <https://bmi.gv.at> (accessed 13 December 2019).

<sup>295</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

<sup>296</sup> Federal Ministry of the Interior, Peschorn: Migrationslage am Westbalkan weiterhin unter Beobachtung. Press release, 23 August 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019); Federal Ministry of the Interior, Bezdeka: Verstärkte Kooperation mit Serbien im Grenzschutz. Press release, 28 May 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>297</sup> Federal Ministry of the Interior, Peschorn: Entwicklungen entlang der Westbalkanroute genau beobachten. Press release, 26 July 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>298</sup> Federal Ministry of the Interior, Peschorn: Südosteuropa ein Schwerpunkt unserer Außen- und Sicherheitspolitik. Press release, 26 July 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>299</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

<sup>300</sup> Criminal Intelligence Service Austria, Lagebericht Schlepperei 2018 (MoI, Vienna, 2019), p. 10. Available at <https://bundeskriminalamt.at> (accessed 17 December 2019).

<sup>301</sup> Ibid., p. 24.

## 8 TRAFFICKING IN HUMAN BEINGS

*This Section should address key developments in the migration context with regard to **third-country national victims of trafficking in human beings**.*

*In order to respond to this section, please ensure that you liaise with the appointed **National Rapporteur or Equivalent Mechanism on Trafficking in Human Beings (NREMs)**. Please note that based on Article 19 of Directive 2011/36/EU the tasks of NREMs include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting. In this context, every two years based on Articles 19-20 of Directive 2011/36/EU, Member States report such information to the EU Anti-trafficking Coordinator for the European Commission's Progress Report. The European Commission regularly collects EU-wide statistical data, including with respect to non-EU victims and perpetrators, which is gender- and age specific.*

*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>302</sup>*

### 8.1 NATIONAL STRATEGIC POLICY DEVELOPMENTS

**Were there any new developments or actions 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 2019)? Y/N**

If **yes**, please elaborate below and **state the driver for the intended change/impact** in 2019. Please indicate the nature of each development in the tick boxes below, and whether the development targeted specific groups of victims (e.g. labour, sexual exploitation).

Development (Please describe)	Nature*
<p>In efforts targeting human trafficking, the Federal Ministry for Women, Families and Youth concentrated on three main fields in 2019: the identification and protection of victims, prosecution of perpetrators and penalties for crimes, and the prevention of future exploitation.<sup>303</sup></p> <p>The Criminal Intelligence Service Austria has, among other things, intensified its cooperation with the main countries of origin of the victims of human trafficking, such as Bulgaria, Hungary and Romania. Operational priority measures against sexual exploitation and exploitation through forced begging were carried out by the criminal intelligence forces together with these states and non-governmental organizations.<sup>304</sup> Within the framework of prevention in Austria, posters against human trafficking, which have been developed jointly with EUROPOL, were used several times. The Austrian victim protection organizations (LEFÖ-IBF and MenVia) were involved in all investigations against human trafficking.<sup>305</sup></p>	<p><input type="checkbox"/> Legislation</p> <p><input checked="" type="checkbox"/> Policy</p> <p><input type="checkbox"/> Practice/Other</p>

*\*Please tick the appropriate box*

<sup>302</sup> EU Strategy towards the Eradication of trafficking in human beings, EU Member States, available at <https://ec.europa.eu/anti-trafficking/member-states>.

<sup>303</sup> Federal Chancellery, Bundesministerin Stilling: „Schutz für Betroffene von Menschenhandel“. Press release, 18 October 2019. Available at [www.bundeskanzleramt.gv.at](http://www.bundeskanzleramt.gv.at) (accessed 17 December 2019).

<sup>304</sup> Written input by the Criminal Intelligence Service Austria, Sub-Department 3.4 (Trafficking in Human Beings and Human Smuggling), 26 February 2020.

<sup>305</sup> Ibid.

## 8.2 Improving identification of and provision of information to third-country national victims of human trafficking

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

Were there any **new** developments in relation to the provision of information and assistance to third-country national victims (including child victims and applicants for asylum) during 2019? Y/N.

