

ANNUAL REPORT 2022 ON MIGRATION AND ASYLUM IN AUSTRIA

Contribution to the Commission and EUAA 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 and political developments in the field of migration and asylum in Austria in 2022. The report provides input to the EMN's Annual Report on Migration and Asylum 2022 and the EMN Report on Children in Migration 2022. In addition, the information feeds into the European Union Asylum Agency's (EUAA) annual report on the asylum situation 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, responses to parliamentary inquiries, legal texts and written inputs from relevant ministries and authorities. It was produced by the NCP Austria in the EMN in cooperation with the Federal Chancellery, the Federal Ministry for European and International Affairs, the Federal Ministry of Labor and Economy, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection and the Federal Ministry of the Interior.

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SUMMARY OF CHANGES TO THE NATIONAL MIGRATION / ASYLUM SYSTEM IN 2022

KEY POINTS

1. Reform of the Red-White-Red Card and associated financial alleviation, simplification of procedures and changes to the allocation of points.
2. Austria's increased focus on migration from India: special campaign to support voluntary return to India, Europe's first Frontex charter operation to India organized by Austria, negotiations on a comprehensive migration and mobility partnership agreement between the Austrian Federal Government and the Republic of India.
3. Extensive measures to support displaced Ukrainians and the provision of humanitarian support for the Ukrainian population.

Legal Migration

OVERARCHING LEGAL OR POLICY CHANGES IN LEGAL MIGRATION

As a result of COVID-19, existing special regulations in areas such as citizenship law or settlement and residence were extended and new regulations introduced.

WORK-RELATED MIGRATION

[Comprehensive amendments](#) to a number of laws, including the Act Governing the Employment of Foreign Nationals and the Settlement and Residence Act, led to a reform of the Red-White-Red Card as well as a lowering of the minimum salary for applicants and the possibility for them to apply from within Austria. A new Registered Seasonal Worker Regulation extended the possibility for certain seasonal workers to obtain a work permit outside the quota system and without a labour market test. In addition, a new category of Red-White-Red Card was created for regular workers in tourism and in agriculture and forestry. The minimum amount of initial capital for start-up founders was reduced from EUR 50,000 to EUR 30,000. The [list of shortage occupations](#) was extended compared to the previous year and comprised 68 shortage occupations nationwide. [Abolishing the statutory minimum salary](#) for university graduates as part of the Red-White-Red Card reform made it easier for graduates to obtain this residence permit.

STUDENTS AND RESEARCHERS

Pupils at a school of health care and nursing or participants in a nursing assistant course have been [given the opportunity](#) to receive a Temporary Residence Permit – School Pupil.

International Protection

LEGISLATIVE AND POLICY DEVELOPMENTS RELATED TO INTERNATIONAL PROTECTION

The Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act was adapted as part of a [supplementary agreement](#), with certain maximum costs being increased. Due to an [amendment to the Regulation on Countries of Origin](#), Ukraine was removed from the list of safe countries of origin.

Minors and Other Vulnerable Groups

MINORS

A number of measures were put in place to improve the protection and legal status of child refugees. For example, the Federal Agency for Reception and Support Services company with limited liability developed a [child protection concept](#); at the Federal Office for Immigration and Asylum, case workers responsible for managing procedures have been provided with a [checklist](#) to be used as a tool to facilitate the interviewing of minors; and at the Federal Administrative Court, judges have access to new [guidelines on the best interests of the child in asylum and aliens law](#). In the school sector, measures have been introduced to improve pupils' language skills. In addition, school pupils at all levels of education and all types of school throughout Austria have been made aware of the [dangers of the ideologies of inequality](#) and their resilience to radicalization was strengthened.

Integration and Inclusion of Adults

NATIONAL INTEGRATION STRATEGY

The duration of compulsory orientation and values courses was extended in 2022 and increased from one day (eight hours) to three days (24 hours). In addition, a [sensitization module on antisemitism](#) was included as a new element of the course.

EDUCATION AND TRAINING OF ADULTS / LABOUR MARKET AND SKILLS

In partnership with the course providers, the Austrian Integration Fund significantly expanded the range of German courses and opportunities to learn German throughout Austria, also making a commitment to expand the range of German courses even further.

Citizenship and Statelessness

ACQUISITION OF CITIZENSHIP

The [special right to acquire](#) Austrian citizenship granted to victims of the Nazis and their direct descendants was extended to include, under certain circumstances, cases where people were deported abroad or murdered by organs of the Nazi party or authorities of the German Reich or because of their support for the democratic Republic of Austria.

Borders, Visas and Schengen

BORDER MANAGEMENT

At ministerial level, there were calls for a robust system to protect Austria's external borders. The idea of [border security fences](#) was also raised in this connection.

SCHENGEN GOVERNANCE

The existing temporary controls at the borders to Slovenia and Hungary were [continued](#) and new temporary border controls were [introduced](#) at the border to the Slovak Republic. Austria voted against admitting Romania and Bulgaria to the Schengen Area.

Irregular Migration Including Migrant Smuggling

PREVENTING FACILITATION OF IRREGULAR MIGRATION ('SMUGGLING') AND PREVENTING IRREGULAR STAY

Austria presented an [information campaign](#) to raise awareness among migrants still in their countries of origin and transit about the potential dangers of irregular migration, misinformation spread by smuggling organizations, and realities and prospects in Europe (such as the low likelihood of being granted protection status).

Return and Readmission

MAIN NATIONAL DEVELOPMENTS IN THE FIELD OF RETURN

On Austria's initiative, a ministerial conference was held on return issues. Voluntary return to India was to be encouraged by means of a short-term [special campaign to support voluntary return](#). In addition, Austria organized [Europe's first Frontex charter operation to India](#).

COOPERATION WITH THIRD COUNTRIES OF ORIGIN AND TRANSIT AND IMPLEMENTATION OF EU READMISSION AGREEMENTS

The Federal Government decided to enter into [negotiations with the Republic of India on an agreement](#) on a comprehensive migration and mobility partnership.

Migration and Development

NATIONAL ACTIONS

In the new [Three-Year Programme on Austrian Development Policy](#), migration and forced displacement were stated to be one of the three global challenges set to play a pivotal role in shaping activities over the coming years.

Response to Influx of Persons Fleeing the War in Ukraine and Temporary Protection

MAIN NATIONAL DEVELOPMENTS IN RELATION TO TEMPORARY PROTECTION

Austria adopted the [Regulation on Displaced Persons](#), which was based on the EU Temporary Protection Directive and granted protection in Austria to persons displaced from Ukraine. In this connection, the range of integration measures was adapted and expanded according to need in cooperation with the Austrian Integration Fund. The criteria for [legal access to the labour market](#) were defined by a decree issued by the Federal Minister for Labour.

MAIN MEASURES TAKEN OUTSIDE OF THE LEGAL FRAMEWORK OF THE TEMPORARY PROTECTION DIRECTIVE

Austria granted Ukrainian nationals whose residence permit was about to expire at the end of February 2022 [lawful residence](#) even before the Regulation on Displaced Persons came into force. The decision of the Council of Ministers of 21 December 2022 laid the foundation for the extension of the temporary right of residence for displaced persons in Austria until 4 March 2024. [The COVID-19 Entry Regulation 2021](#) was amended so that it was no longer valid for persons entering the country because of military conflict. In addition, Austria agreed to take in up to [2,000 displaced Ukrainians from the Republic of Moldova and up to 500 displaced Ukrainians from Poland](#).

0. OVERARCHING CHANGES TO NATIONAL MIGRATION AND ASYLUM SYSTEM IN 2022 IN THE EU MEMBER AND OBSERVER STATES

Please indicate whether there have been **overarching changes** in the national migration and asylum system that have taken place in 2022. 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. It can also include developments that impact on more than one thematic section in the template. This could entail digitalisation strategies across more than one area of processing; developments to improve preparedness; policy decisions for institutional restructuring; a new migration law covering both asylum and migration etc.

For each development, please:

- ✓ **Briefly describe the development: what changed?**
- ✓ **Describe the objectives¹ and the drivers² of the legislative or policy development.**
- ✓ **Flag whether the development was a 'major' development and, if so, briefly explain (1-2 sentences) why you consider this a major development (e.g. *strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).**
- ✓ **Please include one development per row and add additional rows as required.**
- ✓ **List developments in order of importance. If several developments are deemed equally important, please use a chronological order.**

1. Were there any new overarching legal or policy developments in the national migration and asylum system in 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

¹ Objective of the development: what is this legal/policy change/development intended to achieve?

² Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

1. LEGAL MIGRATION TO THE EU MEMBER AND OBSERVER STATES

Please indicate (Yes/No) whether there have been any **new legal or policy developments in 2022** relating to any of the questions in Section 1 indicated below.

If yes, for each development, please:

- ✓ Briefly describe the development: what changed?
- ✓ Describe the **objectives**³ and the **drivers**⁴ of the legislative or policy development.
- ✓ Flag whether the development was a 'major' development and, if so, briefly explain (1-2 sentences) why you consider this a major development (*e.g. strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).
- ✓ Please include one development per row and add additional rows as required.
- ✓ List developments in order of importance. If several developments are deemed equally important, please use a chronological order.

1.1. Overarching strategic legal or policy changes in legal migration

2. Were there any new overarching **legal or policy** developments in relation to legal migration in 2022? Y/N.

Development including objective and driver	Major development
<p>Development: The special COVID-19 regulations in the areas of citizenship law, settlement and residence, proceedings before the Federal Office for Immigration and Asylum, and asylum were extended in 2022.</p> <p>One example in this regard is Art. 19 para 1a Settlement and Residence Act,⁵ according to which applications for extension or amendment do not need to be submitted to the authority in person – as was the case before the pandemic – but instead are to be submitted by post or electronically while freedom of movement or interpersonal contact is restricted due to COVID-19 measures. This existing regulation was initially extended until 30 June 2022,⁶ subsequently until 31 December 2022⁷ and ultimately until 30 June 2023.⁸ The special provision in the Regulation on the Implementation of the Settlement and Residence Act⁹ should also be mentioned here. Under this provision, the authority does not need to take fingerprints or see original documents and certificates when applications for extension or amendment are made while freedom of movement or interpersonal contact is restricted on the basis of measures taken to prevent the spread of COVID-19. This is on condition that there is no reason to doubt the identity of the applicant or the authenticity and accuracy of the documents and certificates. If applicable, the residence permit is to be issued without the use of fingerprints as a biometric (Art. 2b para 4a and Art. 6 para 2a Regulation on the Implementation of the Settlement and Residence Act).</p> <p>Objective: The objective of this amendment was to extend the restriction on face-to-face interactions with authorities that was taken to prevent the spread of COVID-19.</p>	<input type="checkbox"/> Major, because

³ Objective of the development: what is this legal/policy change/development intended to achieve?

⁴ Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

⁵ Settlement and Residence Act, FLG I No. 100/2005 in the version of federal law FLG I No. 221/2022.

⁶ Amendment to the Citizenship Act 1985, the Settlement and Residence Act, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 234/2021.

⁷ Amendment of the Citizenship Act 1985, the Settlement and Residence Act, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 83/2022.

⁸ Amendment of the Citizenship Act 1985, the Settlement and Residence Act, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 221/2022.

⁹ Regulation on the Implementation of the Settlement and Residence Act, FLG II No. 451/2005 in the version of federal law FLG II No. 327/2022.

2. Were there any new overarching legal or policy developments in relation to legal migration in 2022? Y/N.

Development including objective and driver	Major development
<p>Driver: It became apparent that the pandemic was not yet over.¹⁰</p> <p>Development: The Settlement Regulation 2022 came into force on 1 January 2022.¹¹ This regulation governs the total number of residence permits subject to quota requirements in Austria (6,020) and their breakdown by residence permit and province. As of 1 January 2022, the maximum number of seasonal and harvest workers is no longer governed by the Settlement Regulation (as was previously the case), but solely via quota regulations issued by the Federal Minister for Labour and Economy (Art. 13 para 1 Settlement and Residence Act as well as Art. 5 para. 1 Act Governing the Employment of Foreign Nationals).¹² This amendment also enabled the social partners represented in the provincial directorates of the Public Employment Service (Austrian Federal Economic Chamber, Federation of Austrian Industries, Austrian Federal Chamber of Labour, Austrian Trade Union Federation) and the agriculture and forestry interest groups (Austrian Chamber of Agriculture and Austrian Chamber of Agricultural Workers) to enquire about the quota utilization and number of registered seasonal workers granted employment within the area of activity of the particular Public Employment Service provincial office (Art. 5 para 10 Act Governing the Employment of Foreign Nationals).</p> <p>Objective: The aim of the Settlement Regulation 2022 was to ensure the development of an orderly labour market and to distribute residence permits between the provinces in line with opportunities and requirements (Art. 13 para 2 Settlement and Residence Act).</p> <p>Driver: The background to the Settlement Regulation is Art. 13 Settlement and Residence Act, according to which the Federal Government can specify by regulation the number of residence permits subject to quota requirements for each calendar year. Since the annual specification of a maximum number of seasonal permits in the Settlement Regulation hindered needs-based admission, the Federal Minister for Labour and Economy is now able to quantitatively control the admission of seasonal workers via the annual quota regulations without maximum numbers of this kind, taking into account the specific labour market situation and the labour force pool available.¹³</p>	<p><input type="checkbox"/> Major, because</p>

1.2. Work-related migration

Admission policies for specific categories of third-country nationals

Please describe any new concrete developments regarding admission affecting all migrant workers, and for the following categories of third-country workers.

1.2.1. Categories of workers

3. Were there any new legal or policy developments in relation to migrant workers, including the following categories of workers in 2022? Y/N.

Development including objective and driver	Major development
a) Overarching developments affecting all migrant workers	
<p>Development: On 3 February 2022, the repeal of Art. 4 para 3 Act Governing the Employment of Foreign Nationals was announced by the Constitutional Court.¹⁴ This regulation governs the</p>	<p><input type="checkbox"/> Major, because</p>

¹⁰ Initiative Proposal concerning a Federal Act amending the Citizenship Act 1985, the Settlement and Residence Act, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, 2484/A XXVII. Legislative Term. Available at www.parlament.gv.at.

¹¹ Settlement Regulation 2022, FLG II No. 567/2021.

¹² FLG I No. 218/1975 in the version of federal law FLG I No. 168/2022.

¹³ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals and the Settlement and Residence Act, 1162 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

¹⁴ Repeal of Art. 4 para 3 of the Act Governing the Employment of Foreign Nationals by the Constitutional Court, FLG I No. 1/2022.

<p>conditions under which a work permit may be issued to an employer. These conditions supplement the general requirements pursuant to Art. 4 para 1 and 2 Act Governing the Employment of Foreign Nationals. The repeal of this regulation will come into force at the end of 30 June 2023.</p> <p>Objective: The aim of the repeal by the Constitutional Court was to remove an unconstitutional law.</p> <p>Driver: Due to a complaint made by a Pakistani national, the Constitutional Court examined the constitutionality of Art. 4 para 3 Act Governing the Employment of Foreign Nationals. Under Art. 4 para 3 subpara 1 Act Governing the Employment of Foreign Nationals, the unanimous approval of the Regional Advisory Council¹⁵ is a prerequisite for the granting of a work permit. The authority responsible for granting work permits is the locally competent regional office of the Public Employment Service (Art. 20 para 1 and 2 Act Governing the Employment of Foreign Nationals). According to current law, the unanimous approval of the Regional Advisory Council is also required before a decision can be made on granting a work permit (Art. 4 para 3 subpara 1 Act Governing the Employment of Foreign Nationals). The Constitutional Court deemed this existing regulation unconstitutional because the Regional Advisory Council has no official authority to make decisions. However, the current form of the law ties the granting of a work permit to the unanimous approval of the Regional Advisory Council, which is not to be deemed a public authority; this means that the decision by the competent authority (Public Employment Service) is tied to the approval of a body that is not a public authority (Regional Advisory Council). According to the Constitutional Court, this regulation violates the rule of law.¹⁶</p>	
<p>Development: As part of the Red-White-Red Card reform (see below), the Austrian Business Agency (ABA) unit “Work in Austria” was established as a service centre for the Red-White-Red Card (Art. 20h Act Governing the Employment of Foreign Nationals).¹⁷ In relation to the Red-White-Red Card, the service centre helps users by:</p> <ul style="list-style-type: none"> • Providing basic information about the key legislation applicable to acquisition of the aforementioned residence permit; • Providing multilingual, digitally supported information and advice on procedures relating to the aforementioned residence permit; • Showing applicants how to submit applications; • Guiding applicants through the individual steps of the procedure. <p>Objective: Expanding the ABA “Work in Austria” unit into a service centre is designed to improve coordination and streamline the complex procedural steps involved in the interaction between right of residence and access to the labour market.¹⁸</p> <p>Driver: The current government programme stipulates that the ABA “Work in Austria” unit is to be positioned as a central platform to recruit specialists from abroad (Austrian Federal Government, 2020).</p>	<p><input type="checkbox"/> Major, because</p>
<p>Development: A regulation of 29 August 2022 amended¹⁹ the Regulation on the Employment of Foreign Nationals.²⁰ This amendment specified two more exceptions to the applicability of the Act Governing the Employment of Foreign Nationals. The first relates to foreign nationals who have a right of residence under the Settlement and Residence Act and who have successfully completed training in Austria in a nursing assistant profession or in higher-level health care and</p>	<p><input type="checkbox"/> Major, because</p>

¹⁵ Pursuant to Art. 20 para 1 and 2 Public Employment Service Act, each regional Public Employment Service organization must have its own advisory council, comprising the head of the regional branch as the chairperson and four other members.

¹⁶ Constitutional Court Austria, 14 December 2021, G 232/2021-14.

¹⁷ Act Governing the Employment of Foreign Nationals, FLG I No. 218/1975 in the version of federal law FLG I No. 106/2022.

¹⁸ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals, the Labour Market Promotion Act, the Settlement and Residence Act and the Aliens Police Act 2005, 1528 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

¹⁹ Amendment of the Regulation Governing the Employment of Foreign Nationals, FLG II No. 325/2022.

²⁰ Regulation Governing the Employment of Foreign Nationals, FLG No. 609/1990 in the version FLG II No. 325/2022.

<p>nursing and are entitled to practise that profession. The second relates to certain family members²¹ of persons employed by international institutions or international non-governmental organizations, including quasi-international organizations (Art. 1 subpara 6 and subpara 12 Regulation on the Employment of Foreign Nationals).</p> <p>Objective: The aim is to exclude certain categories of persons from the scope of the Act Governing the Employment of Foreign Nationals.</p> <p>Driver: The new exemptions were created as a result of the aim to overcome the shortage of skilled nursing staff and on the basis of the Host State Law,²² which made it necessary to adapt the previous legal situation accordingly.²³</p>	
<p>Development: Amendments to the Act Governing the Employment of Foreign Nationals,²⁴ the Labour Market Promotion Act (see 1.2.2/Q 4),²⁵ the Settlement and Residence Act (see 1.3/Q 8) and the Aliens Police Act 2005 (see Q 3b)²⁶ came into force on 1 October 2022.²⁷ These amendments included a reform of the Red-White-Red Card. The key features of the reform were as follows:</p> <ul style="list-style-type: none"> • New category of Red-White-Red Card created for regular workers (Art. 12d Act Governing the Employment of Foreign Nationals) under which seasonal workers who were employed as registered seasonal workers in the same industry over two calendar years for at least seven months per calendar year receive a Red-White-Red Card, irrespective of their age and qualifications; • Minimum wage for other key workers reduced to 50% of the General Social Insurance Act²⁸ maximum contribution basis and fixed minimum wage for university graduates completely abolished (Art. 12b subpara 1 and 2 Act Governing the Employment of Foreign Nationals); • Validity of language diplomas and course certificates demonstrating German and English proficiency extended from one to five years (Art. 20d para 6 Act Governing the Employment of Foreign Nationals); • Austrian Business Agency “Work in Austria” unit expanded into a service centre for the Red-White-Red Card and EU Blue Card (Art. 20h Act Governing the Employment of Foreign Nationals; see above); • Red-White-Red Card aligned with the EU Blue Card, for example by making it easier for applicants to meet the requirements²⁹ (or bringing the period of validity for residence permits of family members of Red-White-Red Card holders into line with the period of validity for residence permits that applies to family members of holders of an EU Blue Card; Art. 46 para 1a Settlement and Residence Act); • Employers allowed to apply not just for the future employee but also (if the application is made at the same time) for his/her family members (Art. 20d para 1 Act Governing the Employment of Foreign Nationals); • Points allocation under the Act Governing the Employment of Foreign Nationals relaxed in terms of professional experience, English proficiency, vocational education and 	<p>X Major, because the reform was widely debated at political level and seen as an important step in tackling the labour shortage.</p>

²¹ According to Art. 1 subpara 12 Regulation Governing the Employment of Foreign Nationals, dependents are spouses, registered partners and unmarried children up to the age of 21. There is no age limit for children with disabilities.