If **yes**, please elaborate below and **state the driver for the intended change/impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Training and awareness raising;</b>	
The Task Force on Combating Human Trafficking in Austria <sup>306</sup> hosted its annual conference on 16 October 2019, on the occasion of the European Union Anti-Trafficking Day. The topic of this year's conference was "Technology and Combating Human Trafficking – Challenge or Opportunity?" <sup>307</sup> The conference was organized in collaboration with the Federal Ministry of the Interior, the Faculty of Law of the University of Vienna, the Vienna Institute for International Dialogue and Cooperation (VIDC), the International Organization for Migration (IOM), the Ludwig Boltzmann Institute of Human Rights, the network of organizations working to end the sexual exploitation of children (ECPAT), and the victim protection organizations LEFÖ-IBF and MEN VIA. During this event, participants were able to visit six information booths on technological issues related to human trafficking. The IOM Country Office for Austria together with LEFÖ-IBF und MEN VIA organized a booth on the topic "Trafficking and the role of YouTube". <sup>308</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>b) Measures on cooperation between national authorities;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Measures on cooperation between (Member) States.</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### Identification of victims of human trafficking in human beings

Were there any **new** developments in relation of the identification of victims (including child victims and applicants for asylum) during 2019? Y/N.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

<sup>306</sup> In 2004, the federal government established a Task Force on Combating Human Trafficking in order to coordinate and intensify the Austrian measures against human trafficking. Its main task is to develop National Action Plans and monitor their implementation.

<sup>307</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Konferenz "Technologie und die Bekämpfung des Menschenhandels- Chance oder Herausforderung?" - 16 October 2019*. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 14 February 2020).

<sup>308</sup> Written input by IOM Country Office for Austria, Counter-Trafficking Unit, 12 February 2020.

Development (Please describe)	Nature*
<b>a) Training and awareness raising;</b>	
Under the <i>Asyl-Train</i> project, training is provided to improve skills in identifying victims of human trafficking and to foster intercultural competencies in asylum procedures. Participants in 2019 included staff members of the Federal Office for Immigration and Asylum, Directorate General V of the Federal Ministry of the Interior, ARGE Rechtsberatung, ORS Service GmbH (responsible for the care of asylum seekers at federal reception facilities), Diakonie and Caritas. <sup>309</sup> Participants from victim protection organizations report that, as a result of training, more cases of suspicion were registered and, subsequently, more individuals affected by human trafficking could be identified. <sup>310</sup> The project is implemented by the IOM Country Office for Austria, with co-funding provided by the Federal Ministry of the Interior and the European Union. <sup>311</sup>  Training for labour inspectors on the topic of human trafficking and labour exploitation also continued in 2019, at a basic level for new entrants and through advanced workshops for all staff members. The goal is to enable labour inspectors to recognize specific indicators during inspections that point to potential cases of human trafficking and labour exploitation, and to report suspicions in detail to the appropriate police units (Criminal Intelligence Service Austria). <sup>312</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>b) Measures on cooperation between national authorities;</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Measures on cooperation between (Member) States.</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### Cooperation with third countries

**Were there any new developments involving cooperation with third-countries on the prevention and fight against trafficking in human beings in 2019? Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019.

Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Training and awareness raising ;</b>	
The anti-human trafficking project, Twinning Serbia, is being carried out between September 2018 and September 2020 under Austrian leadership and in cooperation with Slovenia. The project involves training stakeholders from	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>309</sup> Written input by IOM Country Office for Austria, Counter-Trafficking Unit, 6 January 2020; IOM Country Office for Austria, *ASYL-Train*, available at [www.iomvienna.at](http://www.iomvienna.at) (accessed 15 December 2019).

<sup>310</sup> Written input by IOM Country Office for Austria, Counter-Trafficking Unit, 6 January 2020.

<sup>311</sup> IOM Country Office for Austria, *ASYL-Train*, available at [www.iomvienna.at](http://www.iomvienna.at) (accessed 15 December 2019).