²² Federal law to strengthen Austria as an international official seat and conference location, FLG I No. 54/2021.

²³ Written input: Federal Ministry of Labour and Economy, Department III/B/7 (Employment of Foreign Nationals), 23 January 2023.

²⁴ Act Governing the Employment of Foreign Nationals, FLG I No. 218/1975 in the version of federal law FLG I No. 106/2022.

²⁵ Labour Market Promotion Act, FLG No. 31/1969 in the version of federal law FLG I No. 106/2022.

²⁶ Aliens Police Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 106/2022.

²⁷ Amendment to the Act Governing the Employment of Foreign Nationals, the Labour Market Promotion Act, the Settlement and Residence Act and the Aliens Police Act 2005, FLG I No. 106/2022.

²⁸ General Social Insurance Act, FLG No. 189/1955 in the version of federal law FLG I No. 236/2022.

²⁹ For the Red-White-Red – Card, for example, the requirement of Art. 11 para 2 subpara 4 Settlement and Residence Act, according to which the applicant's stay could not lead to any financial burden on a territorial authority, no longer has to be met (Art. 41 para 1 and 2 Settlement and Residence Act).

<p>training in a shortage occupation, and age.</p> <p>On the basis of the amended Regulation on the Implementation of the Settlement and Residence Act,³⁰ which also predominantly came into force on 1 October 2022, the process was made easier for Red-White-Red Card applicants in terms of the documents and certificates to be presented. For example, in certain cases it is sufficient to present a certified copy of a valid travel document instead of the original (Art. 6 para 1 Regulation on the Implementation of the Settlement and Residence Act).</p> <p>Other amendments to the Act Governing the Employment of Foreign Nationals related to the doubling of the amount of time that artists can work without a work permit from four to eight weeks (Art. 3 para 4 (b) Act Governing the Employment of Foreign Nationals) and the introduction of work permits for specialists working on projects (project staff; Art. 4a Act Governing the Employment of Foreign Nationals).</p> <p>Objective: The aim of the reform was to bring the framework conditions of the Red-White-Red Card into line with a modern labour market, to simplify labour market access for qualified persons from third countries as part of a controlled immigration strategy, to make the application process more efficient and thus to help alleviate the shortage of skilled workers (Federal Ministry of Labour, 2022b).</p> <p>Driver: According to the Federal Minister for Labour and Economy, many companies were looking for qualified staff and demographic changes combined with the economic upturn in the first half of 2022 further increased the need for skilled workers (Federal Ministry of Labour, 2022b). In addition, the government programme included plans to simplify the application process for the Red-White-Red Card and to streamline the procedures (Austrian Federal Government, 2020).</p>	
<p>Development: As part of the Red-White-Red Card reform described above, the statutory minimum salary requirement for university graduates was abolished, making it easier for graduates to obtain a Red-White-Red Card. However, the gross monthly salary must continue to be at least equivalent to the customary local salary for domestic university graduates in a comparable occupation and with comparable professional experience.</p> <p>Objective: The aim was to reduce barriers to entry.³¹</p> <p>Driver: Practice to date has shown that the previous statutory minimum salary for the admission of other key workers was often too high.³²</p>	<input type="checkbox"/> Major, because
<p>Development: Art. 4 para 8 Act Governing the Employment of Foreign Nationals³³ came into force on 1 November 2022. According to this provision, the Public Employment Service can choose not to suspend a work permit if an individual repeatedly engages in unauthorized employment under Art. 4 para 1 subpara 3 and 5 Act Governing the Employment of Foreign Nationals. In order to do so, there must be extenuating circumstances – a low level of culpability, for example, or the violation being committed for only a short period – and employers must provide credible evidence that specific technical, organizational or personnel measures have been put in place to prevent any further violations. The Regional Advisory Council must be consulted beforehand.</p> <p>Objective: The aim of this provision is to provide the Public Employment Service with discretionary powers when suspending work permits. Consultation with the Regional Advisory Council, which is made up of social partners, is designed to also take into account the considerations of various interest groups when applying the regulation.³⁴</p> <p>Driver: This existing sanction (suspension of the work permit) is a serious encroachment on the</p>	<input type="checkbox"/> Major, because

³⁰ Amendment to the Regulation on the Implementation of the Settlement and Residence Act, FLG II No. 327/2022.

³¹ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals, the Labour Market Promotion Act, the Settlement and Residence Act and the Aliens Police Act 2005, 1528 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

³² Ibid.

³³ Act Governing the Employment of Foreign Nationals, FLG I No. 218/1975 in the version of federal law FLG I No. 168/2022.

³⁴ Initiative Proposal concerning a Federal Act amending the Act Governing the Employment of Foreign Nationals, 2720/A XXVII. Legislative Term. Available at www.parlament.gv.at.

<p>freedom to pursue gainful employment and freedom of ownership which, when applied indiscriminately, does not take into consideration the type and duration of the transgression or the level of culpability, meaning that systematic and deliberate violations are sanctioned in the same way as merely negligent conduct.³⁵ This imbalance has been rectified by the new regulation.</p>	
b) Highly qualified workers	
<p>Development: Directive (EU) 2021/1883 on the EU Blue Card³⁶ was transposed into national law through the amendments to the Settlement and Residence Act, Act Governing the Employment of Foreign Nationals and Aliens Police Act described above (see Q 3a). This led to simplifications in areas such as professional experience: for example, it is now sufficient for graduates of universities (including universities of applied sciences) to provide proof of three years of relevant professional experience for certain highly qualified posts in the information and communication technology sector, the salary threshold was lowered, and simplifications were implemented in relation to mobility and change of employer (Art. 12c para 1 and 2 Act Governing the Employment of Foreign Nationals, Art. 20d para 2a Act Governing the Employment of Foreign Nationals, Art. 50a Settlement and Residence Act as well as Art. 15, 24 and 31 Aliens Police Act 2005). Another new development is that persons granted asylum and beneficiaries of subsidiary protection status in Austria can apply for an EU Blue Card (Art. 42 para 5 Settlement and Residence Act). Previously, this category of persons was excluded from the scope of the EU Blue Card.³⁷</p> <p>The amendment to the Regulation on the Implementation of the Settlement and Residence Act,³⁸ which also predominantly came into force on 1 October 2022, introduced a change to the new legal situation in terms of the documents and certificates to be presented when applying for an EU Blue Card.</p> <p>Objective: The aim is to transpose Directive (EU) 2021/1883 on the EU Blue Card.³⁹</p> <p>Driver: The transposition is driven by the transposition deadline of 18 November 2023, as cited in the directive.</p>	<p><input type="checkbox"/> Major, because</p>
<p>Development: An amendment to the Settlement and Residence Act came into force on 21 October 2022⁴⁰ with the result that all third-country nationals can now apply for their first Red-White-Red Card in Austria after they have lawfully entered the country (with or without a visa, as appropriate) and while they are lawfully resident in the federal territory of Austria (Art. 21 para 2 subpara 7 Settlement and Residence Act).</p> <p>Objective: The aim of this amendment is to further encourage qualified immigration. In addition to highly qualified applicants, persons eligible to apply for their first Red-White-Red Card from within Austria are set to include skilled workers in shortage occupations, other key workers, university graduates, regular workers, start-up founders and self-employed key workers. Anyone who is lawfully resident (with or without a visa, as appropriate) should be able to apply for a Red-White-Red Card from within the country.⁴¹</p> <p>Driver: See above.</p>	<p>x Major, because previously, only highly qualified persons were able to apply for their first Red-White-Red Card from within Austria. The amendment enables all skilled workers in shortage occupations, other key workers, university graduates, regular workers, start-up founders</p>

³⁵ Initiative Proposal concerning a Federal Act amending the Act Governing the Employment of Foreign Nationals, 2720/A XXVII. Legislative Term. Available at www.parlament.gv.at.

³⁶ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC: OJ L 382, pp. 1–38.

³⁷ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals, the Labour Market Promotion Act, the Settlement and Residence Act and the Aliens Police Act 2005, 1528 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

³⁸ Amendment to the Regulation on the Implementation of the Settlement and Residence Act, FLG II No. 327/2022.

³⁹ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals, the Labour Market Promotion Act, the Settlement and Residence Act and the Aliens Police Act 2005, 1528 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

⁴⁰ Amendment of the Settlement and Residence Act, FLG I No. 153/2022.

⁴¹ Initiative Proposal concerning a Federal Act amending the Settlement and Residence Act, 2719/A XXVII. Legislative Term. Available at www.parlament.gv.at.

	and self-employed key workers to apply for their first Red-White-Red Card from within the country.
c) Low and medium skilled workers (other than seasonal workers)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) Seasonal workers	
<p>Development: Amendments to the Settlement and Residence Act and the Act Governing the Employment of Foreign Nationals (known as the “Registered Seasonal Worker Regulation”) came into force on 1 January 2022.⁴² Art. 4 para 7 subpara 6 and Art. 5 para 6a Act Governing the Employment of Foreign Nationals stipulated that seasonal workers who had been temporarily employed under quotas for at least three months in at least three calendar years in the same industry (tourism or agriculture and forestry) in the 2017 to 2021 calendar years and who registered with the Public Employment Service by 31 December 2022 could obtain work permits in this industry outside the quota system and without a labour market test. There had already been a similar regulation for seasonal workers granted employment under seasonal quotas in the 2006 to 2010 calendar years and who were registered for social insurance. These seasonal workers were able to register with the regional offices of the Public Employment Service until 30 April 2012 (Art. 5 para 7 Act Governing the Employment of Foreign Nationals). As part of the Red-White-Red Card reform (see above, 1.2.1/Q 3), the Registered Seasonal Worker Regulation was again amended so that rather than employment in the 2017 to 2021 calendar years, employment in the previous five calendar years is to be the decisive factor for registration as a registered seasonal worker. This regulation came into force on 1 October 2022.</p> <p>Objective: The aim was to simplify the requirements for the temporary employment of seasonal and harvest workers from third countries and to better adapt these requirements to the regularly occurring need for these workers.⁴³ It was also intended to place “old” and “new” registered seasonal workers on an equal footing in terms of the permitted duration of their approval.⁴⁴</p> <p>Driver: Given that many workers were no longer in the workforce or had since found other employment opportunities in their countries of origin and were therefore no longer available for seasonal work in Austria, the “old” Registered Seasonal Worker Regulation of 2011 has been used less and less in recent years. At the same time, it was predominantly the same seasonal workers who were being admitted via the annual quota regulations because labour supply needs could not be met by the workers registered with the Public Employment Service. According to surveys at the time (November 2021), around 3,100 workers met the requirements of the new Registered Seasonal Worker Regulation.⁴⁵</p>	<input type="checkbox"/> Major, because
<p>Development: The regulation on the temporary employment of foreign nationals in tourism and in agriculture and forestry in 2022 (Seasonal Quota Regulation)⁴⁶ came into force on 1 January 2022. This regulation was amended in July 2022,⁴⁷ with the quota for tourism being increased by 1,000 quota places. It was also decreed that if quota places become available, employers who have to date employed foreign nationals who have registered as seasonal workers⁴⁸ or have obtained a Red-White-Red Card as regular workers are to be given preference when new work</p>	<input type="checkbox"/> Major, because

⁴² Amendment to the Act Governing the Employment of Foreign Nationals and the Settlement and Residence Act, FLG I No. 217/2021.

⁴³ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals and the Settlement and Residence Act, 1162 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

⁴⁴ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals, the Labour Market Promotion Act, the Settlement and Residence Act and the Aliens Police Act 2005, 1528 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

⁴⁵ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals and the Settlement and Residence Act, 1162 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

⁴⁶ Seasonal Quota Regulation 2022, FLG II No. 569/2021.

⁴⁷ Amendment to the Seasonal Quota Regulation 2022, FLG II No. 272/2022.

⁴⁸ Persons who have been lawfully employed as seasonal workers in either agriculture and forestry or tourism for at least 90 days per calendar year in at least three of the previous five calendar years may apply for registration as regular seasonal workers. These persons may be granted employment permits for the respective economic sector outside of quotas and these employment permits are not to be counted towards quotas (Art. 5 para 6a Act Governing the Employment of Foreign Nationals).

permits are granted.	
<p>Objective: The aim of the regulation is to meet the additional need for seasonal workers for the calendar year.</p> <p>Driver: Under Art. 5 para 1 subpara 1 and 2 Act Governing the Employment of Foreign Nationals, the Federal Minister for Labour and Economy can define numerical quotas for temporary admission of foreign seasonal workers in a specific industry, occupational group or region, or for the short-term admission of foreign harvest workers. The prerequisite is a temporary additional need for workers that cannot be met by the pool of workers available in Austria or by citizens of the European Economic Area or Switzerland or by registered seasonal workers.</p>	
e) Entrepreneurs, start-ups and investors	
<p>Development: The amendment to the Act Governing the Employment of Foreign Nationals set out above (see Q 3a), which came into force on 1 October 2022, also reduced the minimum initial capital for start-up founders from EUR 50,000 to EUR 30,000 (Art. 24 para 2 subpara 5 Act Governing the Employment of Foreign Nationals). As was previously the case, it must be proved that half of this capital is equity.</p> <p>Objective: The reduction in the amount of company capital required is intended to reduce obstacles to the admission of start-up founders.⁴⁹</p> <p>Driver: Practice has shown that the requirement for start-up capital of EUR 50,000 can rarely be met by entrepreneurs wanting to found a start-up, most of whom are young. University graduates, in particular, do not generally have this amount of capital available.⁵⁰</p>	<input type="checkbox"/> Major, because
<p>Development: For information about the option to submit an application from within Austria, which came into force on 21 October 2022 and is also available for start-up founders, see 1.2.1/Q 3a.</p> <p>Objective: For the objective, see 1.2.1/Q 3a.</p> <p>Driver: For the driver, see 1.2.1/Q 3a.</p>	<input type="checkbox"/> Major, because
f) Intra-corporate transferees	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
g) Trainees, au pairs and volunteers	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
h) Other remunerated workers	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

1.2.2. Satisfying labour market needs

4. Were there any new legal or policy developments to satisfy labour market and skill needs/shortages in relation to the employment of third-country nationals (which were not already covered in section 1.2.1 above) in 2022? (e.g. use of instruments/tools to forecast labour shortages and the need for labour migration) Y/N.

Development including objective and driver	Major development
Development: The Regulation for Skilled Workers 2022 ⁵¹ came into force on 1 January 2022. It included a list of shortage occupations. ⁵² In 2022, foreign nationals who met the relevant criteria	<input type="checkbox"/> Major, because

⁴⁹ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals, the Labour Market Promotion Act, the Settlement and Residence Act and the Aliens Police Act 2005, 1528 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

⁵⁰ Ibid.

4. Were there any new legal or policy developments to satisfy labour market and skill needs/shortages in relation to the employment of third-country nationals (which were not already covered in section 1.2.1 above) in 2022? (e.g. use of instruments/tools to forecast labour shortages and the need for labour migration) Y/N.

Development including objective and driver	Major development
<p>(Art. 12a Act Governing the Employment of Foreign Nationals) were able to be admitted for employment in these shortage occupations throughout Austria or in certain provinces. There were initially 66 shortage occupations nationwide, but ultimately 68 due to an amendment to the Regulation for Skilled Workers 2022 in July 2022,⁵³ and between two (Burgenland) and 49 (Upper Austria) further shortage occupations in the provinces. Most recently, 21 more occupations were listed throughout Austria than in the previous year.⁵⁴ This increase was due to the shortage of skilled workers, especially in technical occupations and also in the health and tourism sectors (Federal Ministry of Labour, 2021). Accordingly, the Regulation for Skilled Workers 2022 most recently included civil engineers, medical/paramedical staff and waiting staff.</p> <p>Objective: The aim was to secure Austria's role as a centre of business and employment.</p> <p>Driver: The regulation is based on Article 13 Act Governing the Employment of Foreign Nationals, according to which the Federal Minister for Labour and Economy defines shortage occupations for the following calendar year by regulation in the event of a long-term labour shortage that cannot be met by the existing supply of domestic workers.</p>	
<p>Development: An amendment to Art. 4 Labour Market Promotion Act⁵⁵ enabled non-profit organizations and commercial employment agencies that specialize in placing qualified staff to place third-country nationals with employers without having to obtain the prior agreement of the Public Employment Service. This amendment came into force on 1 October 2022.</p> <p>Objective: The aim of this amendment is to facilitate the recruitment of qualified workers from third countries.</p> <p>Driver: In view of the growing additional demand for skilled and key workers, which the Public Employment Service is finding increasingly difficult to meet from its pool of registered unemployed persons, the intention is to completely abolish the existing restriction (job placement only permitted if third-country nationals already have unrestricted access to the labour market or if the Public Employment Service agrees to the placement in individual cases).⁵⁶</p>	<input type="checkbox"/> Major, because
<p>Development: The Federal Minister for Education, Science and Research presented the future strategy of Austrian schools abroad during his working visit to Albania in early November 2022. He underlined the aims of further developing the schools, examining new locations worldwide, and offering an increased amount of education and training with relevance to the labour market in order to meet the need for skilled workers. This is seen as a sustainable measure to attract internationally qualified skilled workers to Austria (Federal Ministry of Education, Science and Research, 2022d).</p> <p>Objective: The aim was for Austrian schools abroad to offer an increased amount of education and training with relevance to the labour market in order to meet the need for skilled workers (Federal Ministry of Education, Science and Research, 2022d).</p>	<input type="checkbox"/> Major, because

⁵¹ Regulation for Skilled Workers 2022, FLG II No. 573/2021.

⁵² According to Art. 13 para 1 Act Governing the Employment of Foreign Nationals, shortage occupations are those occupations for which no more than 1.5 jobseekers per vacancy are registered.

⁵³ Amendment to the Regulation for Skilled Workers 2022, FLG II No. 271/2022.

⁵⁴ Regulation for Skilled Workers 2021, FLG II No. 595/2020.

⁵⁵ Labour Market Promotion Act, FLG No. 31/1969 in the version of federal law FLG I No. 106/2022.

⁵⁶ Government Proposal - Explanatory Notes: Federal Act Amending the Act Governing the Employment of Foreign Nationals, the Labour Market Promotion Act, the Settlement and Residence Act and the Aliens Police Act 2005, 1528 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

4. Were there any new legal or policy developments to satisfy labour market and skill needs/shortages in relation to the employment of third-country nationals (which were not already covered in section 1.2.1 above) in 2022? (e.g. use of instruments/tools to forecast labour shortages and the need for labour migration) Y/N.

Development including objective and driver	Major development
Driver: This development was driven by the need for skilled workers in Austria and the potential of Austrian schools abroad seen in this connection (Federal Ministry of Education, Science and Research, 2022d).	

1.2.3. 'Social dumping'⁵⁷ and labour exploitation

5. Were there any new legal or policy developments aimed at tackling labour exploitation and/or social dumping of third-country national workers legally residing in your Member/Observer State in 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

1.2.4. Bilateral labour migration agreements⁵⁸

6. Were there any new developments regarding bilateral labour migration agreements (including Skills Mobility Partnerships / Talent Partnerships) between your Member/Observer State and third countries in 2022? Y/N.

Development including objective and driver	Major development
<p>Development: On 21 December 2022, the Austrian Council of Ministers decided that a comprehensive migration and mobility partnership agreement between the Austrian Federal Government and the Republic of India should be negotiated. The intention is to strengthen cooperation under this agreement, particularly with regard to information exchange on opportunities for the regular migration of skilled workers, students and researchers as well as their family members and school pupils. Easier access to visas for bona fide business travellers and a working holiday programme should also be addressed along with return and readmission according to clear procedures and tackling irregular migration, smuggling and trafficking in human beings. New access routes and easier access to the Austrian labour market outside the current legal situation and legislation should explicitly not be created (Federal Ministry for European and International Affairs, 2022c). Also see 9.3.1/Q 92.</p> <p>Objective: See 9.3.1/Q 92.</p> <p>Driver: See 9.3.1/Q 92.</p>	<input type="checkbox"/> Major, because

1.2.5. Circular migration

7. Were there any new developments regarding the creation of opportunities for third-country

⁵⁷ 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 EMN Glossary (Version 7.0) defines [social dumping](#) as "The practice whereby workers are given pay and/or working and living conditions which are sub-standard compared to those specified by law or collective agreements in the relevant labour market, or otherwise prevalent there."

⁵⁸ According to the International Organization for Migration (IOM), bilateral labour migration agreements are "formal mechanisms concluded between States, which agreements are essentially legally binding commitments concerned with inter-state cooperation on labour migration. The term is also used to describe less formal arrangements regulating the movement of workers between countries entered into by States as well as a range of other actors, including individual ministries, employer organizations, etc." (Source: <https://publications.iom.int/>), last accessed on 15 November 2021.

nationals to work in the EU under circular migration ⁵⁹ in 2022? Y/N.	
Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

1.3. Students and researchers

8. Were there any <u>new legal or policy</u> developments in relation to a) Students and b) Researchers in 2022? Y/N.	
Development including objective and driver	Major development
a) Students	
<p>Development: On 1 October 2022, an amendment to the Settlement and Residence Act came into force according to which pupils at a school of health care and nursing under the Health Care and Nursing Act⁶⁰ or participants in a nursing assistant course under Art. 96 Health Care and Nursing Act can obtain a Temporary Residence Permit – School Pupil provided that they are undertaking training that lasts for longer than six months and is recognized by the Regulation on Training in Health Care and Nursing⁶¹ or the Regulation on Training for Care Assistant Occupations⁶² (Art. 63 para 1 subpara 7 Settlement and Residence Act). These are higher-level training courses in health care and nursing and for care auxiliaries and assistants.⁶³</p> <p>Objective: The aim of this amendment was to address the shortage of skilled nursing staff in Austria.⁶⁴</p> <p>Driver: The legislative change was driven by the aim to overcome the shortage of skilled nursing staff in Austria.⁶⁵</p>	<input type="checkbox"/> Major, because
b) Researchers	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

1.4. Family reunification⁶⁶ including family formation

9. Were there any <u>new legal or policy</u> developments regarding family reunification, including family formation, in 2022? Y/N.	
Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

10. Were there any <u>new legal or policy</u> developments in relation to family reunification/formation of <u>adult</u> beneficiaries of international protection in 2022? ⁶⁷ Y/N.
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⁵⁹ [Circular migration](#): A repetition of legal migration by the same person between two or more countries.

⁶⁰ Health Care and Nursing Act, FLG I No. 108/1997.

⁶¹ Regulation of the Federal Minister of Labour, Health and Social Affairs on Training in the Higher Service for Health Care and Nursing (Health Care and Nursing Training Regulation), FLG II No. 179/1999 in the version FLG II No. 296/2010.

⁶² Regulation of the Federal Minister for Health and Women's Affairs on Training and Qualification Profiles for Nursing Assistant Professions (Nursing Assistant Professions Training Regulation), FLG II No. 301/2016.

⁶³ Written input: Federal Ministry of the Interior, Department V/A/2 Residence and Citizenship, 23 January 2023.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ For this question, this refers to family reunification under the Family Reunification Directive ([2003/86/EC](#)), except family reunification of refugees.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

1.5. Information on routes to and conditions of legal migration

11. Were there any new legal or policy developments to improve the provision of information on the routes to and conditions of legal migration for third-country nationals, in 2022? Y/N.
For example, legal / policy decisions to improve provision of information through information campaigns aiming at legal migration (e.g. campaigns targeting students, highly-skilled workers, family reunification), websites, specific centres etc.
The aim here is not to obtain a detailed list of campaigns or changes to existing websites.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

1.6. Other measures regarding legal migration

12. Were there any other new legal or policy developments regarding legal migration (i.e. developments not specifically tied to one of the categories or topics already covered above) in 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

⁶⁷ Please note that family reunification for unaccompanied minors is covered in Section [3.2.4](#).

2. INTERNATIONAL PROTECTION

Please note that the information collected in this section may also be used in the EUAA Asylum Report – Annual Report on the Situation of Asylum in the EU.

Please indicate (Y/N) whether there have been any new legal or policy developments in 2022 relating to any of the areas as indicated below in Section 2.

If yes, for each development, please:

- ✓ Briefly describe the development: what changed?
- ✓ Describe the objectives⁶⁸ and the drivers⁶⁹ of the legislative or policy development.
- ✓ Flag whether the development was a 'major' development and, if so, briefly explain (1-2 sentences) why you consider this a major development (e.g. *strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).
- ✓ Please include one development per row and add additional rows as required.
- ✓ List developments in order of importance. If several developments are deemed equally important, please use a chronological order.

2.1. Legislative and policy developments related to international protection

2.1.1. Overarching strategic legal or policy developments in international protection

13. Were there any new overarching legal or policy developments in relation to international protection in 2022? Y/N.

Development including objective and driver	Major development
Development: With 108,781 applications for international protection, the Austrian asylum system was under exceptional strain in 2022. Furthermore, Austria registered the arrival of approximately 91,000 displaced persons from Ukraine and made the necessary legal adjustments in this regard (see section 11 below). ⁷⁰	<input type="checkbox"/> Major. because

2.1.2. Access to the asylum procedure

14. Were there any new legal or policy developments in relation to access to the asylum procedure (i.e. making, registering and lodging an application)⁷¹ in 2022? Y/N.

Development including objective and driver	Major development
Development: In 2022, both the Provincial Administrative Court of Styria and the Supreme Administrative Court were involved in cases concerning pushbacks by Austrian police at the border crossing point in Sigheldorf. In one case, the Provincial Administrative Court of Styria assessed the rejection at the border as unlawful. The Federal Minister of the Interior unequivocally rejected the accusation – which was made in reference to the judgement delivered in the second parliamentary follow-up question on the systematic use of pushbacks at Austria's southern border (Member of Parliament Dr. Stephanie Krisper, 2022) – and declared that respect for fundamental and human rights is a core aspect of police officers' daily work. It was also stated that police officers would continue to be explicitly reminded of the importance of complying with the rules as part of their education and training (Member of Parliament	<input type="checkbox"/> Major. because

⁶⁸ Objective of the development: what is this legal/policy change/development intended to achieve?

⁶⁹ Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

⁷⁰ Written input: Federal Ministry of the Interior, Department V/B/8, Asylum, 17 January 2023.

⁷¹ As per the Asylum Procedures Directive 2013/32/EU: **Making an application:** during this phase the person expresses the intention to apply for [international protection](#); **registering an application:** the applicant's intention to seek protection is registered, which may be done by an authority not competent for the asylum procedure itself, such as the border police; **lodging an application:** the asylum application is formally lodged at the competent authority for the asylum procedure.

Development including objective and driver	Major development
<p>Dr. Stephanie Krisper, 2022).</p> <p>In the other case, an appeal by the provincial police directorate of Styria was rejected by the Supreme Administrative Court, thus confirming an earlier ruling by the Provincial Administrative Court of Styria in which a rejection at the border was also found to be unlawful.⁷²</p> <p>Objective: The aim was to clarify the admissibility of the administrative authority's exercise of a direct power to issue orders and to use force.</p> <p>Driver: The catalyst was the complaint lodged with the Provincial Administrative Court of Styria by the complainant and the Styrian provincial police directorate's appeal against the ruling by the Provincial Administrative Court of Styria.</p>	
<p>Development: In its ruling on 6 December 2022, the Constitutional Court overturned Art. 53 para 2 subpara 6 Aliens Police Act on the grounds of a violation of the requirement of objectivity. The repealed provision, which states that the absence of proof of possession of the means to support oneself constitutes a threat to public order or safety and is a factor to be taken into account when assessing the duration of an entry ban of up to five years, is no longer applicable by order of the Constitutional Court.⁷³</p> <p>Objective: The aim was to rectify an unconstitutional legislative provision.</p> <p>Driver: The catalyst was the decision of the Constitutional Court on 4 October 2022⁷⁴ to officially assess the constitutionality of the subsequently repealed provision.</p>	<input type="checkbox"/> Major, because
<p>Development: On 13 December 2022, the Constitutional Court⁷⁵ decided to introduce legislative review proceedings and to review the constitutionality of all the provisions of the Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability,⁷⁶ which govern the delegation of tasks relating to legal advice and legal representation for foreign nationals or asylum seekers to the Federal Agency for Reception and Support Services company with limited liability and are connected to legal advice; the same decision applied to Art. 52 Federal Office for Immigration and Asylum Procedures Act.⁷⁷</p> <p>Objective: The aim is to clarify constitutional concerns.</p> <p>Driver: The decision by the Constitutional Court regarding the official legislative review was the catalyst for this development.⁷⁸</p>	<input type="checkbox"/> Major, because

2.1.3. Reception of asylum applicants

15. Were there any new legal or policy developments in relation to reception of applicants for international protection in 2022? Y/N.

Please note that NCPs are requested to use only section 3.1.4 of this Template to report any developments related to families with accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
<p>Development: A supplementary agreement⁷⁹ to the Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act⁸⁰ came into force on 1</p>	<p>X Major, because it was the first increase</p>

⁷² Supreme Administrative Court, 5 May 2022, Ra 2021/21/0274.

⁷³ Repeal of Art. 53 para 2 subpara 6 of the Aliens Police Act 2005 by the Constitutional Court, FLG I No. 202/2022.

⁷⁴ Constitutional Court Austria, 4 October 2022, E 3763-3764/2021-10.

⁷⁵ Constitutional Court Austria, 13 December 2022, E 3608/2021-28 ua.

⁷⁶ Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability, FLG I No. 53/2019.

⁷⁷ Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012 in the version of federal law FLG I No. 83/2022.

⁷⁸ Constitutional Court Austria, 13 December 2022, E 3608/2021-28 ua.

⁷⁹ Agreement between the Federal State and the Provinces according to Art. 15a Federal Constitutional Act determining in particular the increase of specific maximum cost rates of Art. 9 of the Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act as well as a lump sum for initial care, FLG I No. 197/2022.

⁸⁰ Agreement between the Federal State and the Provinces according to Art. 15a Federal Constitutional Act on common measures for temporary basic care for aliens in need of assistance and protection (asylum seekers, persons granted asylum, displaced persons and

Development including objective and driver	Major development
<p>December 2022. In addition to specific rules for persons displaced from Ukraine (see 11.1/Q 36c), the supplementary agreement provides for an increase of up to EUR 45 in certain maximum costs (Art. 9 subpara 1 and 2 Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act). This increase applies to all persons who form part of the target group of the Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act, which includes asylum seekers. The increase in maximum costs was backdated to 1 March 2022.</p> <p>Objective: The aim of the supplementary agreement was to tackle the current challenges concerning basic care, particularly in relation to the provision of care for persons displaced by the war in Ukraine and the acceptance of approved asylum seekers from federal reception centres.⁸¹</p> <p>Driver: See above.</p>	<p>in maximum costs since 2016 and affects both asylum seekers and persons displaced from Ukraine.</p>

16. Were there any new legal or policy developments in relation to integration measures specifically aimed at the integration of adult applicants for international protection in 2022? Y/N (NB please include measures for beneficiaries of international protection in Section 4).

Please note that NCPs are requested to use only section 3.3 of this Template to report any developments related to accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

17. Were there any new legal or policy developments regarding (alternatives to) detention of applicants for international protection in 2022? Y/N.⁸²

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

2.1.4. Asylum procedure – types of procedure

18. Were there any new legal or policy developments in relation to the standard procedure or other types of asylum procedures in 2022, under the following headings:

Please note that NCPs are requested to use only section 3.2.2 of this Template to report any developments related to accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
a) Standard procedure	
<p>Development: On the extension of the special COVID-19 regulations, see 1.1/Q 2 above.</p> <p>Objective: See 1.1/Q 2.</p> <p>Driver: See 1.1/Q 2.</p>	<input type="checkbox"/> Major, because
b) Dublin procedure (e.g. policies relating to suspension of transfers)	

other persons who cannot be removed for legal or factual reasons) in Austria (Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act), FLG I No. 80/2004.

⁸¹ See Art. 1 Agreement between the Federal State and the Provinces according to Art. 15a Federal Constitutional Act determining in particular the increase of specific maximum cost rates of Art. 9 of the Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act as well as a lump sum for initial care, FLG I No. 197/2022.

⁸² Detention / alternatives to detention in the context of return is covered in Section [9.2.4](#).

Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
c) Border Procedure	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) Safe country concepts (e.g. introducing concept into law; creating or revising safe country of origin lists)	
<p>Development: The amendment to the Regulation on Countries of Origin was announced on 30 March 2022.⁸³ With this amendment, Ukraine was removed from the list of safe countries of origin.</p> <p>Objective: The aim of this development was to allow for a regular asylum procedure in accordance with the general procedural provisions for applicants from Ukraine.⁸⁴</p> <p>Driver: The catalyst for this development was the war in Ukraine, which meant that Ukraine could no longer be considered a safe country of origin.⁸⁵ The Federal Office for Immigration and Asylum therefore recommended that Ukraine be removed from the list of safe countries of origin (Federal Office for Immigration and Asylum, 2022a).</p>	<input type="checkbox"/> Major, because
e) Other procedures (e.g. admissibility procedures; accelerated procedures)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

2.1.5. Asylum procedure – operational aspects

19. Were there any <u>new legal or policy</u> developments in relation to operational aspects of the asylum procedure in 2022 under the following headings? Y/N. <i>Please note that NCPs are requested to use only section 3.2.2 of this Template to report any developments related to accompanied minors, but these developments will be included in this chapter of the published ARM.</i>	
Development including objective and driver	Major development
a) Access to information and legal counselling/representation	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
b) Provision of interpretation	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
c) Timeframes and case management (including backlog management, caseload management tools e.g. prioritisation procedures) for i) first instance determinations and ii) appeals/judicial review	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) Country of origin information (policy level developments in methodology)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
e) Digitisation of the procedure/Data management elements	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

⁸³ Amendment of the Regulation on Countries of Origin, FLG II No. 129/2022.

⁸⁴ Preamble and Impact Assessment. Available at www.bundestkanzleramt.gv.at.

⁸⁵ Federal Ministry of the Interior, *Vortrag an den Ministerrat*. Available at www.bundestkanzleramt.gv.at.

2.1.6. Maintaining family unity⁸⁶ for adult applicants for and beneficiaries of international protection

20. Were there any new legal or policy developments in relation to maintaining family unity for adult applicants for and beneficiaries of international protection in 2022? Y/N.

Please note that NCPs are requested to use only section 3.2.4 of this template to report developments related to families with accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

2.1.7. Withdrawal of international protection

21. Were there any new legal or policy developments in relation to withdrawal (both revocation and cessation) of international protection in 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

2.1.8. Other developments

22. Were there any other new legal and policy developments in the field of international protection in 2022 which were not covered above? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

2.2. Relocation and resettlement

2.2.1. Relocation⁸⁷

Legal and policy changes in relation to **national** relocation programmes.

NB Please note that relocation and resettlement activities specifically related to unaccompanied minors are covered in Section 3.4.2.

23. Were there any new legal or policy changes in relation to national relocation programmes in 2022 (NB data on EU level relocation programmes will be provided by DG HOME)? Y/N.

Please note that NCPs are requested to use only section 3.4.2 of this template to report any developments related to families with accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
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⁸⁶ A right to family unity, in the context of a refugee, a right provisioned in Art. 23 of Directive 2011/95/EU (Recast Qualification Directive) and in Art. 12 of Directive 2013/33/EU (Recast Reception Conditions Directive) obliging EU Member States to ensure that family unity can be maintained.

⁸⁷ 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 application 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 v7.0 [relocation \(europa.eu\)](#)).

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

2.2.2. Resettlement and Humanitarian Admission Programmes⁸⁸

Legal and policy changes in relation to resettlement and humanitarian admission programmes

24. Were there any new legal or policy changes in 2022 in relation to resettlement and humanitarian admission programmes (e.g. pledges made in 2022; new national programmes introduced; new policy approaches to resettlement, e.g. community sponsorship; developments in relation to the reception, supports for and legal status of persons accepted under such schemes)? Y/N.

Please note that NCPs are requested to use only section 3.4.2 of this template to report any developments related to families with accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

2.2.3. Relocation and Resettlement – other related developments

25. Were there any new legal or policy changes in relation to other developments regarding relocation and resettlement and humanitarian admission programmes in 2022? Note: this question covers other related developments and not programme-specific developments.

Please note that NCPs are requested to use only section 3.4.2 of this template to report developments related to families with accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
Development: On the commitment of Austria as the first EU Member State to accept displaced Ukrainians, see 11.2/Q 41 . Objective: See 11.2/Q 41 . Driver: See 11.2/Q 41 .	<input type="checkbox"/> Major, because

⁸⁸ 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 a 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 v7.0 [resettlement \(europa.eu\)](#)).

3. MINORS AND OTHER VULNERABLE GROUPS

Please note that developments reported in sections 3.1 – 3.5 will be incorporated into the Children in Migration Report 2022, as well as the Annual Report on Migration. The information comprises the categories of minors set out in the 2017 Communication and includes: accompanied minors/ families with children,⁸⁹ separated children⁹⁰ and unaccompanied minors (UAMs).⁹¹

Information collected in sections 3.1 – 3.5 which is relevant to unaccompanied minors and/or separated children will be reported in chapter 3 of the published ARM report. Information collected in sections 3.1 – 3.5 regarding accompanied minors will be reported in other relevant thematic chapters of the published ARM report. NCPs should provide ALL information relevant to minors in sections 3.1 – 3.5 of the template. Notes have been added to the specific questions to indicate where the collected information regarding accompanied minors will be reported in the publication.

Information collected in section 3.6 – Other vulnerable groups – is for publication in the ARM only.

Please indicate (Y/N) whether there have been any **new legal or policy developments in 2022** relating to any of the areas of Section 3 as indicated below.

If yes, for each development, please:

- ✓ Briefly describe the development: what changed?
- ✓ Describe the **objectives**⁹² and the **drivers**⁹³ of the legislative or policy development.
- ✓ Flag whether the development was a ‘major’ development and, if so, briefly explain (1-2 sentences) why you consider this a major development (*e.g. strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).
- ✓ Please include one development per row and add additional rows as required.
- ✓ List developments in order of importance. If several developments are deemed equally important, please use a chronological order.

Policy developments may be applicable specifically to third-country national accompanied/unaccompanied minors or separated children. Please tick the relevant boxes to show to which group the development is applicable in your Member and Observer State. In your responses, please indicate, where applicable, how the best interests of the child are ensured in the reported developments.

⁸⁹ Accompanied minor: A minor who is accompanied and effectively taken into the care of an adult responsible for them by law or by the practice of the Member State concerned. Families with children: minors who are accompanied by one or both parents or by their legal or customary primary caregiver (Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, or a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337 (Qualification Directive) – inferred from the definition of unaccompanied minor in Article 2(l) – see below).

⁹⁰ Separated child: A child under 18 years of age who is outside their country of origin and separated from both parents or their previous legal/customary primary caregiver [separated child \(europa.eu\)](https://europea.europa.eu/en/separated-child) (EMN Glossary, Version 7). These may include children accompanied by other adult family members (see Note to definition).

⁹¹ Unaccompanied minor: a minor who arrives on the territory of an EU Member State unaccompanied by the adult responsible for them by law or practice of the EU Member State concerned, and for as long as they are not effectively taken into the care of such a person; or who is left unaccompanied after they have entered the territory of the EU Member State (Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), Article 2(l)), [unaccompanied minor \(europa.eu\)](https://europea.europa.eu/en/unaccompanied-minor).

⁹² Objective of the development: what is this legal/policy change/development intended to achieve?

⁹³ Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

3.1. Identification, registration, reception of minors

3.1.1. Identification and registration of minors

26 Were there any new legal or policy developments at national level in relation to identification and registration of accompanied / unaccompanied minors/separated children (including the collection of biometric data, identification of special needs) in 2022? Y/N.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.1.2. Human trafficking of minors

27. Were there any new legal or policy developments at national level in relation to the detection,⁹⁴ identification,⁹⁵ and assistance, support and protection for third-country national minors who are (presumed) victims of human trafficking in 2022? Y/N.

If yes, please elaborate in the box below and specify by type of procedure (asylum/legal migration/minors detected staying irregularly).

Please report developments related to ALL minors here. Please note that developments for unaccompanied minors/separated children collected in this section will be reported in the chapter on unaccompanied minors and other vulnerable groups of the published ARM. Developments for accompanied minors will be reported in the chapter on trafficking.

Development including objective and driver	Category	Major development
Development: Austria participated in a Europe-wide campaign focused on the fight against child trafficking ("Joint Action Days") from 6 to 13 June 2022 – see 11.2/Q 42 below.	<input checked="" type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors <input checked="" type="checkbox"/> Separated children	<input type="checkbox"/> Major, because

3.1.3. Missing children

28. Were there any new legal or policy developments at national level in relation to migrant children going missing in 2022? Y/N

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		

3.1.4. Reception facilities for minors

29. Were there any new legal or policy developments at national level in relation to the reception/care of minors (including changes in policies/legislation regarding safeguards, minimum standards, facilities adapted to unaccompanied children and families with children, policies on the availability of staff trained in child protection, measures to prevent and respond to child abuse, as well as protection against violence, availability and use of the alternative care system, monitoring of the facilities, access to education for children in reception facilities) in 2022? Y/N.