<sup>312</sup> Written input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
Serbia in various fields and identifying effective strategies. The goal is to implement Serbia's National Action Plan to combat human trafficking. <sup>313</sup>	
<b>b) Joint investigation teams;</b>	
A task force for the Western Balkans was set up in June 2018 under Austrian leadership. The task force enables joint international investigations in EU Member States and Western Balkan States. <sup>314</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>c) Information and prevention campaigns.</b>	
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

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<sup>313</sup> Written input by the Criminal Intelligence Service Austria, 27 January 2020.

<sup>314</sup> Ibid.



## 9 RETURN AND READMISSION

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

PLEASE NOTE THAT THIS SECTION 9.1 OF THE SYNTHESIS REPORT WILL CONSIST OF THE FOLLOWING

Summary of the EMN REG return and reintegration activities developed during 2019 (To be drafted by the EMN Service Provider)

Summary of the Frontex Return Implementation Framework, including Joint Return Operations (JTOs) (To be provided by [Frontex](#))<sup>315</sup>

### 9.2 Main national developments in the field of return

Swift, sustainable and effective return

#### 9.2.1.1 General policy developments in the area of return

**Were there any new developments in 2019 with regard to swift, sustainable and effective return? Y/N.**

If **yes**, please elaborate and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<p>In the area of return, the high level of 2018 could be maintained in 2019. By the end of December 2019, a total of 12,245 departures had taken place, of which 5,568 were voluntary departures (45%) and 6,677 forced departures (55%).<sup>316</sup> Compared with the previous year, there was a slight decline of 4.6 per cent in total departures 2019. This can be attributed in particular to the sharp drop in Dublin transfers (-41%), which is a consequence of the lower number of EU-wide asylum applications. A look at the returns excluding Dublin transfers shows an increase of about 3 per cent compared to 2018. The number of removals has increased by 13 per cent compared to the previous year and concern to a high extent persons, who have been convicted of criminal offences (46.1%). Compared to 2019, the number of decisions terminating legal stay has increased by 79 per cent and the number of return decisions with entry or residence bans by 29 per cent.<sup>317</sup></p> <p>By the end of 2019, 58 charter operations (thereof 54 to third countries) had been carried out in 17 destination countries. New charter destinations were developed with Guinea, Mongolia and Uzbekistan.<sup>318</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>315</sup> Please do not include any information related to participation in Frontex joint return operations, as this will be provided by Frontex.

<sup>316</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020 and 26 February 2020.

<sup>317</sup> Ibid.

<sup>318</sup> Ibid.



In 2019 the Federal Ministry of the Interior was jointly involved with the Federal Ministry for Europe, Integration and Foreign Affairs in bilateral activities relating to readmission or alternative agreements. Talks, consultations or negotiations were held with Afghanistan, China, Colombia, India, the Islamic Republic of Iran, Mongolia and Morocco. <sup>319</sup> Austria is also a member of EURINT (European Integrated Return Management Initiative), EURLO (European Return Liaison Officer) and ERRIN (European Return and Reintegration Network). <sup>320</sup> Austria's contribution to ERRIN in 2018–2019 was EUR 62,000. <sup>321</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
See <a href="#">2.1.</a>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 9.2.1.2 Issuing Return decisions

**Were there any new developments with regard to the issuance of return decisions in 2019?** Y/N.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
See <a href="#">9.2.1.1.</a>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 9.2.1.3 Issuing Entry bans

**Were there any new developments with regard to issuing entry bans in 2019?** Y/N

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 9.2.1.4 (Assisted) voluntary return

**Were there any new developments with regard to (assisted) voluntary return in 2019?** Y/N.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<a href="#">See 9.3.</a>	<input type="checkbox"/> Legislation

<sup>319</sup> Federal Ministry of the Interior, Beantwortung der parlamentarischen Anfrage betreffend „Rückübernahmeabkommen“ 2916/AB vom 25. April 2019 zu Nr 2969/J (XXVI.GP), p. 1. Available at [www.parlament.gv.at](http://www.parlament.gv.at) (accessed 18 December 2019).

<sup>320</sup> Ibid., p. 3.

<sup>321</sup> Ibid., p. 4.

	<input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
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*\*Please tick the appropriate box*

#### 9.2.1.5 Use of (alternatives for) detention in return procedures

**Were there any new developments with regard to detention and effective alternatives to detention in return procedures in 2019? Y/N**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019.

Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
After the inspection of the return counselling facilities at Fieberbrunn and Schwechat, plans were detailed for improving medical and psychological support, expanding the shuttle service, and for a regular review after a maximum of six months of residents' periods of stay (see <a href="#">3.1. g</a> ). <sup>322</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 9.2.1.6 Recording of entry bans in the SIS and exchange of information

**Were there any new developments with regard to recording entry bans in the SIS and facilitating the exchange of information on entry bans in 2019?<sup>323</sup> Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019.

Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 9.2.1.7 Operation of national forced return monitoring system

**Were there any new developments with regard to the operation of the national forced return monitoring system (established in accordance with Article 8 (6) of the Return Directive) in 2019?<sup>324</sup> Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019.

Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>322</sup> Federal Ministry of the Interior, *Menschenrechtliche Überprüfung der Rückkehrberatungsseinrichtungen durch Innenminister Peschorn*. Press release, 21 November 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 17 December 2019). Federal Ministry of the Interior, *Menschenrechtliche Prüfung der Rückkehrberatungsseinrichtungen (RÜBE)*. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 17 December 2019).

<sup>323</sup> This category of measure relates to the commitments of the Stockholm Programme specifically.

<sup>324</sup> Directive 2008/115/EC.

### 9.2.1.8 Other actions related to swift, sustainable and effective return

**Were there any new developments related to the field of return in 2019, which were not covered above? Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
In May 2019 the Federal Ministry of the Interior invited tenders for project proposals relating to asylum and return, to be funded under the Asylum, Migration and Integration Fund (AMIF). <sup>325</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### Return of rejected asylum seekers

**Were there any new developments regarding the return of rejected asylum applicants (including measures in relation to reception and supports, (effective alternatives) to detention, etc.) in 2019? Y/N.**

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

*Please specify if there are any specific measures for unaccompanied minors and other vulnerable groups<sup>326</sup>.*

Development (Please describe)	Nature*
<p>Measures targeting individuals staying irregularly in Austria continued to be a focus of the Federal Office for Immigration and Asylum. In coordinated efforts with police administrations in the provinces, targeted activities were carried out at public gathering places, among other things to identify asylum seekers who had absconded after rejection and to take security measures.<sup>327</sup></p> <p>In 2019, the Federal Office for Immigration and Asylum participated in 808 targeted activities, which is twice the number recorded in 2018. During these actions, 26,138 identity checks were carried out, around 670 persons were arrested and in 297 cases detention pending removal was imposed.<sup>328</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>325</sup> Federal Ministry of the Interior, *Informationsveranstaltung zum Asyl-, Migrations- und Integrationsfonds*. Press release, 23 May 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 4 December 2019).

<sup>326</sup> This group includes minors, disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) 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>327</sup> Federal Ministry of the Interior, Interview mit Gerhard Reischer: Kontrolle, Aberkennung, Qualität, *Öffentliche Sicherheit* 5-6/19. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 15 November 2019).

<sup>328</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

## Return of irregular migrants

Were there any **new** developments to ensure the swift return of persons overstaying permissions to stay, misusing legal migration channels or otherwise illegally staying in 2019? Y/N.

If **yes**, please elaborate below and state the **driver for the change / intended impact** in 2019. Please indicate the nature of each development in the tick boxes below.

*Please specify if there are any specific measures for unaccompanied minors and other vulnerable groups.*

Development (Please describe)	Nature*
No significant changes in 2019.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

## Evidence of the effectiveness of the measures to ensure return

Please provide information regarding the **effectiveness** of the above-mentioned measures in supporting successful returns (*where evidence exists and stating how this is measured*).

Not applicable.

## 9.3 Strengthening cooperation with third countries of origin and transit on return and reintegration management

### Involvement of third countries in return measures

Were there any **new** developments regarding return activities implemented in cooperation with third countries in 2019? Y/N.