⁹⁴ EMN Glossary definition of [detection](#) of (a situation of) trafficking in human beings: the process of identifying a possible situation of trafficking in human beings.

⁹⁵ EMN Glossary definition of [identification](#) of a victim of trafficking in human beings: The process of confirming and characterising a situation of trafficking in human beings for further implementation of support.

Please report developments related to ALL minors here. Please note that information on the reception of families with children collected in this section will be reported in the international protection chapter of the published ARM.

Development including objective and driver	Category	Major development
<p>Development: In July 2022, the Federal Agency for Reception and Support Services company with limited liability announced that it was developing a child protection concept. As part of this development, child protection officers who had completed their training in April 2022 were appointed at all federal reception centres in which children were housed. As well as dealing with children's rights and protection against violence, the training also included modules on the subject of missing children and child trafficking (Federal Ministry of the Interior, 2022j).</p> <p>Objective: The child protection concept outlines important quality standards for the provision of care and accommodation for accompanied and unaccompanied minors and young people in federal reception centres. It also takes the best interests of the child into account, includes measures to protect children against violence and sets out requirements for employees.⁹⁶</p> <p>Driver: The Federal Agency for Reception and Support Services company with limited liability was prompted to develop the child protection concept with a view to transposing the corresponding provisions of the framework agreement in accordance with Art. 8 Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability and in order to supplement the care concept.⁹⁷</p>	<p>x Accompanied minors x Unaccompanied minors x Separated children</p>	<p>Major, because</p>
<p>Development: In addition to increasing certain maximum costs (see 2.1.3/Q 15), on 23 November 2022 the Council of Ministers decided to instruct the Federal Minister of the Interior to take the necessary steps in order to adjust the maximum costs allowed for unaccompanied refugee minors housed in organized accommodation under the Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act (Art. 9 subpara 7 Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act). This involved developing a transparent real cost model to ascertain the actual costs incurred, so that the existing maximum costs of caring for unaccompanied refugee minors could be adjusted accordingly. The aim of doing so was to close the gap between the maximum costs currently specified and the actual costs incurred in the provision of care for unaccompanied refugee minors, thus ensuring that the provision of care satisfies the needs of unaccompanied refugee minors (Federal Ministry of the Interior, 2022n).</p> <p>Objective: The purpose of adjusting the maximum costs was to make allowance for the particular vulnerability of unaccompanied refugee minors and to ensure the provision of adequate care in the best interests of the child, even in challenging times (Federal Ministry of the Interior, 2022n).</p> <p>Driver: The decision to increase the maximum costs was taken during the course of a Conference of Provincial Refugee Case Workers on 9 and 10 May 2022 and reiterated at the extraordinary meeting on 13 October 2022 (Federal Ministry of the Interior, 2022n).</p>	<p><input type="checkbox"/> Accompanied minors x Unaccompanied minors x Separated children</p>	<p><input type="checkbox"/> Major, because</p>

⁹⁶ Written input: Federal Ministry of the Interior, Department V/B/9, Basic Care Programme, 16 January 2023.

⁹⁷ Ibid.

3.2. Access to status determination procedures and procedural safeguards for minors

3.2.1. Guardianship

30. Were there any new legal or policy developments at national level in relation to guardianship of unaccompanied minors and/or separated children (including changes to the policies regarding training/qualification of guardians, policy changes regarding the number of minors in their care) in 2022? Y/N.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.2.2. Procedural safeguards in the asylum procedure for minors

31. Were there any new legal or policy developments at national level in relation to improving the procedural safeguards for minors in the asylum procedure (For example child-friendly methods of providing information, fast tracking procedures for (unaccompanied) minors, consideration of the child's views) in 2022? Y/N.

Please report developments related to ALL minors here. Please note that information collected in this section on safeguards for accompanied minors will be reported in the international protection chapter of the published ARM.

Development including objective and driver	Category	Major development
<p>Development: Since February 2022, case workers responsible for managing procedures at the Federal Office for Immigration and Asylum have been provided with a checklist compiled by the United Nations High Commissioner for Refugees (UNHCR) and intended for use as a tool to facilitate the interviewing of minors (Federal Ministry of the Interior, 2022j:9).</p> <p>Objective: The aim was to guarantee the best interests of the child in procedures relating to asylum and the rights of foreign nationals, and to ensure the implementation of the recommendations of the Commission on the Best Interests of the Child.</p> <p>Driver: In addition to other measures, the aforementioned checklist facilitates the implementation of the recommendations of the Commission on the Best Interests of the Child, para 193 and 194 (Federal Ministry of the Interior, 2022j:8).</p>	<p>X Accompanied minors X Unaccompanied minors X Separated children</p>	<p>x Major, because the relevant adjustments were made based on the report from the Commission on the Best Interests of the Child.</p>
<p>Development: A new training course devised in cooperation with the Federal Administrative Court and focused on “the best interests of the child, assessing the best interests of the child and Art. 8 ECHR” was held for case workers at the Federal Office for Immigration and Asylum for the first time in May 2022 (Federal Ministry of the Interior, 2022g). As well as covering the legal foundations of the best interests of the child and relevant case law, the course content also dealt with the interviewing of minors and the report from the Commission on the Best Interests of the Child (Federal Ministry of the Interior, 2022f).</p> <p>Objective: The aim was to improve the protection afforded to unaccompanied refugee minors.</p> <p>Driver: The Federal Minister of the Interior adopted various measures in response to the decision of 14 October 2021, when the National Council</p>	<p>X Accompanied minors X Unaccompanied minors X Separated children</p>	<p><input type="checkbox"/> Major, because</p>

Development including objective and driver	Category	Major development
called upon the Federal Government to improve the protection and legal status of refugee children. ⁹⁸ Most notably, these included training measures geared towards raising awareness of the importance of safeguarding the best interests of the child in the conduct of proceedings and the provision of care (Federal Ministry of the Interior, 2022g).		
<p>Development: The guidelines on the best interests of the child in asylum and aliens law were published in summer 2022 and have since been available for judges of the Federal Administrative Court to consult as a working aid, outlining the key criteria for assessing the best interests of the child based on the latest case law (Federal Administrative Court, 2022).</p> <p>Objective: The guidelines are intended to facilitate judicial work and to aid transparency and uniformity in case law, ensuring a stronger independent judiciary as a result (Federal Administrative Court, 2022).</p> <p>Driver: Together with an extensive training initiative and the appointment of a judge to serve as a point of contact on matters relating to the best interests of the child, the guidelines were a key part of the implementation of the Commission on the Best Interests of the Child's recommendations to the Federal Administrative Court (Federal Administrative Court, 2022).</p>	<p>X Accompanied minors</p> <p>X Unaccompanied minors</p> <p>X Separated children</p>	<p>x Major, because relevant adjustments were made for the first time based on the report from the Commission on the Best Interests of the Child.</p>

3.2.3. Age assessment

32. Were there any new legal or policy developments at national level in relation to age assessment or in the methods of age assessment in 2022? Y/N.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.2.4. Maintaining family unity, family tracing and family reunification for minors

33. Were there any new legal or policy developments at national level in relation to maintaining family unity for accompanied minors and separated children who are accompanied by relatives in 2022? Y/N.

Please report developments related to ALL minors here. Please note information collected in this section on maintaining family unity for accompanied minors will be reported in the international protection chapter of the published ARM.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

34. Were there any new legal or policy developments at national level in relation to family tracing in 2022? Y/N.

Development including objective and driver	Category	Major development
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⁹⁸ Resolution of the National Council regarding the protection of unaccompanied minor refugees, 204/E XXVII. Legislative Term. Available at www.parlament.gv.at.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

35. Were there any new legal or policy developments at national level in relation to family reunification of unaccompanied minors in 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

3.2.5. Statelessness relating to minors

36. Were there any new legal or policy developments in relation to the prevention of children being born stateless in your Member/Observer State in 2022? Y/N.

Please note information collected in this section will be reported in the citizenship and statelessness chapter of the published ARM.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

37. Were there any new legal or policy developments in relation to the protection of children recognised as stateless in your Member/Observer State in 2022? Y/N.

Please note information collected in this section will be reported in the chapter on citizenship and statelessness of the published ARM.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.3. Integration of minors

3.3.1. Integration policies for minors at national/regional level

38. Were there any new legal or policy developments at national/regional level in relation to the integration of TCN minors in the host society in 2022? Y/N.

Please report developments related to ALL minors here. Please note information collected in this section on integration of accompanied minors will be reported in the integration chapter of the published ARM.

Please only report on regional policies where integration is a regional competence; where integration is a competence shared between national and regional levels, please report only on any significant regional variations.

Development including objective and driver	Category	Major development
a) Early childhood education and care		
Development: No significant changes in 2022.		
b) Primary and secondary education		
Development: In March 2022, the Federal Minister for Education, Science	x Accompanied	<input type="checkbox"/> Major, because

<p>and Research announced that a series of measures had been adopted in order to strengthen school pupils' language skills (Federal Ministry of Education, Science and Research, 2022b). Language-sensitive teaching in all subject areas and the principle of "intercultural education" were among the specific measures in this regard (Federal Ministry of Education, Science and Research, 2022b).</p> <p>Objective: The aim was to teach German as the language of instruction and to gradually build pupils' language proficiency in all subject areas.</p> <p>Driver: Knowledge of German as the language of instruction was viewed as a requirement for success at school, as well as for subsequent integration into the labour market and participation in political, economic, cultural and social life in Austria (Federal Ministry of Education, Science and Research, 2022b).</p>	<p>minors x Unaccompanied minors x Separated children</p>	
c) Other forms of education (including non-formal learning ⁹⁹ e.g. through involvement in associations, culture and sport etc.)		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.3.2. Access to services/rights for minors

39. Were there any new legal or policy developments at national level in relation to the services/rights for minor applicants for and beneficiaries of international protection including new national level programs and/or initiatives to improve access to these services in 2022? Y/N.

Please report developments related to ALL minors here. Please note that information collected in this section on services for accompanied minor applicants for international protection will be reported in the international protection chapter of the published ARM.

Development including objective and driver	Category	Major development
a) Access to healthcare		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because
b) Access to psychological support		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because
c) Access to education		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because
d) Other		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

40. Were there any new legal or policy developments at national level in relation to the services/rights for minors not applying for asylum but recorded within another migration procedure in 2022? Y/N.

Please report developments related to ALL minors here. Please note that information collected in this section on services for accompanied minor applicants for international protection will be reported in the international protection chapter of the published ARM.

⁹⁹ According to CEDEFOP, non-formal learning is "learning which is embedded in planned activities not explicitly designated as learning (in terms of learning objectives, learning time or learning support). Non-formal learning is intentional from the learner's point of view. (Source: Terminology of European education and training policy- a selection of 100 key terms. CEDEFOP, Luxembourg: Office for Official Publications of the European Communities, 2008. Available at: www.cedefop.europa.eu).

Development including objective and driver	Category	Major development
a) Access to healthcare		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because
b) Access to psychological support		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because
c) Access to education		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because
d) Other		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

41. Were there any new legal or policy developments at national level in relation to the services/rights for irregularly staying minors in 2022? Y/N.

Please report developments related to ALL minors here. Please note that information collected in this section on accompanied minors will be reported in the irregular migration chapter of the published ARM.

Development including objective and driver	Category	Major development
a) Access to healthcare		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because
b) Access to psychological support		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because
c) Access to education		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because
d) Other		
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.3.3. Transition to adulthood

42. Were there any new legal or policy developments at national level in the type of support (e.g. housing, education, employment, psychological support) available for the transition to adulthood of unaccompanied minors and/or separated children legally residing in your Member/Observer State in 2022? Y/N

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.3.4. Fighting racism and discrimination of minors

43. Were there any new legal or policy developments at national or regional level aimed at fighting discrimination of minors, racism, etc in 2022? (Note: please only include overarching

programmes/ developments and not individual projects)? Y/N.

Please report developments related to ALL minors here. Please note information collected in this section on accompanied minors will be reported in the integration chapter of the published ARM.

Development including objective and driver	Major development
<p>Development: An initiative promoting the prevention of extremism in schools was launched on 4 April 2022. Aimed at school pupils at all levels of education and all types of school throughout Austria, this initiative was intended to raise awareness of the dangers of the ideologies of inequality and strengthen pupils' resilience to radicalization. The programme, provided to schools at no cost, enables school pupils to engage with questions relating to identity and living together in a pluralistic society. Issues addressed include conflict resolution and preventing violence, extremist groups and ideologies, radicalization methods, discrimination, prejudice sensitization, coexistence and values (Austrian Academic Exchange Service, 2022).</p> <p>Objective: The aim was to make school pupils aware of the dangers of the ideologies of inequality and to strengthen their resilience towards radicalization.</p> <p>Driver: This initiative was born out of the need to prevent extremism.</p>	<input type="checkbox"/> Major, because

3.4. International protection of minors

3.4.1. Access to the asylum procedure for minors

44. Were there any new legal or policy developments at national level in relation to access to the asylum procedure (i.e. making, registering and lodging an application) for unaccompanied minors and/or separated children in 2022? Y/N.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.4.2. Resettlement and relocation of minors

45. Were there any new legal or policy developments at national level in relation to relocation of minors to your Member State in 2022 (including prioritisation e.g. through quotas, fast-track procedures)? Y/N.

Please report developments related to ALL minors here. Please note that information collected in this section on accompanied minors will be reported in the international protection chapter of the published ARM.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

46. Were there any new legal or policy developments at national level in relation to resettlement of minors (this includes humanitarian admission programmes) to your Member/Observer State in 2022 (including prioritisation e.g. through quotas, fast-track procedures)? Y/N.

Please report developments related to ALL minors here. Please note that information collected in this section on accompanied minors will be reported in the international protection chapter of the published ARM.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.5. Return of minors

3.5.1. Voluntary and forced return of minors

47. Were there any new legal or policy developments at national /regional level in relation to voluntary/forced returns of minors in 2022? Y/N

Please report developments related to ALL minors here. Please note that information collected in this section on voluntary and forced return of accompanied minors will be reported in the return chapter of the published ARM.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.5.2. Detention and alternatives to detention related to minors

48. Were there any new legal or policy developments at national level in relation to the (alternatives to) detention of minors or families with children for the purpose of return in 2022? Y/N.

Please report developments related to ALL minors here. Please note that information provided here on voluntary and forced return of accompanied minors will be reported in the return chapter of the published ARM.

Development including objective and driver	Category	Major development
Development: No significant changes in 2022.		<input type="checkbox"/> Major, because

3.6. Other vulnerable groups

Other vulnerable groups include disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people, pregnant women, 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.

Please note that this subsection covers other vulnerable groups excluding victims of human trafficking; this group is covered in Section 8.

3.6.1. Vulnerable groups in the asylum procedure

49. Were there any new legal or policy developments at national level regarding vulnerable groups (excluding victims of trafficking in human beings) in the asylum procedure in 2022? Y/N.

Development including objective and driver	Major development
a) Special reception facilities for vulnerable groups	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
b) Identification mechanisms/referrals	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

c) Applicable procedural safeguards	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) Other	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

3.6.2. Vulnerable groups outside of the asylum procedure

50. Were there any new legal or policy developments at national level regarding vulnerable groups (excluding victims of trafficking in human beings) outside of the asylum procedure in 2022? Y/N.

Development including objective and driver	Major development
a) Special reception facilities for vulnerable groups	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
b) Identification mechanisms/referrals	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
c) Applicable procedural safeguards	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) Other	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

4. INTEGRATION AND INCLUSION OF ADULT MIGRANTS¹⁰⁰

Please indicate (Y/N) whether there have been any **new legal or policy developments in 2022** relating to any of the areas in Section 4 as indicated below.

If yes, for each development, please:

- ✓ Briefly describe the development: what changed?
- ✓ Describe the objectives¹⁰¹ and the drivers¹⁰² of the legislative or policy development.
- ✓ Flag whether the development was a 'major' development and, if so, briefly explain (1-2 sentences) why you consider this a major development (*e.g. strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).
- ✓ Please include one development per row and add additional rows as required.
- ✓ List developments in order of importance. If several developments are deemed equally important, please use a chronological order.

Please note that this section refers to the integration of **third-country national adults including beneficiaries of international protection**. Applicants for international protection are addressed under Section 2. Measures related specifically to the integration of minors are addressed in Section 3.3. Some of the questions in this section refer to national and regional policies. Please only report on regional policies where integration is a regional competence; where integration is a competence shared between national and regional levels, please report only on any significant regional variations.

4.1. National integration strategy

51. Were there any developments in or changes to the national integration strategy (in general or targeting specific groups) in 2022? Y/N If yes, please elaborate below. Where specific groups are targeted, please indicate the target group (e.g. women, long-term residents etc.)

Where relevant, please make reference to any developments in the national strategy that support the following principles of the EU Action plan on Integration and Inclusion 2021-2027:¹⁰³ inclusion for all,¹⁰⁴ targeted support where needed;¹⁰⁵ mainstreaming of gender and anti-discrimination priorities¹⁰⁶; providing support at all stages of the integration process.¹⁰⁷

Development	Target Group	Major development
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¹⁰⁰ The European Commission against Racism and Intolerance (ECRI) considers integration to be a two-way process with society, governments and local authorities facilitating, supporting and promoting the integration efforts of individuals. Inclusion is an approach that values diversity and aims to afford equal rights and opportunities by creating conditions which enable the full and active participation of every member of society.

¹⁰¹ Objective of the development: what is this legal/policy change/development intended to achieve?

¹⁰² Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

¹⁰³ EU Action Plan on Integration and Inclusion COM 2020 758 Final 24 November 2021 <https://eur-lex.europa.eu> last accessed 18 October 2021.

¹⁰⁴ Ensuring that all policies are accessible to and work for everyone, including migrants and EU citizens with migrant background. This means adapting and transforming mainstream policies to the needs of a diverse society, taking into account the specific challenges and needs of different groups.

¹⁰⁵ Within each policy area, policymakers should design targeted and tailored support mechanisms to help newcomers quickly integrate and to overcome specific challenges for these groups.

¹⁰⁶ Taking into account the combination of personal characteristics, such as gender, racial or ethnic origin, religion or belief, sexual orientation and disability that can represent specific challenges for migrants.

¹⁰⁷ Providing support to migrants and their receiving communities at the earliest possible moment in the migration process. Mainstream policies are essential to supporting ongoing inclusion and meaningful participation.

<p>Development: Since 1 January 2022, the duration of compulsory orientation and values courses has increased to three days (24 hours) from the previous requirement of one day (8 hours). Persons granted asylum and beneficiaries of subsidiary protection status aged 15 years or over are therefore now required to complete 24 hours of this course (Federal Chancellery, 2021a). The courses are also open to asylum seekers with a high likelihood of being granted international protection. New elements introduced following the extension of the orientation and values courses include, in particular, a sensitization module on antisemitism (Austrian Integration Fund, 2022b) and a new focal point on volunteer work, as well as a strong focus on women's equality and self-determination (Austrian Integration Fund, n.d.).</p> <p>Objective: The aim of extending the orientation and values courses was to facilitate a more comprehensive, in-depth discussion of the core values of living together in Austria (Federal Chancellery, 2021a). The programme's new focal point on volunteer work was intended to promote participation in society and contribute to labour market integration (Federal Chancellery, 2021a). The inclusion of a sensitization module on antisemitism aimed to encourage engagement with various forms of antisemitism, but also to teach participants about the history of Jewish life in Austria and to address Austria's responsibility in connection with the Holocaust (Austrian Integration Fund, 2022b).</p> <p>Driver: The background to this development was the extension of orientation and values courses set out in the government programme (Austrian Federal Government, 2020:145). An evaluation carried out by external experts also confirmed the need to extend the courses (Federal Chancellery, 2022a). Austria is ultimately committed to fighting all forms of antisemitism, hence it was also decided that steps would be taken to tackle antisemitism in the field of integration (Austrian Integration Fund, 2022b).</p>	<p>General X Specific</p> <p><i>If specific, please indicate the target group (e.g. women, long-term residents, etc.)</i></p> <p>Target group: Persons granted asylum and beneficiaries of subsidiary protection status</p>	<p><input type="checkbox"/> Major, because</p>
<p>Development: The Federal Minister for Women, Family, Integration and Media presented the 2022 Integration Report by the Expert Council for Integration on 25 July 2022 (Federal Chancellery, 2022h). The report, which provides details of developments that characterize the integration situation in Austria, focuses on both the integration of people from Ukraine and the interplay of migration and health (Expert Council for Integration, 2022a).</p> <p>Objective: The key objective of health and integration policy is to make the institutions and initiatives of the Austrian health-care system more accessible to people with a migratory background (Expert Council for Integration, 2022a).</p>	<p>X General Specific</p>	<p><input type="checkbox"/> Major, because</p>

Driver: The COVID-19 pandemic has drawn attention to the health-care sector. With discussions about infectious diseases, vaccinations and the health-care system taking centre stage in society, the analysis of health issues in the context of integration became the thematic focus of the 2022 Integration Report (Expert Council for Integration, 2022a). The report is published annually and provides a comprehensive overview of integration in Austria (Federal Chancellery, n.d.).	
Development: On the strategies and measures intended to support the integration of persons displaced from Ukraine, see section 11.1 .	<input type="checkbox"/> Major, because
Objective: See section 11.1 .	
Driver: See section 11.1 .	

52. Were there any changes in the distribution of responsibilities for integration policy between national, regional, and local authorities in 2022? Y/N.	
Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

4.2. Involvement of multi-stakeholders including non-governmental organisations

53. Were there any new legislation, policy or practice developments at the national/regional level targeting the involvement of multi-stakeholders in promoting the integration of third-country nationals in 2022 (e.g. civil society organisations, educational institutions, employers and socio-economic partners, social economy organisations, churches, religious and other philosophical communities, youth and students' organisations, diaspora organisations as well as migrants themselves)? Y/N. <i>Note: please only include overarching programmes/ developments and not individual projects.</i>	
Development including objective and driver	Major development
Development: At the end of November 2022, the Austrian Integration Fund introduced a new information initiative for migrants on the subject of saving energy and sustainable energy usage. The new Austrian Integration Fund seminars were primarily targeted at migrants with little knowledge of the German language but were open to anyone interested in learning about the topic. In collaboration with regional partners such as Wien Energie, Energie Tirol, the Energy and Environment Agency of Lower Austria, Climate Alliance Salzburg and Climate Alliance Carinthia, the Austrian Integration Fund workshops were delivered throughout Austria and provided tips on the correct way to use heating, ventilation and electricity in everyday life, as well as equipping participants with background knowledge on sustainability and resource efficiency (Austrian Integration Fund, 2022k). Objective: The aim was to impart basic knowledge and provide practical tips and tools for everyday life (Austrian Integration Fund, 2022k). Driver: Amid rising energy prices, the Austrian Integration Fund increasingly faced questions concerning the economical use of electricity, water and energy (Austrian Integration Fund, 2022k).	<input type="checkbox"/> Major, because
Development: In cooperation with the Austrian Integration Fund, the Network of Austrian Counselling Centres for Women and Girls has been providing advice services, joint seminars and	<input type="checkbox"/> Major, because

Development including objective and driver	Major development
<p>courses relating to violence against women and girls in a total of 17 languages since autumn 2022. Specially trained interpreters with knowledge of this subject area were appointed with the assistance of the Austrian Integration Fund. The advice services were provided anonymously and at no cost, in a straightforward process (Austrian Integration Fund, 2022l).</p> <p>Objective: The aim was to extend the provision of easy, low-barrier access to advice services for women with little knowledge of the German language (Austrian Integration Fund, 2022l).</p> <p>Driver: The catalyst was the strong demand for advice on the subject of violence against women and girls (Austrian Integration Fund, 2022l).</p>	

4.3. Pre-departure/arrival programmes

54. Were there any new policy/legislative developments targeting the integration of third-country nationals through pre-departure/arrival programmes in 2022? Y/N.	
Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

4.4. Education and training

55. Were there any new developments targeting the integration of third-country nationals through education and training in 2022, including applying new technologies and digital tools (in general or targeting specific groups)? Y/N. <i>Please note that NCPs are requested to use only section 3.3.1 of this template to report any developments related to accompanied minors, but these developments will be included in this chapter of the published ARM.</i>	
Development including objective and driver	Major development
<p>a) Basic skills and language training</p> <p>Development: In partnership with the course providers, the Austrian Integration Fund significantly expanded the range of German language courses and opportunities to learn German throughout Austria. The local German language courses are supplemented by an extensive range of online courses and the language portal provided by the Austrian Integration Fund. Free courses for students with A1, A2, B1 and B2 language skills are held daily from Monday to Friday; there is no need to register and classes can be attended on a computer, tablet or smartphone. The programme also includes online German language courses specific to jobs in the restaurant and hospitality trade, tourism and the food retail sector. For literacy courses in particular, a separate framework curriculum and a further training programme was developed specifically for teachers (Austrian Integration Fund, 2022i). On 28 December 2022, the Austrian Integration Fund announced that it would be expanding its range of German language courses even further in 2023 (Austrian Integration Fund, 2022n).</p> <p>Objective: The aim of the measures was to extend the range of German language courses available and to offer more occupational German language courses in order to facilitate swift entry to the labour market and to meet the growing demand for literacy skills (Austrian Integration Fund, 2022i).</p> <p>Driver: The high number of persons granted asylum and beneficiaries of subsidiary protection status provided the impetus for increasing the range of German language courses, as did the new influx of persons displaced from Ukraine. The education level of persons granted asylum and beneficiaries of subsidiary protection status has changed considerably in recent years, and this was a decisive factor with regard to the provision of literacy courses (Austrian Integration Fund, 2022i).</p>	<p>x Major, because Austrian integration policy attaches considerable importance to the acquisition of German language skills and its measures are geared towards achieving this aim.</p>

<p>female immigrants”, a nationwide programme empowering women, was launched in October 2022 (Austrian Integration Fund, 2022h). Over the course of six months, experts provided participants with support free of charge to help them identify and make the most of their opportunities in the Austrian labour market, complete job application training and individual coaching sessions, and participate in seminars. There was a special focus on women from Ukraine (Austrian Integration Fund, 2022h).</p> <p>Objective: The aim is to support qualified immigrants in their efforts to enter the labour market.</p> <p>Driver: Many migrant women living in Austria offer valuable training and qualifications that are needed in the Austrian labour market. A lack of knowledge about the Austrian labour market and the absence of professional networks make it difficult for many highly skilled women to find suitable employment in Austria (Austrian Integration Fund, 2022h).</p>	<p>x Specific <i>If specific, please indicate the target group (e.g. women, long-term residents, etc.)</i></p> <p>Target group: Female refugees and migrants</p>	<p>because</p>
<p>Development: On the increase to the additional earnings threshold for displaced Ukrainians, see 11.1/Q 36c.</p> <p>Objective: See 11.1/Q 36c.</p> <p>Driver: See 11.1/Q 36c.</p>	<p><input type="checkbox"/> General <input type="checkbox"/> Specific <i>If specific, please indicate the target group (e.g. women, long-term residents, etc.)</i></p>	<p><input type="checkbox"/> Major, because</p>

4.6. Basic services

57. Were there any new policy/legislative developments at the national/ regional level targeting the integration of third-country nationals through access to basic services in 2022? Y/N.

Please note that NCPs are requested to use only section 3.3 of this template to report any developments related to families with accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
a) Access to housing	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
b) Access to healthcare including in relation to mental health	
<p>Development: The Austrian Integration Fund intensified its measures for refugees and migrants against the backdrop of the mandatory COVID-19 vaccination requirement, which came into force on 1 February 2022 and was later lifted. These measures included (Austrian Integration Fund, 2022c):</p> <ul style="list-style-type: none"> • Vaccination appointments at the Austrian Integration Fund integration centres throughout the Austrian provinces, with interpreters on hand at regional vaccination campaigns; • Online consultations with doctors for information on mandatory vaccinations and COVID-19, as well as a multilingual advice service with lawyers to answer questions about mandatory vaccinations and the latest regulations; • Information about COVID-19 measures available in 17 languages on the Austrian Integration Fund website. <p>Objective: The aim of the measures was to give refugees and migrants information and advice about the COVID-19 vaccination and rules, as well as to provide interpreting services so that they could overcome language barriers (Austrian Integration Fund, 2022c).</p>	<input type="checkbox"/> Major, because

<p>Driver: The driver was the COVID-19 Mandatory Vaccination Act¹⁰⁹ which came into force in Austria on 1 February 2022.</p>	
<p>Development: An Austria-wide FGM Coordination Office was established in 2022, focusing on the issue of female genital mutilation/cutting (FGM/C). The FGM Coordination Office is an association of the Women's Health Centre FEM Süd, the Austrian Red Cross, the Women's Health Centres in Linz and Salzburg, and the MEN Men's Health Centre. The FGM Coordination Office offers free counselling, information and support on all issues relating to female genital mutilation, both via a general information hotline and in person at its advice centres in Vienna, Graz, Innsbruck, Linz and Salzburg.¹¹⁰</p> <p>Objective: The FGM Coordination Office aims to be a contact point for those seeking help, experts, professionals and communities, and to network all actors with each other.¹¹¹</p> <p>Driver: In view of the growing numbers of people moving to Austria from countries in which female genital mutilation is practised, the Austrian authorities and practitioners in various sectors are increasingly confronted with this issue. Female genital mutilation is a form of gender-specific violence against women and girls with serious long-term health implications.¹¹²</p>	<p><input type="checkbox"/> Major, because</p>
<p>c) Access to social security</p>	
<p>Development: On the basis of the COVID-19 Act against Poverty,¹¹³ low-income groups were offered financial assistance to help offset inflation, prevent evictions due to the COVID-19 situation and ensure housing security. Additional financial resources for those eligible for social assistance and the minimum benefit system were also made available under the Cost of Living and Housing Compensation Act¹¹⁴ in order to help the target group cover the additional expenses incurred as a result of inflation. Additional funds were also earmarked for the years 2022 to 2026 to prevent evictions and to promote housing and energy security. Persons without Austrian citizenship can also receive support as long as they meet the requirements defined by law, directives or decree.¹¹⁵</p> <p>Objective: The aim was to cushion the additional financial burden caused by inflation, as well as to safeguard the existing living conditions, create new housing prospects and prevent homelessness.¹¹⁶</p> <p>Driver: The catalyst was the fact that people on low incomes were no longer in a position to cover the costs of their basic living and housing needs. Inflation trends in the course of 2022 only served to exacerbate this consequence of the COVID-19 pandemic.¹¹⁷</p>	<p><input type="checkbox"/> Major, because</p>
<p>d) Other</p>	
<p>Development: On the amendment to the Act on the Compensation of Family Expenses and the Childcare Allowance Act for persons displaced from Ukraine, see 11.1/Q 36.</p> <p>Objective: See 11.1/Q 36.</p> <p>Driver: See 11.1/Q 36.</p>	<p><input type="checkbox"/> Major, because</p>

¹⁰⁹ COVID-19 Mandatory Vaccination Act, FLG I No. 4/2022.

¹¹⁰ FGMC Koordinationsstelle Kompetenzzentrum Österreich, *Wir sind für Sie da!* Available at <https://fgm-koordinationsstelle.at> (accessed 31 January 2023).

¹¹¹ Ibid.

¹¹² FGMC Koordinationsstelle Kompetenzzentrum Österreich, *Fachinformationen*. Available at <https://fgm-koordinationsstelle.at/fachinformationen> (accessed 31 January 2023).

¹¹³ COVID-19 Poverty Act, FLG I No. 135/2020 in the version of federal law FLG I No. 93/2022.

¹¹⁴ Living and Housing Compensation Act, FLG I No. 93/2022.

¹¹⁵ Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 24 January 2023.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

4.7. Active participation of migrants and receiving societies in integration

58. Were there any new policy/legislative developments at the national/regional level targeting the integration of third-country nationals through active (civic/social) participation of migrants and receiving societies in 2022? Y/N. (Note: please only include overarching programmes/developments and not individual projects).	
Development including objective and driver	Major development
a) Migrant participation in local democratic structures	
Development: See 4.7/Q 58c below. Objective: See 4.7/Q 58c below. Driver: See 4.7/Q 58c below.	<input type="checkbox"/> Major, because
b) Organising civic orientation programmes	
Development: Volunteering has been a focal point of the mandatory orientation and values courses since 1 January 2022 – see 4.1/Q 51 above. Objective: See 4.1/Q 51 . Driver: See 4.1/Q 51 .	<input type="checkbox"/> Major, because
c) Providing opportunities for local communities to interact with migrants	
Development: The financial backing that the Austrian Integration Fund provides for voluntary projects has been realigned to provide fast, straightforward support for individuals and organizations volunteering to support Ukrainian refugees. The Austrian Integration Fund provides up to EUR 2,500 in support for voluntary integration initiatives for Ukrainians in Austria. Immigrants benefit from this voluntary work because it helps them to expand their own social network and gain more intensive contact with the majority population, which in turn gives them the opportunity to improve their language skills, familiarize themselves with work processes and increase their own chances of success in the labour market as a result. ¹¹⁸ Objective: The aim was to create and facilitate access to social interaction and cohesion in order to foster a sense of community, to promote the linguistic and cultural integration of migrants and those seeking protection, and to facilitate joint activities. ¹¹⁹ Driver: Thousands of people have fled to neighbouring countries and to Austria since the war in Ukraine began. Since then, many individuals, associations and communities have taken the initiative and have been volunteering their time and skills to support people from Ukraine. ¹²⁰	<input type="checkbox"/> Major, because
d) Other	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

4.8. Fighting racism and discrimination

59. Were there any new policy/legislative developments at the national or regional aimed at fighting discrimination of third-country nationals, racism etc. in 2022? Y/N. (Note: please only include overarching programmes/developments and not individual projects).	
<i>Please note that NCPs are requested to use only section 3.3.3 of this template to report any developments related to accompanied minors, but these developments will be included in this chapter of the published ARM.</i>	
Development including objective and driver	Major development
Development: On the new sensitization module on antisemitism as part of the extended	<input type="checkbox"/> Major, because

¹¹⁸ Austrian Integration Fund, *Ehrenamtliches Engagement stärken*. Available at www.integrationsfonds.at (accessed 31 January 2023).

¹¹⁹ Ibid.

¹²⁰ Ibid.

Development including objective and driver	Major development
<p>orientation and values courses, see 4.1/Q 51.</p> <p>Objective: See 4.1/Q 51.</p> <p>Driver: See 4.1/Q 51.</p>	
<p>Development: The government presented the first implementation report on measures to safeguard Jewish life in Austria in January 2022 (Federal Chancellery, 2022).</p> <p>Objective: The Federal Government intends to safeguard and foster Jewish life in Austria for the long term with its National Strategy Against Antisemitism. Antisemitism in all its forms is to be tackled (Federal Chancellery, 2021b).</p> <p>Driver: The National Strategy Against Antisemitism was adopted in January 2021, serving as the basis of the government and civil society's efforts to prevent and fight antisemitism. It sets out 38 specific measures intended to prevent and fight antisemitism in all its forms. The implementation report provided up-to-date information about the progress of these measures (Federal Chancellery, 2021b).</p>	<p><input type="checkbox"/> Major, because</p>

5. CITIZENSHIP AND STATELESSNESS

Please note that this section refers to citizenship and statelessness with regard to adult persons from third countries. Please indicate (Y/N) whether there have been any **new legal or policy developments in 2022** relating to any of the areas in Section 5 as indicated below. Please note that the issue of the prevention of children being born stateless in your Member State is covered under Section 3.2.5.

If yes, for each development, please:

- ✓ **Briefly describe the development: what changed?**
- ✓ **Describe the objectives¹²¹ and the drivers¹²² of the legislative or policy development.**
- ✓ **Flag whether the development was a ‘major’ development and, if so, briefly explain (1-2 sentences) why you consider this a major development (e.g. *strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).**
- ✓ **Please include one development per row and add additional rows as required.**
- ✓ **List developments in order of importance. If several developments are deemed equally important, please use a chronological order.**

5.1. Acquisition of citizenship

60. Were there any new legal or policy developments in relation to the acquisition of citizenship (prerequisites and conditions) for legally residing third-country nationals in your Member/Observer State in 2022? Y/N.

Development including objective and driver	Major development
<p>Development: On 25 February 2022, the Supreme Administrative Court¹²³ ruled that in the specific case the revocation of the assurance of the right to acquire Austrian citizenship was unlawful. In the specific case, the inadmissibility of the revocation provided for in the Citizenship Act 1985¹²⁴ was based on the fact that the appellant had given up her previous Estonian citizenship – and thus her EU citizen status – due to the assured right to acquire Austrian citizenship. Therefore, the revocation of the assurance had to be assessed from the perspective of Union law and the Administrative Court of Vienna had to examine whether the revocation of the assured Austrian citizenship, which led to the definitive loss of the EU citizen status, was proportionate with regard to the consequences for the appellant. Since this proportionality test required under Union law was not carried out, the revocation was unlawful. The Supreme Administrative Court’s decision was preceded by a judgement by the Court of Justice of the European Union (CJEU) in preliminary ruling proceedings.¹²⁵</p> <p>Objective: The aim of this ruling by the Supreme Administrative Court was to rectify a decision by the Administrative Court of Vienna that was found to be contrary to EU law.</p> <p>Driver: The catalyst for this development was the appeal by the applicant.</p>	<input type="checkbox"/> Major, because
<p>Development: An amendment to the Citizenship Act 1985 came into force on 1 May 2022, extending the scope of the special right to acquire Austrian citizenship for victims of the</p>	<input type="checkbox"/> Major, because

¹²¹ Objective of the development: what is this legal/policy change/development intended to achieve?

¹²² Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

¹²³ Supreme Administrative Court, 25 February 2022, Ra 2018/01/0159.

¹²⁴ Citizenship Act 1985, FLG No. 311/1985.

¹²⁵ Court of Justice of the European Union, 18 January 2022. *JY gegen Wiener Landesregierung*, C-118/20.

Development including objective and driver	Major development
<p>National Socialist regime and their direct descendants according to Art. 58c Citizenship Act 1985.¹²⁶ This special right to acquire citizenship now includes the following persons as victims of the Nazis within the meaning of Art. 58c Citizenship Act 1985:</p> <ul style="list-style-type: none"> Persons who were Austrian citizens and, between 30 January 1933 and 9 May 1945, did not have a main place of residence within the federal territory of Austria because they would have feared persecution if they returned to or entered Austria for the first time or because of their support for the democratic Republic of Austria ("Impeded Return"; Art. 58c para 2 subpara 1 Citizenship Act 1985); Persons who, as Austrian citizens, were deported abroad before 9 May 1945 by organs of the Nazi party or the authorities of the German Reich, or because of their support for the democratic Republic of Austria (Art. 58c para 2 subpara 2 Citizenship Act 1985) or who died due to persecution or because of their support for the democratic Republic of Austria (Art. 58c para 4 subpara 1 Citizenship Act 1985); Persons who were deported abroad as nationals of one of the successor states of the former Austro-Hungarian monarchy or as stateless persons with their main place of residence in the federal territory of Austria before 9 May 1945, or because of their support for the democratic Republic of Austria (Art. 58c para 2 subpara 3 Citizenship Act 1985), or who died due to persecution or because of their support for the democratic Republic of Austria (Art. 58c para 4 subpara 2 Citizenship Act 1985). <p>Objective: The aim of this amendment was to enable a legislative adjustment to the existing legal situation to include those victims of the Nazis and their direct descendants not previously covered by the law, enabling such persons, where appropriate, to acquire citizenship by means of a declaration pursuant to Art. 58c Citizenship Act 1985.¹²⁷</p> <p>Driver: Following the introduction of the original Art. 58c Citizenship Act 1985, it subsequently came to light that certain victims of the Nazis and their direct descendants were not covered by the original wording of the provision.¹²⁸ This prompted the Austrian parliament to make the necessary legislative adjustments in April 2022.¹²⁹</p>	

5.2. Statelessness

61. Were there any <u>new legal or policy</u> developments in relation to the ratification of international conventions on statelessness in your Member/Observer State in 2022? Y/N.	
Development including objective and driver	Major development
<p>Development: When the amendment to the Citizenship Act 1985¹³⁰ came into force on 1 May 2022, this brought about a change to the legal situation on the Convention on the Reduction of Statelessness, which Austria ratified in 1974.¹³¹ Since then, according to Art. 14 Citizenship Act 1985, Austrian citizenship must be granted to persons who, for example, were born in Austria and have been stateless from birth (Art. 14 para 1 subpara 1 Citizenship Act 1985) and who apply to be granted citizenship after they have reached the age of 18 and no more than three years – as opposed to the two years previously stipulated – after they have reached the age of majority (Art. 14 para 1 subpara 5 Citizenship Act 1985).</p>	<input type="checkbox"/> Major, because

¹²⁶ Amendment to the Citizenship Act 1985, FLG I No. 48/2022.