If **yes**, please elaborate below and state the **driver for the intended change/impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
The set-up of the Department for "Return, Reintegration and Quality Development" in the Federal Ministry of the Interior was also accompanied by increased efforts by the Federal Ministry of the Interior to intensify cooperation with third countries in the area of return. <sup>329</sup> Furthermore, the Federal Ministry of the Interior is in constant exchange with other EU Member States in order to develop pan-European approaches to return cooperation and to benefit from best practices. To improve cooperation with non-cooperative third countries, Austria advocated for a "visa leverage" within the framework of the EU negotiations on the Visa Code 2019 (see <a href="#">6.3</a> ). <sup>330</sup> With the aim of improving return cooperation,	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>329</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

<sup>330</sup> Ibid.

<p>numerous talks with representative authorities and high-ranking delegation visits were carried out both domestically and abroad, amongst others:</p> <ul style="list-style-type: none"> <li>(a) Representatives from Austria and the Islamic Republic of Iran discussed irregular migration and return of migrants at talks in February 2019. A main issue was cooperation with the Iranian embassy in Vienna when issuing return travel certificates.<sup>331</sup></li> <li>(b) Bilateral talks were held with Afghanistan in March 2019 concerning readmission of rejected asylum seekers. According to the Federal Ministry of the Interior, this was a priority issue due to the high number of asylum applications from Afghan nationals.<sup>332</sup></li> <li>(c) A round table was held in October 2019 with embassy representatives from African countries (including Burkina Faso, Cameroon, the Democratic Republic of the Congo, Côte d'Ivoire, Gabon, Mali and Togo), to discuss intensified cooperation on return and integration activities.<sup>333</sup></li> <li>(d) Diplomatic talks took place with India in October 2019, with the topics including visa liberalization and readmission.<sup>334</sup></li> </ul>	
<p>In September 2019 a meeting of the Return Expert Group of the European Migration Network (EMN-REG) was held in Vienna. The topics discussed included current developments relating to return and asylum, statistics on return cases, and the main changes in strategy and operations affecting return. An exchange of ideas also took place between international organizations and non-governmental organizations.<sup>335</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### Ensuring implementation of all EU readmission agreements to their full effect<sup>336</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:

EU Readmission agreement (country)	National development (i.e. implementing protocol, cooperation)	Date of agreement (if relevant)
Georgia	Diplomatic negotiations on visa liberalization and cooperation in addressing irregular migration. <sup>337</sup>	26 February 2019

<sup>331</sup> Federal Ministry of the Interior, *Bezdeka: Gute Kooperation mit Iran besonderes Anliegen*. Press release, 8 February 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>332</sup> Federal Ministry of the Interior, *Kickl: Schleppereibekämpfung und Rückführungen auf gemeinsamer Agenda mit Afghanistan*. Press release, 19 March 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 19 November 2019).

<sup>333</sup> Federal Ministry of the Interior, *Round-Table mit Vertretern von afrikanischen Botschaften im BMI*. Press release, 25 October 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

<sup>334</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

<sup>335</sup> Federal Ministry of the Interior, *Treffen von Rückkehr-Experten des Europäischen Migrationsnetzwerks*. Press release, 2 October 2019. Available at <https://bmi.gv.at> (accessed 13 December 2019).

<sup>336</sup> Norway is invited to report on any national agreements in place.

<sup>337</sup> Federal Ministry of the Interior, *Goldgruber: Georgien wichtiger bilateraler Partner für Österreich*. Press release, 26 February 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 13 December 2019).

Albania	Support in implementing an information campaign to promote voluntary return to Albania. <sup>338</sup>	18-20 November 2019
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## Reintegration measures

Were there any **new** developments regarding **reintegration** activities, including those implemented in cooperation with countries of origin in 2019? Y/N

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

If yes, please elaborate below and state the **driver for the intended change/impact** in 2019. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
In the period of 1 January 2017 to 31 December 2019, the International Organization for Migration (IOM) Country Office for Austria implemented project RESTART II – Reintegration Assistance for Voluntary Returnees to Afghanistan and Iran. The project received co-funding from the Asylum, Migration and Integration Fund (AMIF) and the Federal Ministry of the Interior. In 2019 the project enabled assistance for 152 third-country nationals from Afghanistan and the Islamic Republic of Iran to aid them in voluntary return to their home countries and in sustained reintegration. <sup>339</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
In 2019, the reintegration programme of the Federal Ministry of the Interior was extended to include Somalia. Reintegration support was thus offered in a total of 29 countries of origin. In summer 2019, bilateral cooperation with the French Office for Immigration and Integration was extended, resulting in a continuation of the reintegration programmes in 13 African countries. <sup>340</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>338</sup> Federal Ministry of the Interior, *Bezdeka: Herausfordernde Tätigkeit des grenzpolizeilichen Einsatzes in Albanien*. Press release, 25 November 2019. Available at [www.bmi.gv.at](http://www.bmi.gv.at) (accessed 17 December 2019).