¹²⁷ Proposal by Member of Parliament Martin Engelberg, Sabine Schatz, Hannes Amesbauer, Eva Blimlinger, Stephanie Krisper, colleagues regarding a federal law which amends the Citizenship Act 1985. Available at www.parlament.gv.at.

¹²⁸ Ibid.

¹²⁹ Federal Ministry for European and International Affairs, *Staatsbürgerschaft für Verfolgte und deren direkte Nachkommen*. Available at www.bmeia.gv.at (accessed 28 November 2022).

¹³⁰ Amendment to the Citizenship Act 1985, FLG I No. 49/2022.

¹³¹ Convention on the Reduction of Statelessness including Declarations of the Republic of Austria, FLG I No. 538/1974.

Development including objective and driver	Major development
<p>Objective: The aim of this amendment was to change the designated application period under the Citizenship Act 1985 in line with the timeframe set out in the Convention on the Reduction of Statelessness.</p> <p>Driver: See above.</p>	

62. Were there any new legal or policy developments in relation to a dedicated statelessness determination procedure (SDP)¹³² or any other procedures or mechanisms by which statelessness can be identified or the status can be determined in 2022? Y/N.

Please note that NCPs are requested to use only section 3.2.5 of this template to report any developments related to accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

63. Were there any new legal or policy developments in relation to the issuance of a residence permit for recognised stateless persons in your Member/Observer State in 2022? Y/N.

Please note that NCPs are requested to use only section 3.2.5 of this template to report any developments related to accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

64. Were there any new legal or policy developments in relation to the rights (access to the labour market, access to education, access to health care and social aid, access to citizenship, etc.) granted to recognised stateless persons in your Member State in 2022? Y/N.

Please note that NCPs are requested to use only section 3.2.5 of this template to report any developments related to accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

¹³² A statelessness determination procedure is a mechanism for determining whether an individual is stateless. Source: EMN (2020) Statelessness in the European Union, p.4. EMN Inform. Brussels: European Migration Network.

6. BORDERS, VISAS AND SCHENGEN

Please indicate (Y/N) whether there have been any **new legal or policy developments in 2022** relating to any of the areas as indicated below for Section 6.

If yes, for each development, please:

- ✓ **Briefly describe the development: what changed?**
- ✓ **Describe the objectives¹³³ and the drivers¹³⁴ of the legislative or policy development.**
- ✓ **Flag whether the development was a ‘major’ development and, if so, briefly explain (1-2 sentences) why you consider this a major development (e.g. *strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).**
- ✓ **Please include one development per row and add additional rows as required.**
- ✓ **List developments in order of importance. If several developments are deemed equally important, please use a chronological order.**

6.1. Border management

6.1.1. External border control measures/management

65. Were there any new developments in relation to border control measures/ management implemented in 2022? Y/N.

Development including objective and driver	Major development
<p>Development: Austrian federal ministers have called the European Commission to account on various issues relating to external border control. For instance, during a conference jointly organized by Austria in January 2022, the Federal Minister of the Interior stated that the European Commission had a duty to support its Member States in matters relating to external border control, including the construction of border facilities (Federal Ministry of the Interior, 2022p). In November 2022, the Federal Minister for the EU and Constitution called for effective control of external borders to be established (Federal Chancellery, 2022j), and in December 2022, the Federal Minister of the Interior expressed the view that this should also involve controlling the border with fences (Parliamentary Administration, 2022b).</p> <p>Objective: See above.</p> <p>Driver: These demands were driven by the Federal Minister of the Interior’s statement that he intended to form an “alliance of reason” in which Member States would focus on such matters as a robust border control system (Federal Ministry of the Interior, 2022p). Moreover, the Russian war of aggression against Ukraine presents a new threat for Europe and Austria (Federal Ministry of the Interior, 2022aa).</p>	<input type="checkbox"/> Major, because

¹³³ Objective of the development: what is this legal/policy change/development intended to achieve?

¹³⁴ Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

6.1.2. Implementation of EU developments at external borders

66. Were there any <u>new legal or policy</u> developments in relation to the European harmonisation of external border controls in 2022? Y/N.	
Development including objective and driver	Major development
a) Entry/Exit System (EES)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
b) European Travel Information and Authorisation System (ETIAS)	
<p>Development: The national ETIAS centre¹³⁵ in the Federal Ministry of the Interior was established on 1 July 2022. Rollout of the ETIAS was originally scheduled for 15 December 2022, but the launch was subsequently postponed by the European Commission – first until May and finally to November 2023. Until the ETIAS is put into operation, the national ETIAS centre is concentrating on the technical, organizational and human resources preparations for the rollout of the system.¹³⁶</p> <p>Objective: The aim was to transpose the EU legislation¹³⁷ on establishing a European Travel Information and Authorisation System.¹³⁸</p> <p>Driver: The catalyst for transposition was the obligation for Member States to establish a national ETIAS centre.¹³⁹</p>	<input type="checkbox"/> Major, because
c) The European Interoperability Framework (EIF)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) European integrated border management (IBM)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
e) Other	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

67. Were there any <u>new legal or policy</u> developments in relation to Local Border Traffic Regimes ¹⁴⁰ in 2022? Y/N.	
Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

¹³⁵ This abbreviation refers to the "European Travel Information and Authorization System".

¹³⁶ Written input: Federal Ministry of the Interior, Department V/B/7, Foreign Nationals Police, Visa Matters and ETIAS, 24 January 2023.

¹³⁷ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226: OJ L 236, p. 27.

¹³⁸ Written input: Federal Ministry of the Interior, Department V/B/7, Foreign Nationals Police, Visa Matters and ETIAS, 24 January 2023.

¹³⁹ Art. 8 Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226: OJ L 236, p. 27.

¹⁴⁰ 'Local border traffic' refers to the regular crossing of an external land border by border residents in order to stay in a border area, for example for social, cultural or substantiated economic reasons, or for family reasons, for a period not exceeding the time limit laid down in the Regulation (Article 3(3), Corrigendum to Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention, <https://eur-lex.europa.eu> last accessed on 15 November 2021.

6.1.3. Reinforced cooperation with third countries in the area of border management

68. Please list any agreements, and other forms of bilateral and multilateral cooperation with third countries that were completed or signed/ entered into force in 2022 with an objective to strengthen operational capacity in combatting irregular migration and control of external borders.

Where applicable, please indicate whether working groups or committees were operational in 2022.

Please do not include already existing agreements or collaboration schemes.

Title of agreement or Working Group (where relevant)	Third country (countries) with whom the cooperation exists	Description (e.g. provision of border equipment, training of border guards, etc.).
No significant changes in 2022.		

69. Did your Member State take any new policy decisions to deploy or remove liaison officers to particular regions or countries in 2022 (ILO¹⁴¹/EMLO¹⁴²)? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

6.2. Visa policy

70. Were there any new legal or policy developments in relation to the implementation of Visa Policy (both short-stay and long-stay visa) in 2022 under the following headings? Y/N.

Development including objective and driver	Major development
a) Visa reciprocity mechanism	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
b) Other Visa related developments	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

6.3. Schengen governance

71. Were there any new legal or policy developments in relation to Schengen governance during 2022 under the following headings? Y/N

Development including objective and driver	Major development
a) Internal borders (including temporary suspension of Schengen)	
Development: Temporary border controls at the borders to Slovenia and Hungary from 12 May	<input type="checkbox"/> Major, because

¹⁴¹ According to the EMN Glossary Version 7.0, an [Immigration Liaison Officer](#) (ILO) is a "representative of one of the EU Member States, posted abroad by the immigration service or other competent authorities in order to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of irregular migration, the return of irregular migrants and the management of legal migration".

¹⁴² According to the EMN Glossary Version 7.0, a [European migration liaison officer](#) (EMLO) is "A specialised liaison officer seconded in EU Delegations in third countries tasked to coordinate and represent EU interests in the field of migration with the aim of maximising the impact of EU action on migration in third countries and enhancing the engagement of key countries of origin and transit on the entire spectrum of migration".

<p>to 11 November 2022 were announced by regulation in May 2022.¹⁴³ These border controls were then extended by regulation until 11 May 2023.¹⁴⁴ The borders could/can only be crossed at designated border crossing points between these dates.</p> <p>Objective: The aim was to guarantee peace, public order and security. According to the government programme, Austria's internal border must be protected as long as the Austrian Federal Government regards the protection of the external EU borders as unsatisfactory (Austrian Federal Government, 2020:139).</p> <p>Driver: These border controls were reintroduced on the basis of a risk assessment. Decisive factors behind this development included secondary movements, the increase in irregular migratory flows, smuggling activities and potential terrorist threats (European Commission, 2022a), as well as the Russian war of aggression against Ukraine and the ensuing influx of refugees to the EU. However, it was made explicitly clear in this regard that Austria's internal security was not seriously affected by refugee movements from Ukraine per se but rather by the associated secondary potential for risks (Federal Ministry of the Interior, 2022aa).</p>	
<p>Development: The temporary reintroduction of border controls at Austria's internal borders to the Slovak Republic was announced¹⁴⁵ in September 2022 by order of the Federal Minister of the Interior; for a period of ten days from 29 September 2022, Austria's borders could only be crossed at designated border crossing points. This regulation was subsequently extended six times, most recently until 5 February 2023.¹⁴⁶</p> <p>Objective: The aim was to guarantee peace, public order and security.</p> <p>Driver: Reasons cited were the increase in irregular migratory flows, secondary movements and the situation at the external EU borders (European Commission, 2022a).</p>	<input type="checkbox"/> Major, because
b) New Schengen acquis (including Schengen Information System (SIS))	
<p>Development: No significant changes in 2022.</p>	<input type="checkbox"/> Major, because
c) Schengen Evaluation missions	
<p>Development: No significant changes in 2022.</p>	<input type="checkbox"/> Major, because
d) Other Schengen governance related developments	
<p>Development: On 18 November 2022, the Austrian Federal Minister of the Interior stated that it was not the right time to expand the Schengen Area, thus clearly objecting to an expansion of the Schengen Area due to the rate of migration and the lack of border control (Federal Ministry of the Interior, 2022ad). However, in the Council of the European Union on 8 December 2022, Austria agreed to the resolution regarding the full application of the Schengen acquis in Croatia;¹⁴⁷ only the extension of the Schengen acquis to Romania and Bulgaria – as the Federal Chancellor had previously explained (Federal Chancellery, 2022k) – was rejected. This move was met with regret (Federal President, 2022) and criticism (Parlamentsdirektion, 2022b) from certain parts of the Austrian government.</p> <p>Objective: The aim was to maintain the border controls (Federal Ministry of the Interior, 2022ad).</p> <p>Driver: The catalyst was the Federal Ministry of the Interior's rejection of plans to expand the Schengen Area (Federal Ministry of the Interior, 2022ad).</p>	<input type="checkbox"/> Major, because

¹⁴³ Temporary reintroduction of border controls at the internal borders with Slovenia and Hungary, FLG II No. 185/2022.

¹⁴⁴ Temporary reintroduction of border controls at the internal borders with Slovenia and Hungary, FLG II No. 411/2022.

¹⁴⁵ Temporary reintroduction of border controls at the internal borders with the Slovak Republic, FLG II No. 364/2022.

¹⁴⁶ Amendment to the Regulation on the temporary reintroduction of border controls at the internal borders with the Slovak Republic, FLG II No. 21/2023.

¹⁴⁷ Council Decision (EU) 2022/2451 of 8 December 2022 on the full application of the provisions of the Schengen acquis in the Republic of Croatia, OJ L 320, p. 41–46.

7. IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

Please indicate (Y/N) whether there have been any **new legal or policy developments in 2022** relating to any of the areas in Section 7 as indicated below.

If yes, for each development, please:

- ✓ Briefly describe the development: what changed?
- ✓ Describe the **objectives**¹⁴⁸ and the **drivers**¹⁴⁹ of the legislative or policy development.
- ✓ Flag whether the development was a 'major' development and, if so, briefly explain (1-2 sentences) why you consider this a major development (*e.g. strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).
- ✓ Please include one development per row and add additional rows as required.
- ✓ List developments in order of importance. If several developments are deemed equally important, please use a chronological order.

7.1. Preventing and tackling irregular migration in legal migration channels

7.1.1. Tackling misuse

72. Were there any new legal or policy developments introduced in 2022 to prevent and /or tackle irregular migration through misuse¹⁵⁰ of the following legal migration channels? Y/N.

Development including objective and driver	Major development
a) Visa liberalisation (including monitoring the effects of visa-free regimes in your country)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
b) Legal migration for the purpose of work (e.g. overstay, misuse of rights granted by a permit etc.)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
c) Legal migration for the purpose of study and research (e.g. overstay, misuse of rights granted by a permit etc.)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) Family reunification	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
e) Other legal migration channels	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

¹⁴⁸ Objective of the development: what is this legal/policy change/development intended to achieve?

¹⁴⁹ Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

¹⁵⁰ Misuse in this context refers to a serious breach of EU or national law.

7.1.2. False travel documents

73. Were there any new legal, policy, or practice¹⁵¹ developments in 2022 to prevent, identify and/or investigate fraudulent acquisition and use of false travel documents? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

7.2. Preventing facilitation of irregular migration ('smuggling') and preventing irregular stay

7.2.1. Combatting facilitation of irregular migration (smuggling)

74. Were there any new legal or policy developments aimed at preventing and combatting facilitation of irregular migration (smuggling), including facilitation of unauthorised entry in 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

7.2.2. Prevention of irregular migration

75. Were there any new legal, policy or practice¹⁵² developments responding to the objective of prevention of irregular migration from third countries of origin and transit (e.g. policy decisions to undertake new information campaigns launched, websites, new 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 2022? Y/N.

If yes, please focus on the legal and policy decisions rather than providing a detailed list of projects.

Development including objective and driver	Major development
<p>Development: At a press conference on 23 August 2022, the Federal Minister of the Interior commented on measures taken in the first half of the year to counter irregular migration. He reported that a large number of targeted operations had taken place, in which more than 340 traffickers had been arrested. In addition, the Federal Minister of the Interior stated that a clear distinction should be made between immigration and asylum, and that protection should be granted solely to those persons genuinely in need of protection. To this end, further specific measures in the form of fast-track asylum procedures had been carried out and there had been more than 6,000 returns.</p> <p>The Federal Ministry of the Interior's online information campaign "Myths about Migration" was also presented at the press conference. This campaign aimed to inform migrants who are still in their countries of origin and transit about the dangers of irregular migration, misinformation spread by smuggling organizations, and realities and prospects in Europe (such as the low likelihood of being granted protection status) (Federal Criminal Intelligence Service Austria, 2022a). In addition, two AMIF¹⁵³ information campaigns, jointly financed and implemented with the Federal Ministry of the Interior, entered the implementation phase in 2022: The ICMPD</p>	<input type="checkbox"/> Major, because

¹⁵¹ Developments related to practices are more common in relation to false travel documents than legislative or policy developments. Thus, information on new practices in this area is requested here.

¹⁵² Developments related to practices are more common in relation to prevention of irregular migration than legislative or policy developments. Thus, information on new practices in this area is requested here.

¹⁵³ This abbreviation stands for Asylum, Migration and Integration Fund.

Development including objective and driver	Major development
<p>“PARIM” project in Pakistan and the IOM “WBAware” project in Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia.¹⁵⁴</p> <p>Objective: One aim of the campaigns is to help prevent increasing numbers of people taking dangerous irregular routes – such as across the Mediterranean Sea – and falling into the hands of criminal smuggling gangs. A further aim is to inform potential migrants in advance about the realities of the situation in European countries of destination, such as complex asylum procedures, conditions and challenges of the European labour market and the likelihood of obtaining protection status, as well as about legal migration alternatives and prospects in the regions of origin.¹⁵⁵</p> <p>Driver: See above.</p>	

7.2.3. Prevention of irregular stay

76. Were there any new legal or policy developments aimed at preventing irregular stay and combatting facilitation of irregular stay, including disincentives and sanctions in 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

7.2.4. Cooperation with third countries to prevent irregular migration

77. Did your Member/Observer State establish any NEW cooperation activities with new or existing partner third countries in 2022 to prevent irregular migration in relation to the specific regions outlined below? Y/N.

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

<p>Development: On 23 June 2022, the Austrian Federal Minister for European and International Affairs met with his Libyan counterpart in Vienna. The main topics under discussion were irregular migration and the effects that the Russian war of aggression on Ukraine were having on Libya (Federal Ministry for European and International Affairs, 2022a).</p> <p>Objective: See above.</p> <p>Driver: The driver was the statement by the Federal Minister for European and International Affairs regarding the need to work together with Libya to combat irregular migration (Federal Ministry for European and International Affairs, 2022a).</p>	<input type="checkbox"/> Major, because
<p>Development: A joint trip by the Austrian Federal Minister of the Interior and the Federal Minister for European and International Affairs to Egypt and Turkey took place from 2 to 3 July 2022. The main topics with regard to Egypt were establishment of greater cooperation in the areas of prevention of irregular migration and organized crime, protection and prospects in the countries of origin, as well as migration communication. In November 2022, there was a follow-up visit to Cairo by an Austrian delegation.</p> <p>During the visit to Turkey, the focus was on deepening bilateral cooperation in various areas, including combating irregular migration. In December 2022, there was a follow-up visit to Vienna by a Turkish delegation led by the Turkish Deputy Minister of the Interior with the aim of deepening further cooperation.¹⁵⁶</p> <p>Objective: The aim of the Egypt trip was to strengthen cooperation in the areas of migration and</p>	<input type="checkbox"/> Major, because

¹⁵⁴ Written input: Federal Ministry of the Interior, Department V/A/5, Migration Affairs (EU and International Affairs), 25 January 2023.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

<p>organized crime, potential establishment of a migration partnership, as well as initial talks on a bilateral return agreement. With regard to the trip to Turkey, the aim was to normalize and reinforce political dialogue on the priority topics of security and migration.¹⁵⁷</p> <p>Driver: The driver was the attempt to improve cooperation in the areas of return and stemming irregular migration.¹⁵⁸</p>	
b) The Eastern Partnership countries (i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
c) The Western Balkans countries (i.e. Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia)	
<p>Development: On 16 November 2022, the Federal Chancellor attended a meeting in Belgrade with the Prime Minister of Hungary and the President of Serbia, at which they signed a Memorandum of Understanding with the aim of strengthening cooperation between the three countries in effectively combating irregular migration. Cooperation with Serbia on the issue of return was planned, for example, by training return specialists and through information campaigns focusing on voluntary return. Support consisting of deployment of 100 officials and technical equipment at the Serbian-North Macedonian border was also considered (Federal Chancellery, 2022i).</p> <p>Objective: The stated aim was to combat irregular migration, terrorism and organized crime. The participating states wanted to send a signal to the countries of origin through deportations at the EU's external borders (Federal Chancellery, 2022i).</p> <p>Driver: See above.</p>	<input type="checkbox"/> Major, because
d) Countries in the African Atlantic coast (e.g. Gambia, Ghana, Nigeria, Democratic Republic of Congo, Ivory Coast etc.)	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
e) Other countries (please describe)	
<p>Development: On 28 September 2022, the Federal Minister of the Interior and Swiss Federal Councillor Katrin Keller-Sütter met and signed the "Austria-Switzerland Action Plan". The key topics were targeted campaigns at the Swiss-Austrian border and integration of police activities in the two countries. The existing cooperation between the two countries regarding the Western Balkans has also been important in the search for a joint European solution to irregular migration to Europe (Provincial Police Directorate of Burgenland, 2022).</p> <p>Objective: The aim of the Action Plan is to strengthen cooperation between the two countries in combating irregular migration.</p> <p>Driver: See above.</p>	<input type="checkbox"/> Major, because

7.2.5. Monitoring and identifying irregular migration routes

78. Were there any <u>new legal, policy or practice</u>¹⁵⁹ developments with regard to identifying and/or monitoring irregular migration routes in 2022? Y/N.	
Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
79. Were there any <u>new legal, policy or practice</u> developments in relation to data collection regarding irregular arrivals in 2022? Y/N	

¹⁵⁷ Written input: Federal Ministry of the Interior, Department V/A/5, Migration Affairs (EU and International Affairs), 25 January 2023.

¹⁵⁸ Ibid.

¹⁵⁹ Developments related to practices are more common in relation to identifying and/or monitoring irregular migration routes than legislative or policy developments. Thus, information on new practices in this area is requested here.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

7.3. Access to services and legal solutions for irregularly staying migrants

7.3.1. Access to services for irregularly staying migrants

80. Were there any new legal or policy developments at national level in relation to access to services (e.g. education, healthcare) for irregularly staying migrants in 2022? Y/N.

Please note that NCPs are requested to use only section 3.3.2 to report any developments related to families with accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

7.3.2. Legal solutions for irregularly staying migrants

81. Were there any new legal or policy developments in relation to legal solutions for irregularly staying migrants (e.g. tolerated stays, regularisation schemes for particular groups) in 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

7.4. Other measures regarding irregular migration

82. Were there any other new legal or policy developments regarding irregular migration (i.e. developments not specifically tied to one of the categories or topics already covered above) in 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

8. TRAFFICKING IN ADULT HUMAN BEINGS

Please indicate (Y/N) whether there have been any **new legal or policy developments in 2022** relating to any of the areas in Section 8 as indicated below. Please note that this section is relevant to **adult** victims of trafficking in human beings. Updates relating to minor victims are requested under Section 3.1.2.

If yes, for each development, please:

- ✓ **Briefly describe the development: what changed?**
- ✓ **Describe the objectives¹⁶⁰ and the drivers¹⁶¹ of the legislative or policy development.**
- ✓ **Flag whether the development was a 'major' development and, if so, briefly explain (1-2 sentences) why you consider this a major development (e.g. *strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).**
- ✓ **Please include one development per row and add additional rows as required.**
- ✓ **List developments in order of importance. If several developments are deemed equally important, please use a chronological order.**

In order to respond to this section, please consider liaison with the appointed **National Rapporteur or Equivalent Mechanism on Trafficking in Human Beings (NREMs)** in your Member State.

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.

8.1. National strategic policy developments

83. Were there any new legal or policy developments 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 2022? Y/N.

Development including objective and driver	Major development
<p>Development: In its implementation of the National Action Plans on Combating Human Trafficking, the Federal Ministry for Social Affairs, Health, Care and Consumer Protection funded Social Responsibility Network projects that focused on, among other things, the impact of the COVID-19 pandemic on labour relations in global supply chains and labour exploitation in the context of renewable energies.¹⁶²</p> <p>Objective: The aim was to implement the National Action Plan on Combating Human Trafficking.¹⁶³</p> <p>Diver: The driver was the implementation of the National Action Plan on Combating Human Trafficking.¹⁶⁴</p>	<input type="checkbox"/> Major, because

¹⁶⁰ Objective of the development: what is this legal/policy change/development intended to achieve?

¹⁶¹ Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

¹⁶² Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 24 January 2023.

¹⁶³ Ibid.

8.2. Improving detection, identification of and provision of information to third-country national victims of trafficking in human beings

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

84. Were there any new legal or policy developments in relation to the provision of information and assistance to third-country national victims (including applicants for asylum) in 2022? Y/N.

Development including objective and driver	Major development
a) Training¹⁶⁵ and awareness raising¹⁶⁶	
<p>Development: On the World Day against Trafficking in Persons, 29 July 2022, the Deputy Mayor of Vienna drew attention to appalling acts relating to trafficking, as well as to ongoing problems and the measures taken by the City of Vienna. Combating trafficking in human beings is a central focus of the City of Vienna's human rights work, which has involved close liaison with national and international organizations. In this context, IOM Austria has offered a number of information events within the framework of the Asylum Train II project, which were organized together with the Criminal Intelligence Service Austria and the victim protection organizations LEFÖ-IBF, MEN VIA and Drehscheibe (MA 11; City of Vienna, 2022a).</p> <p>Objective: The aim was to raise awareness in order to be able to take action and implement specific measures in relation to trafficking in human beings and its effects (City of Vienna, 2022a).</p> <p>Driver: The drivers included exploitation of care workers and, most recently, the consequences of the war in Ukraine and the increased risk of refugees becoming victims of trafficking in human beings (City of Vienna, 2022a).</p>	<input type="checkbox"/> Major, because
<p>Development: The Conference on Combating Trafficking in Human Beings on 13 October 2022 provided leading experts with a forum to discuss developments in the field of trafficking in human beings. The panel discussion and five parallel workshops offered the opportunity to explore problems and formulate possible solutions.¹⁶⁷</p> <p>Objective: The aim of the Conference on Combating Trafficking in Human Beings was to facilitate a knowledge- and evidence-based exchange of views between public authorities, victim protection organizations, and other relevant organizations and institutions. A further aim was to raise the awareness of participants regarding various issues related to trafficking in human beings.¹⁶⁸</p> <p>Driver: As a result of the Russian war of aggression on Ukraine, human trafficking has gained particular public attention recently. The current crises exacerbate existing problems and the risk of becoming a victim of labour exploitation or sexual exploitation is increasing.¹⁶⁹</p>	<input type="checkbox"/> Major, because
b) Measures on cooperation between national authorities	

¹⁶⁴ Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 24 January 2023.

¹⁶⁵ Training in this context refers to the training of professional and other support staff involved in providing information and assistance to third-country national victims.

¹⁶⁶ Awareness raising in this context refers to raising awareness amongst third-country national victims about the provision of assistance and support.

¹⁶⁷ Written input: Federal Ministry for European and International Affairs, Department IV/2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 19 January 2023.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

<p>Development: The third meeting of the Task Force on Human Trafficking took place as part of the Conference of Federal Provinces on 24 October 2022. Ministries, victim protection organizations and the province of Tyrol discussed current developments.¹⁷⁰</p> <p>Objective: The aim was to discuss current developments in the area of trafficking in human beings in Austria and in the European Union.¹⁷¹</p> <p>Driver: The National Action Plan on Combating Human Trafficking stipulates an annual meeting of representatives of the federal provinces to discuss specific issues in the federal provinces.¹⁷²</p>	<input type="checkbox"/> Major, because
c) Measures on cooperation between (Member) States	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) Other	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

8.2.2. Detection, Identification, and protection of victims of trafficking in human beings

85. Were there any new legal or policy developments in relation to the detection¹⁷³ and identification¹⁷⁴ of third-country national victims including applicants for international protection) in 2022? Y/N.

Please note that NCPs are requested to use only section 3.1.2 of this Template to report any developments on accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
a) Training and awareness raising	
<p>Development: As a result of easing of the pandemic situation, the training sessions led by IOM Austria for staff from the Federal Agency for Reception and Support Services company with limited liability and the Federal Office for Immigration and Asylum were increasingly held as face-to-face events. With MEN VIA again able to actively participate, this led – as a direct result of the training – to a further increase in the number of reports by legal counsellors at the Federal Agency for Reception and Support Services company with limited liability of cases and suspected cases of trafficking involving male victims.¹⁷⁵</p> <p>Objective: The aim was to offer an opportunity to discuss the subject of trafficking in human beings and to raise awareness of this issue.¹⁷⁶</p> <p>Driver: The development was driven by the priorities set in the National Action Plan on Combating Human Trafficking for the years 2021–2023.¹⁷⁷</p>	<input type="checkbox"/> Major, because
b) Measures on cooperation between national authorities	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

¹⁷⁰ Written input: Federal Ministry for European and International Affairs, Department IV/2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 19 January 2023.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ EMN Glossary definition of [detection](#) of (a situation of) trafficking in human beings: the process of identifying a possible situation of trafficking in human beings.

¹⁷⁴ EMN Glossary definition of [identification](#) of a victim of trafficking in human beings: The process of confirming and characterising a situation of trafficking in human beings for further implementation of support.

¹⁷⁵ Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 24 January 2023.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

c) Measures on cooperation between (Member) States	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) Other	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

86. Were there any new legal or policy developments regarding the provision of assistance, support and protection to (presumed) third-country national victims of trafficking in human beings during 2022? Y/N.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

8.2.3. Cooperation with third countries

87. Were there any new legal or policy developments involving cooperation with third countries on the prevention and fight against trafficking in human beings in 2022? Y/N.

Development including objective and driver	Major development
a) Training and awareness raising	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
b) Joint investigation teams	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
c) Information and prevention campaigns	
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because
d) Other	
<p>Development: Together with victim protection organizations from Romania, Bulgaria, Portugal and Germany, MEN VIA started networking within the framework of the European Commission-sponsored Erasmus+ exchange programme entitled “SAPE - Adult Education in Victim Support: Empowering Men Affected by Human Trafficking and Severe Exploitation. Exchange of Experience & Developing Recommendations”. These experiences in supporting male victims, especially with regard to educational needs and measures, are being looked at by the participating organizations and the results will be made available to other institutions at the end of the project in 2024.¹⁷⁸</p> <p>Objective: The aim is to network victim protection organizations and to publish recommendations to make men more resilient to trafficking in human beings.¹⁷⁹</p> <p>Driver: The relevant EU directive ¹⁸⁰ obliges Member States to guarantee gender-sensitive, specialist support services for all groups of victims of trafficking in human</p>	<input type="checkbox"/> Major, because

¹⁷⁸ Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 24 January 2023.

¹⁷⁹ Ibid.

beings. Networking of existing services for male trafficked persons should contribute to further improvements in this regard. ¹⁸¹	
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¹⁸⁰ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA: OJ L 101, pp. 1–11.

¹⁸¹ Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 24 January 2023.

9. RETURN AND READMISSION

Please indicate (Y/N) whether there have been any **new legal or policy developments in 2022** relating to any of the areas in Section 9 as indicated below.

If yes, for each development, please:

- ✓ Briefly describe the development: what changed?
- ✓ Describe the objectives¹⁸² and the drivers¹⁸³ of the legislative or policy development.
- ✓ Flag whether the development was a 'major' development and, if so, briefly explain (1-2 sentences) why you consider this a major development (e.g. *strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).
- ✓ Please include one development per row and add additional rows as required.
- ✓ List developments in order of importance. If several developments are deemed equally important, please use a chronological order.

9.1. Update on EMN REG activities and update from Frontex

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

9.1.1. Summary of the EMN REG return and reintegration activities developed during 2022 (to be drafted by the EMN Service Provider)

9.1.2. Summary of the Frontex Return Implementation Framework, including Joint Return Operations (JROs) (To be provided by Frontex).

9.2. Main national developments in the field of return

9.2.1. General policy developments in the area of return

88. Were there any new legal or policy developments in relation to return of irregular migrants and rejected asylum seekers in 2022? Y/N.

Development including objective and driver	Major development
Development: On 21 and 22 February 2022, the Austrian Federal Minister of the Interior invited his European counterparts to a ministerial conference on return issues in Vienna (Federal Ministry of the Interior, 2022q). The Federal Minister of the Interior stated in advance that the formation of an alliance against the smuggling of migrants would be at the heart of the conference. The focus was to be on those points on which there is general agreement, such as robust external border protection and faster procedures, and he stated that Austria steadfastly rejects the distribution of asylum seekers within the EU (Federal Ministry of the Interior, 2022q). In the end, ministers, deputy ministers, secretaries of state and their representatives from 22 countries as well as representatives of international organizations, including IOM, accepted the invitation	<input type="checkbox"/> Major, because

¹⁸² Objective of the development: what is this legal/policy change/development intended to achieve?

¹⁸³ Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

Development including objective and driver	Major development
<p>and discussed returns from the Western Balkan states, the situation on the Eastern Mediterranean route and possible improvements in the area of return (Federal Ministry of the Interior, 2022q). At the conference, a clear commitment was made to the Joint Coordination Platform (JCP)¹⁸⁴ and specific measures were agreed upon, such as intensifying cooperation within the framework of the JCP (Federal Ministry of the Interior, 2022r). During the JCP Implementation Conference on Return Cooperation, an operational follow-up meeting to the Ministerial Conference, held in Ljubljana between 21 and 23 June 2022, return partnerships were formed and initial implementation steps were defined. Later in the working year, support with capacity development was given to Bosnia and Herzegovina through tailor-made pilot projects, which enabled the first successful returns. In close cooperation with Frontex and other organizations, similar projects were also initiated with other Western Balkan partners.¹⁸⁵</p> <p>Objective: The aim of the measures is the creation of a regional return mechanism and establishment of and support for return partnerships – coordinated by the JCP – in the Western Balkan countries to effect returns that meet all applicable standards.¹⁸⁶</p> <p>Driver: The driver was irregular migration (Federal Ministry of the Interior, 2022r).</p>	

9.2.2. Assisted voluntary return

89. Were there any new legal or policy developments with regard to (assisted) voluntary return in 2022? Y/N.

Please note that NCPs are requested to use only section 3.5.1 of this Template to report any developments related to families with accompanied minors, but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
<p>Development: As part of the mobilization plan to promote voluntary return, a time-limited special programme for assisted voluntary return to India was launched in October 2022. In the period from 1 October 2022 to 31 December 2022, Indian nationals were offered increased return assistance amounting to EUR 1,500 (maximum amount for families EUR 3,000) in addition to initial financial assistance if they returned voluntarily to their country of origin (Federal Office for Immigration and Asylum, 2022d). This special programme was accompanied by a number of measures, including a social media campaign, renewed contact with all Indian nationals under an obligation to return, as well as legal proceedings under aliens law.¹⁸⁷</p> <p>Objective: The aim of this special programme was to increase the attractiveness of voluntary return, as well as willingness to return, especially of Indian nationals under an obligation to return.¹⁸⁸</p> <p>Driver: The driver for this special programme was the large number of potential Indian returnees in Austria.</p>	<input type="checkbox"/> Major, because

¹⁸⁴ For details on the Joint Coordination Platform see Ebner, 2021:42.

¹⁸⁵ Written input: Federal Ministry of the Interior, Joint Coordination Platform, 14 January 2023.

¹⁸⁶ Ibid.

¹⁸⁷ Written input: Federal Ministry of the Interior, Department V/B/10, Return, Reintegration and Quality Development, 24 January 2023.

¹⁸⁸ Ibid.

9.2.3. Reintegration measures

90. Were there any new legal or policy developments regarding reintegration measures in 2022? Y/N.

Development including objective and driver	Major development
<p>Development: In addition to ongoing reintegration programmes for voluntary returnees, Austria launched a bilateral reintegration project in Syria together with the European Technology and Training Centre (ETTC) starting in 2022. Voluntary returnees to Syria were provided with reintegration assistance amounting to EUR 3,000 (EUR 200 cash, EUR 2,800 in kind). As the quota of returnees had not been fully met in 2022, the project was extended until the end of December 2023 or until the available reintegration places had been exhausted.¹⁸⁹</p> <p>Objective: The aim of the Syrian reintegration project was to assist voluntary returnees to Syria more effectively with reintegration into their country of origin.¹⁹⁰</p> <p>Driver: The driver was the fact that a number of Syrian nationals returned voluntarily to their country of origin.¹⁹¹</p>	<input type="checkbox"/> Major, because

9.2.4. Forced return and detention

91. Were there any new legal or policy developments regarding forced return, detention, alternatives to detention of irregular migrants and rejected asylum seekers in 2022? Y/N.

Please note that NCPs are requested to use only sections 3.5.1 and 3.5.2 of this Template to report any developments related to families with accompanied minors but these developments will be included in this chapter of the published ARM.

Development including objective and driver	Major development
a) Forced Return	
<p>Development: In 2022, Austria continued to participate in implementation of Frontex charter operations for the forced return of third-country nationals. In more than 20 such operations, a total of over 130 third-country nationals were returned to their countries of origin. Some of these operations were organized by Austria, including Europe's first Frontex charter operation to India in September 2022 (Federal Office for Immigration and Asylum, 2022c).</p> <p>Objective: Enforcement of removal from the country as provided for by law.</p> <p>Driver: The driver was the number of foreign nationals residing in Austria who were under an obligation to return to their country of origin.¹⁹²</p>	<input type="checkbox"/> Major, because
b) Detention	
<p>Development: No significant changes in 2022.</p>	<input type="checkbox"/> Major, because
c) Alternatives to detention	
<p>Development: No significant changes in 2022.</p>	<input type="checkbox"/> Major, because

¹⁸⁹ Written input: Federal Ministry of the Interior, Department V/B/10, Return, Reintegration and Quality Development, 24 January 2023.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

9.3. Cooperation with third countries of origin and transit and implementation of EU readmission agreements

9.3.1. Cooperation with third countries of origin and transit on return management and reintegration

92. Were there any new legal or policy developments regarding cooperation with third countries in 2022 on return and reintegration management? Y/N.

Development including objective and driver	Major development
<p>Development: An agreement between the Austrian Federal Government and the Republic of India on a comprehensive migration and mobility partnership – Austria's first national comprehensive migration agreement – was negotiated in 2022. The aim of this agreement was to intensify cooperation in various areas, including the combating of irregular migration, smuggling and trafficking in human beings (see also 1.2.4/Q 6). In order to implement the agreement and establish ongoing dialogue, the establishment of a joint working group on migration and return issues was planned (Federal Ministry for European and International Affairs, 2022c).</p> <p>Objective: The aim was to intensify cooperation in the area of migration between the Austrian Federal Government and the Republic of India (Federal Ministry for European and International Affairs, 2022c).</p> <p>Driver: The agreement was seen as necessary in order to actively address the potentials and challenges of cross-border migration, in particular effective management of migration, as well as systematic prevention of irregular migration, and achievement of a functioning return and readmission policy (Federal Ministry for European and International Affairs, 2022c).</p>	<input type="checkbox"/> Major, because
<p>Development: In addition to the negotiations with the Republic of India described above, talks, consultations and negotiations have been held bilaterally with various other third countries.¹⁹³</p> <p>Objective: The aim was to conclude further readmission agreements, implementation protocols or broader migration agreements.¹⁹⁴</p> <p>Driver: In order to effectively address the potentials and challenges of cross-border migration, in particular effective management of migration and systematic prevention of irregular migration, and to be able to implement a functioning return and readmission policy, more in-depth cooperation with priority third countries (focus countries) is necessary. To this end, the Government Programme 2020–2024 also provides for establishment of strategic partnerships with third countries for effective implementation of the migration strategy in Austria's interest, including readmission agreements.¹⁹⁵</p>	<input type="checkbox"/> Major, because

9.3.2. Implementation of EU Readmission Agreements

93. Please report on activities undertaken at national level to support the implementation of EU readmission agreements in 2022 (implementing protocols, cooperation with third countries to encourage implementation) by completing the table and providing any additional relevant information:

¹⁹³ Written input: Federal Ministry of the Interior, Department V/A/5, Migration Affairs (EU and International Affairs), 25 January 2023.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

EU	Readmission	National development (i.e. implementing protocol, cooperation) <u>in 2022 only.</u>
agreement (country)		

Development: No significant changes in 2022.

9.4. Cross-cutting developments in return and reintegration related to other thematic sections of the ARM (borders, irregular migration and trafficking)

94. In previous sections, cooperation with third countries in the field of border management, visa policy, irregular migration and return were addressed. These policies are often interlinked, also with return and reintegration. If applicable, please highlight any links between these dimensions and return and reintegration policy. Please also highlight any links with sustainable development policies.

Development including objective and driver	Major development
Development: No significant changes in 2022.	<input type="checkbox"/> Major, because

10. MIGRATION AND DEVELOPMENT

Please indicate (Y/N) whether there have been any ***new developments in 2022*** relating to national actions in the field of migration and development, as indicated below.

To include a development in this section, please ensure that there is an **explicit link** between the migration and development selected.

If yes, for each development, please:

- ✓ **Briefly describe the development: what changed?**
- ✓ **Describe the objectives¹⁹⁶ and the drivers¹⁹⁷ of the legislative or policy development.**
- ✓ **Flag whether the development was a ‘major’ development and, if so, briefly explain (1-2 sentences) why you consider this a major development (e.g. *strategic development, fundamental policy change, high impact on applicants, political priority, etc.*).**
- ✓ **Please include one development per row and add additional rows as required.**
- ✓ **List developments in order of importance. If several developments are deemed equally important, please use a chronological order.**

31. Were there any new developments aimed at facilitating synergies between migration and development in third countries in 2022? Y/N.

Please see footnote for examples.¹⁹⁸

Development including objective and driver	Major development
<p>Development: On 6 November 2022, the new Three-Year Programme of Austrian Development Policy 2022 to 2024 was adopted by the Council of Ministers. In addition, the budget for bilateral development aid in 2023 was increased by EUR 12 million to EUR 137 million and by EUR 20 million to EUR 77.5 million for humanitarian aid. With the new Three-Year Programme, the Federal Government continues to focus on existing priorities, such as the empowerment of women and vulnerable groups, inclusion, education, promotion of the rule of law, support for local civil society and democratization programmes (Austrian Development Agency, 2022). In addition, migration and forced displacement are stated to be one of the three global challenges set to play a pivotal role in shaping activities over the coming years (Federal Ministry for European and International Affairs, 2022b:4–5).</p> <p>Objective: The aim of the Three-Year Programme is to open up long-term prospects to people in partner countries by creating an environment of social and political stability locally, as well as sustainable development as defined in Agenda 2030 (Austrian Development Agency, 2022).</p>	<p>x Major, because it is the most important policy document that will shape development cooperation over the next three years.</p>

¹⁹⁶ Objective of the development: what is this legal/policy change/development intended to achieve?