<sup>339</sup> IOM Country Office for Austria, *RESTART II*, available at <https://austria.iom.int> (accessed 13 December 2019). IOM Country Office for Austria, *Freiwillige Rückkehr aus Österreich 2019: IOM unterstützte knapp 3.000 Menschen*. Press release, 24 January 2020. Available at <https://austria.iom.int> (accessed 29 January 2019).

<sup>340</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

## 10 MIGRATION AND DEVELOPMENT

### 10.1 Mobility Partnerships

Were there any **new** developments regarding your Member State's participation in the EU Mobility Partnerships (MPs)/Common Agendas on Migration and Mobility (CAMMs) under the **Global Approach to Migration and Mobility (GAMM)**?<sup>341</sup> Please provide your response below according to the priority themes of the GAMM.

#### BETTER ORGANISING LEGAL MIGRATION AND FOSTERING WELL-MANAGED MOBILITY

Mobility Partnership / CAMM	Name of the activity	Objective(s) and nature of the activity	Funding mechanism	Period of implementation	Partner(s) (if any)
	No changes.				

#### PREVENTING AND COMBATting IRREGULAR MIGRATION AND ERADICATING TRAFFICKING IN HUMAN BEINGS

Mobility Partnership / CAMM	Name of the activity	Objective(s) and nature of the activity	Funding mechanism	Period of implementation	Partner(s) (if any)
	No changes.				

#### MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

Developments here could include: facilitating the positive impact of remittances, facilitating the engagement of the diaspora in development of the country of origin; efforts to mitigate brain drain, mainstreaming of migration in development policies, capacity-building in partner countries etc.

Mobility Partnership / CAMM	Name of the activity	Objective(s) and nature of the activity	Funding mechanism	Period of implementation	Partner(s) (if any)
	No changes.				

#### PROMOTING INTERNATIONAL PROTECTION AND ENHANCING THE EXTERNAL DIMENSION OF ASYLUM

Mobility Partnership / CAMM	Name of the activity	Objective(s) and nature of the activity	Funding mechanism	Period of implementation	Partner(s) (if any)
	No changes.				

<sup>341</sup> Communication [2011/743](#) final from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Global Approach to Migration and Mobility.



## 10.2 National actions to support migration and development

Were there any significant **new national legal / policy developments** in your Member States and or **new national projects and / or other activities** (e.g. national strategies or specific nationally-funded project) aimed at facilitating migration and development with third countries, not reported on above? Please **only report on activities implemented through national funding**. If yes, please provide a brief overview of activities by filling in the below table (add rows as needed)

Development (Please describe)	Nature*
<p>At the EU conference on “Supporting the future of Syria and the region”, which took place in Brussels in March 2019, Austria committed approximately EUR 18.3 million towards caring for Syrian refugees in Lebanon and Jordan and to fund humanitarian projects in the Syrian Arab Republic.<sup>342</sup></p> <p>(a) It was voted at the Council of Ministers meeting on 31 July 2019 to support the efforts of the International Committee of the Red Cross and the World Health Organization in refugee camps in the northeast of the Syrian Arab Republic with funding of each EUR 500,000.<sup>343</sup></p> <p>(b) On 11 September 2019 it was agreed to pay out EUR 500,000 each in humanitarian funding for activities by the International Committee of the Red Cross to aid Syrian refugees in Jordan and Lebanon.<sup>344</sup></p> <p>(c) Through the Austrian Development Agency (ADA), Austria pledged to increase the country’s contribution to the EU Trust Fund for the Syrian Arab Republic (EUR 13.5 million between 15 November 2015 and 14 December 2019)<sup>345</sup> by a further EUR 4 million in September.<sup>346</sup></p> <p>(d) In addition, at a meeting on 23 October 2019, the Council of Ministers earmarked EUR 750,000 from the foreign disaster aid fund towards aid activities in the Syrian Arab Republic, to be administered by the United Nations Office for the Coordination of Humanitarian Affairs and the Office of the High Commissioner for Human Rights.<sup>347</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Projects/ Practice/Other
<p>The ADA invested roughly EUR 5 million in ongoing waterworks projects in Uganda and Lebanon, to improve living conditions for refugees and their host</p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Projects/ Practice/Other

<sup>342</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Österreich unterstützt Syrien und seine Nachbarländer mit 11 Mio. Euro humanitärer Hilfe*. Press release, 14 March 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 13 December 2019); Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General IV (Consular Section and Corporate Services), 26 February 2020.

<sup>343</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Alexander Schallenberg: „Österreich leistet humanitäre Hilfe für die Menschen in den syrischen Flüchtlingslagern.“* Press release, 31 July 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 13 December 2019).

<sup>344</sup> Federal Chancellery, *Ministerrat: Humanitäre Hilfe für Jordanien, den Libanon und Jemen beschlossen*. Press release, 11 September 2019. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 13 December 2019). Federal Chancellery, *Beschlussprotokoll des 10. Ministerrates vom 11. September 2019*. Available at [www.bundestkanzleramt.gv.at](http://www.bundestkanzleramt.gv.at) (accessed 13 December 2019).

<sup>345</sup> Austrian Development Agency, *EU Trust Fund Syrian Crisis / MADAD Fund*. Available at [www.entwicklung.at](http://www.entwicklung.at) (accessed 30 December 2019); Austrian Development Agency, *EU Trust Fund Syrian Crisis / MADAD Fund – Zweiter Betrag*. Available at [www.entwicklung.at](http://www.entwicklung.at) (accessed 30 December 2019); Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General IV (Consular Section and Corporate Services), 26 February 2020.

<sup>346</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Alexander Schallenberg: „Zusätzliche 4 Mio. Euro für die Unterstützung syrischer Flüchtlinge vor Ort.“* Press release, 19 September 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 13 December 2019).

<sup>347</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Alexander Schallenberg: „Österreich wird seine Anstrengungen zum Schutz der syrischen Zivilbevölkerung konsequent weiterführen.“* Press release, 23 October 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 13 December 2019).

communities. <sup>348</sup> One share is earmarked for projects including new latrine blocks, a recycling plant and training in hygiene at the Imvepi refugee camp in Uganda. <sup>349</sup>	
Austria also make EUR 500,000 available from the foreign disaster aid fund to support Bangladesh in caring for Rohingya refugees from Myanmar. Other plans include stronger economic ties and closer cooperation in development. <sup>350</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Projects/ Practice/Other
An additional EUR 1.4 million was made available from the foreign disaster aid fund to provide humanitarian assistance to Burkina Faso and Ethiopia. Climate change and conflicts have exacerbated the humanitarian emergency, impacting both the local population as well as internally displaced persons and refugees from neighbouring regions. <sup>351</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Projects/ Practice/Other

<sup>348</sup> Austrian Development Agency, *ADA zum Weltwassertag: Sauberes Wasser und Siedlungshygiene für Flüchtlinge*. Press release, 21 March 2019. Available at [www.entwicklung.at](http://www.entwicklung.at) (accessed 13 December 2019).

<sup>349</sup> Austrian Development Agency, *Welttoilettentag: Wenn die Toilette zum Lebensretter wird*. Press release, 18 November 2019. Available at [www.entwicklung.at](http://www.entwicklung.at) (accessed 13 December 2019).

<sup>350</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Karin Kneissl zu Gast in Bangladesch*. Press release, 20 February 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 13 December 2019).

<sup>351</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Schallenberg: „Österreich setzt sein humanitäres Engagement in Afrika konsequent fort.“* Press release, 27 November 2019. Available at [www.bmeia.gv.at](http://www.bmeia.gv.at) (accessed 17 December 2019).