¹⁹⁷ Driver for the development: what were the reasons for enacting this legal/policy change/development? For example, a potential driver in 2022 could be a rise in protection applications. Please note that specific drivers can be broken down from major developments, i.e. what drove the need to adapt legislation, systems or processes in a particular way?

¹⁹⁸ Examples of such developments could include: New national development strategies, incorporating migration; mainstreaming migration into national development activities; engagement at multilateral level, including new developments in relation to participation in regional consultative processes; policies supporting refugee-host countries such as Regional Development Protection Programmes (RPPs); policies aimed at engaging third country national diaspora in their home countries; policies aimed at reducing the transfer costs of remittances and/or maximising the positive impact of remittances in countries of origin, policy level decisions to participate in EU partnerships/projects (e.g. EU legal migration pilot projects) or policies or projects aimed at building economic opportunities in particular for youth and addressing root causes of irregular migration. Please do not include lists of funded projects.

Development including objective and driver	Major development
Driver: Preparation of the Three-Year Programme met the requirements of Art. 23 Development Cooperation Act. ¹⁹⁹	

¹⁹⁹ Development Cooperation Act, FLG I No. 49/2002 in the version of federal law FLG I No. 37/2018.

11. RESPONSE TO THE INFLUX OF PERSONS FLEEING THE WAR IN UKRAINE

Please note that this chapter is divided into two sections:

- Temporary protection for persons fleeing Ukraine
- Measures taken outside of the legal framework of the Temporary Protection Directive (especially relevant for measures taken before the TPD was triggered)

For each development, please:

- ✓ Briefly describe the legislative and policy developments in 2022 since the adoption on 4 March 2022 of Council Implementing Decision (EU) 2022/382 activating the Temporary Protection Directive
- ✓ Against the background of the large number of developments and the dynamic situation, please only include major developments in this section.
- ✓ Describe the objectives²⁰⁰ and the drivers²⁰¹ of the legislative or policy development.
- ✓ Please report only major developments in this chapter. Please include one development per row and add additional rows as required.
- ✓ List developments in chronological order.

11.1. Temporary protection for persons fleeing the war in Ukraine

32. What were the legislative and policy developments since 4 March 2022 in relation to the implementation of the Council Implementing Decision (EU) 2022/382 outlining who shall and may be entitled to temporary protection?

This question is limited to the legislative and policy developments relating to the scope of temporary protection (including a possible use of the adequate protection alternative). Procedures for registration, documentation etc. are dealt with in separate questions.

Development including objective and driver

Development: On 12 March 2022, the Regulation on Displaced Persons came into force,²⁰² which was issued by the Federal Government in agreement with the Main Committee of the National Council pursuant to Art. 62 para 1 Asylum Act 2005.^{203,204} The target groups falling within its scope were definitively described in the Regulation on Displaced Persons (Federal Ministry of the Interior, 2022h), with the result that Ukrainian citizens, as well as third-country nationals and stateless persons who had protection status in Ukraine before 24 February 2022, would be granted a temporary right of residence in Austria. Family members (spouses,

²⁰⁰ Objective of the development: what is this legal/policy change/development intended to achieve?

²⁰¹ Driver for the development: what were the reasons for enacting this legal/policy change/development? The overall driver for activation of the TPD in 2022 is Ukraine, but there could be more specific drivers for specific questions e.g. issues with reception capacity; need to carry out skills mapping; qualification equivalence for access to education for adults.

²⁰² Regulation of the Federal Government on the Temporary Protection for Displaced Persons from Ukraine, FLG II No. 92/2022.

²⁰³ Asylum Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 221/2022.

²⁰⁴ Art. 62 para 1 Asylum Act 2005 stipulates that, in times of armed conflict or other circumstances endangering the security of entire population groups, the Federal Government, in agreement with the Main Committee of the National Council, may, by regulation, grant a temporary right of residence in the territory of the Federal Republic to groups of foreigners directly affected by the conflict who cannot find protection elsewhere (displaced persons).

registered partners, minor children, close relatives living in the same household) were also covered by this right of residence, which arose ex lege – subject to the relevant requirements being met – on the basis of the Regulation on Displaced Persons (see [11.1/Q 37](#); Federal Ministry of the Interior, 2022h). In line with the requirements of Art. 4 para 1 Temporary Protection Directive, the Regulation on Displaced Persons stipulated that the temporary right of residence would initially be valid for one year and would be automatically renewed twice for a period of six months each time, unless such right was terminated beforehand by a decision of the Council on the proposal of the European Commission. On 21 December 2022, in view of the European Commission's communication that no proposal would be made to terminate the right of residence for persons displaced from Ukraine, the Council of Ministers adopted an amendment to the Regulation on Displaced Persons that subsequently enabled the extension of the temporary right of residence for displaced persons until March 2024 (Federal Ministry of the Interior, 2022m; see also [11.1/Q 34](#)).

The Regulation on Displaced Persons also granted a temporary right of residence to Ukrainian nationals who were already lawfully in Austria before 24 February 2022 and could not return to Ukraine because of the war. This also applied if their actual residence permit was not renewable or their visa had expired (Art. 3 Regulation on Displaced Persons).

Other persons not covered by the Regulation on Displaced Persons, such as third-country nationals or stateless persons from Ukraine who had not been granted international or comparable national protection status there, were allowed to enter Austria on humanitarian grounds pursuant to Art. 6 para 5 (c) of the Schengen Borders Code (SBC)²⁰⁵ for the purpose of transit and immediate subsequent departure. Those persons who could not return home safely had the option of applying for international protection in Austria within the framework of an asylum procedure (Federal Ministry of the Interior, 2022w). Application for asylum was also open to those Ukrainian nationals who had neither left Ukraine as of 24 February 2022, nor were already lawfully resident in Austria on 24 February 2022, or who were not relatives of displaced persons (Federal Ministry of the Interior, 2022h).

Objective: The Regulation on Displaced Persons transposed into national law the Implementing Decision activating the Temporary Protection Directive (2001/55/EC) (Parliamentary Administration, 2022a). The objective was to ensure that all those who had to flee from Ukraine because of the war are helped (Federal Ministry of the Interior, 2022w).

Driver: On 4 March 2022, the Council of the European Union adopted an Implementing Decision²⁰⁶ to apply the standardized provisions in the Temporary Protection Directive²⁰⁷ to persons displaced from Ukraine (Federal Ministry of the Interior, 2022w). In accordance with this decision, the Regulation on Displaced Persons was enacted.²⁰⁸ This regulation is based on Art. 62 Asylum Act 2005, on the basis of which the Temporary Protection Directive is implemented in Austria.

Development: Since the Regulation on Displaced Persons came into force, the Federal Ministry of the Interior has issued various decrees with regard to persons displaced from Ukraine, including (Federal Ministry of the Interior, 2022e):

- “Ukraine – effects of the Regulation on Displaced Persons on visa and aliens police matters, as well as on the issue of ID cards for displaced persons of 14 March 2022”: This decree concerned Ukrainian nationals who were lawfully residing in Austria without a visa on 24 February 2022 and who were unable to return to Ukraine or to another country of residence due to the armed conflict;
- “Ukraine – right to travel of displaced persons entitled to temporary protection of 21 March 2022”: This decree concerned the right of persons enjoying temporary protection to stay in another EU Member State for 90 days within a period of 180 days without the temporary right of residence in Austria ceasing.

²⁰⁵ Consolidated text: Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification): OJ L 135, pp. 27–84.

²⁰⁶ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, 4 March 2022: OJ L 71, pp. 1–6.

²⁰⁷ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof: OJ L 212, pp. 12–23.

²⁰⁸ Written input: Federal Ministry of the Interior, Department V/B/8, Asylum, 17 January 2023.

Objective: The aim was to regulate specific internal issues of public authorities.

Driver: The drivers were the war in Ukraine and implementation of the Temporary Protection Directive.

Development: On 1 July 2022, an amendment to the Federal Office for Immigration and Asylum Procedures Act came into force.²⁰⁹ This amendment allowed for the transfer of some of the personal data processed in the Central Aliens Register (Art. 27 Federal Office for Immigration and Asylum Procedures Act) as well as the case number (IFA number) to Member States and the European Commission for the purpose of meeting the responsibilities resulting from the Temporary Protection Directive.

Objective: The aim of the amendment was to create the legal preconditions for the sharing of information provided for in Art. 27 para 1 Temporary Protection Directive.

Driver: The amendment was necessary in order to conform to the requirements of the Temporary Protection Directive. Without the amendment Austria would have been the only Member State unable to take part in the planned sharing of information.²¹⁰

33. What were the legal or policy developments since 4 March 2022 in relation to the registration of persons arriving from Ukraine?

Development including objective and driver

Development: On 12 March 2022, registration of displaced persons began at the newly established registration offices in all nine provincial police directorates (Federal Ministry of the Interior, 2022i). Registration was carried out by the police (Federal Office for Immigration and Asylum, 2022b) who used registration modules consisting of passport reader, fingerprint scanner and laptop/PC with special software for processing the data (Federal Ministry of the Interior, 2022y). During registration, data from the passport and other documents were recorded and a photograph was taken (Federal Ministry of the Interior, 2022k). Persons aged 14 years or over went through an identification procedure, including fingerprinting. Any missing data (e.g. due to lack of a passport) were collected during another appointment at the competent office of the Federal Office for Immigration and Asylum (Federal Office for Immigration and Asylum, 2022b).

Objective: The aim was to register displaced persons from Ukraine who had been in Austria for longer than three days.

Driver: The driver was the high number of displaced persons from Ukraine who had arrived in Austria and were seeking protection.

34. What were the legal or policy developments since 4 March 2022 in relation to the provision of residence permits or other documents granting the right to reside to beneficiaries of temporary protection? Please include information on the type of documents provided to beneficiaries of TP and the reason behind this.

Development including objective and driver

Development: Persons who fall within the target group of the Regulation on Displaced Persons (see [11.1/Q 33](#)) receive a temporary right of residence in Austria and a residence permit – the ID card for displaced persons (also known as the Blue Card). On 12 March 2022, an amendment²¹¹ to the Regulation on the Implementation of the Asylum Act²¹² came into force, which laid down certain regulations for the ID card for displaced persons. The ID card is recognized throughout the Schengen Area and accepted as an identity document, travel document and document for access to the labour market. The card is protected with numerous security features and has a chip that stores biometric data (Federal Ministry of the Interior, 2022z).

²⁰⁹ Amendment of the Citizenship Act 1985, the Settlement and Residence Act, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 83/2022.

²¹⁰ Report of the Committee on Interior Affairs. Available at www.parlament.gv.at.

²¹¹ Amendment of the Regulation on the Implementation of the Asylum Act 2005, FLG II No. 93/2022.

²¹² Regulation on the Implementation of the Asylum Act 2005, FLG II No. 448/2005 in the version FLG II No. 93/2022.

34. What were the legal or policy developments since 4 March 2022 in relation to the provision of residence permits or other documents granting the right to reside to beneficiaries of temporary protection? Please include information on the type of documents provided to beneficiaries of TP and the reason behind this.

Development including objective and driver

Issue of the ID card is the responsibility of the Federal Office for Immigration and Asylum, which issues the cards following registration (Federal Ministry of the Interior, 2022z). After completion of the registration process (see [11.1/Q 33](#) above), the recorded data are transmitted to the Austrian State Printing House (Federal Ministry of the Interior, 2022x), which produces the ID cards in close cooperation with the Federal Office for Immigration and Asylum.

Objective: The aim was to create the legal basis for issuing the ID cards for displaced persons.

Driver: The amendment was required because the ID card for displaced persons was not previously regulated by the Regulation on the Implementation of the Asylum Act.

Development: On 21 December 2022, the Council of Ministers adopted an amendment to the Regulation on Displaced Persons that subsequently enabled the extension of the temporary right of residence for displaced persons until March 2024 (see [11.1/Q 32](#)). According to information provided by the Federal Ministry of the Interior on 6 December 2022, preparations for reissuing ID cards for displaced persons with a new expiry date had already begun at that time (Federal Ministry of the Interior, 2022a). On 22 December 2022, it was announced that the Federal Office for Immigration and Asylum would automatically send all persons registered in Austria as displaced persons a new ID card with an extended expiry date (Federal Ministry of the Interior, 2022ae).

Objective: The aim was to comply with regulations at European level.

Driver: The European Commission's Operational Guidelines for Implementation of the Implementing Decision,²¹³ published on 21 March 2022, recommended issuing residence permits to displaced persons for the full possible duration of two years in total, i.e. until March 2024. On 6 October 2022, the European Commission announced that no proposal would be made to terminate the right of residence for persons displaced from Ukraine and that their temporary right of residence would thus remain in force until March 2024 (European Commission, 2022b).

35. What were the legal or policy developments since 4 March 2022 in relation to ensuring access to the labour market for beneficiaries of temporary protection?

Development including objective and driver

Development: The programme of integration measures was adapted and supplemented from the end of February 2022 based on actual requirements for displaced persons in collaboration with the Austrian Integration Fund. Relevant numbers and developments were continuously monitored in order to be able to take any necessary measures as and when required (Federal Chancellery, 2022b). Since March 2022, the Austrian Integration Fund has offered numerous counselling and information initiatives for persons displaced from Ukraine (Austrian Integration Fund, 2022d, 2022e). These include:

- Austrian Integration Fund lawyers and community representatives answered questions about residence status, opportunities to learn German, and entering the labour market;
- Refugees, volunteers and representatives of the community have been able to exchange information about support services directly at Austrian Integration Fund premises as part of networking and discussion meetings for persons displaced from Ukraine ("Ukraine Meeting Points");
- Ukrainian-speaking staff at the specially established Austrian Integration Fund hotline answered questions about care, guidance, and support and assistance programmes for living and working in Austria and referred displaced persons to relevant existing support services and responsible offices;

²¹³ Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection: OJ C 126l, pp. 1–16.

- Displaced Ukrainians are able to find answers to their questions about integration, German language courses, the labour market and schooling at newly established central service points (“Mobile Service Points”) in all federal provinces (Federal Chancellery, 2022d).

Objective: The aim of these measures was to provide counselling, information and networking opportunities for persons displaced from Ukraine, particularly women, and to integrate services so that as many official and administrative processes as possible could be completed on a single day at a single location (Federal Chancellery, 2022d).

Driver: Existing proven integration structures adapted to the new target group were used in integration work for persons displaced from Ukraine. Special attention was paid to the fact that the majority of those seeking protection were women with children (Expert Council for Integration, 2022b, 2022a). The expectation that these displaced persons would have a higher than average educational attainment level was taken into account and establishment of the (Mobile) Service Points was welcomed (Expert Council for Integration, 2022b).

Development: The criteria for legally compliant labour market access were defined on 11 March 2022 by means of a decree issued by the Federal Minister for Labour. This decree stipulated the legal conditions under which individuals issued with an ID card for displaced persons should be granted access to the labour market through the Public Employment Service (Federal Ministry of Labour, 2022a). According to this decree, employers can be issued with an employment permit for displaced persons without a labour market test, provided the general requirements are met (Art. 4 para 1 Act Governing the Employment of Foreign Nationals) (Austrian Federal Economic Chamber, n.d.). The permit is usually issued within a few days and is free of charge (Federal Ministry of Labour, 2022a).

In addition, all Public Employment Service regional offices offer support to persons displaced from Ukraine with questions regarding job placement, registration, and education and training. Information sheets are available in Ukrainian, English and German. Displaced persons who register with the Public Employment Service are notified of vacancies in which they may be interested (Federal Ministry of Labour, 2022a).

Objective: The aim of the decree was to regulate labour market access for persons displaced from Ukraine.

Driver: The driver was Art. 12 Temporary Protection Directive.

Development: The Public Employment Service Vienna launched the following initiatives in March and April 2022 relating to labour market access for persons displaced from Ukraine:

- On 25 March 2022, an information point for persons displaced from Ukraine was launched at the Austria Center Vienna. Ukrainian-speaking and Russian-speaking staff from the Public Employment Service Vienna provided information on initial questions about the labour market and employment in Vienna and handed out competence questionnaire forms that gave the Public Employment Service a picture of qualifications and employment experience (Public Employment Service, 2022c);
- At the end of March/beginning of April 2022, the Public Employment Service Vienna set up seven counselling and reception centres in Vienna. Here, persons displaced from Ukraine were assisted in recording their competences and, if relevant, in attaining recognition and validation of their qualifications. At these centres, they were also put in contact with Vienna-based companies (Public Employment Service, 2022a).

Objective: The aim of these measures was to promote labour market integration of persons displaced from Ukraine. In terms of the information point, the intention was to set up a central point of contact for initial questions about the labour market and employment, as well as to complete a competence questionnaire so as to be able to develop tailor-made placement activities for companies (Public Employment Service, 2022c).

Driver: The driver was the influx of displaced Ukrainians, a disproportionate number of whom settled in Vienna (Austrian Integration Fund, 2022a), as well as the desire to integrate them rapidly into the labour market and the high level of interest shown by businesses in taking on displaced Ukrainians (Expert Council for Integration, 2022a).

Development: On 10 June 2022, an amendment to the Recognition and Assessment Act came into force.²¹⁴ In addition to persons granted asylum and beneficiaries of subsidiary protection status, persons displaced from

²¹⁴ Recognition and Assessment Act, FLG I No. 55/2016 in the version of federal law FLG I No. 76/2022.

Ukraine were also covered by the scope of this act and the special procedural provisions for recognition or assessment of foreign educational or professional qualifications were extended to persons displaced from Ukraine.

Objective: The aim was to facilitate the recognition of educational and professional qualifications of displaced Ukrainians.

Driver: The assessment of foreign school-leaving certificates allows a basic comparison to be made with Austrian school-leaving certificates, which is particularly helpful in the search for employment (Federal Ministry of Education, Science and Research, 2022a). The position paper on Ukraine by the Expert Council for Integration highlighted the need for school and vocational qualifications of persons displaced from Ukraine to be recognized as quickly as possible. The Expert Council for Integration welcomed the amendment to the Recognition and Assessment Act (Expert Council for Integration, 2022b).

Development: On 11 June 2022, an amendment to the Integration Act²¹⁵ came into force²¹⁶ extending the target group of the Integration Act to include displaced persons with a temporary right of residence in Austria. As a result of this amendment, the Federal Minister for Women, Family, Integration and Media must ensure that German language courses are made available for persons displaced from Ukraine aged 15 years or over, pursuant to Art. 4 para 1 Integration Act. In addition, the amendment created the possibility of offering integration support to displaced persons, such as orientation courses, courses for training and further education or other Austrian Integration Fund services, as well as to hold orientation sessions with displaced persons.

Objective: The aim of the legislator was to support from the very outset those displaced Ukrainians who had sought protection in Austria, as well as to create the framework conditions for successful integration processes and rapid financial independence.²¹⁷

Driver: The driver was the need to expand the target group of the Integration Act to include this new group of displaced persons in order to promote their integration and give them the opportunity to benefit from integration measures under the Integration Act.²¹⁸

Development: On 18 July 2022, the Federal Chancellor stated in a parliamentary answer that in cooperation with representatives of various organizations, the Ukrainian Refugee Coordination Unit and/or Refugee Coordinator had assisted in various measures to bring displaced Ukrainians into employment. These included initiatives such as "Austrian Jobs for Ukraine", the "Ukraine Job Summit", a dialogue on the employment of displaced Ukrainians, the establishment of the "Public Employment Service's Job Placement Platform – Job Opportunities in Austria" and various social projects (Federal Chancellery, 2022c). In addition, there have been regular discussions between the Refugee Coordinator, stakeholders and the Public Employment Service (Federal Chancellery, 2022c).

Objective: The aim was the rapid and long-term labour market integration of persons displaced from Ukraine (Federal Chancellery, 2022c).

Driver: The integration of displaced persons into the labour market as quickly as possible was seen as an important step that could be taken quickly after the Blue Card was issued (Expert Council for Integration, 2022a). There was great interest and willingness on the part of Austrian companies to hire displaced Ukrainians (Expert Council for Integration, 2022b).

36. What were the legal or policy developments since 4 March 2022 in relation to access to basic services for beneficiaries of temporary protection?

Development including objective and driver

a) Access to suitable accommodation and/or means to obtain housing

²¹⁵ Integration Act, FLG I No. 68/2017 in the version of federal law FLG I No. 76/2022.

²¹⁶ Amendment to the Integration Act, the Recognition and Assessment Act and the Educational Documentation Act 2020, FLG I No. 76/2022.

²¹⁷ Initiative Proposal concerning a Federal Act amending the Integration Act, the Recognition and Assessment Act and the Educational Documentation Act, 2503/A XXVII. Legislative Term. Available at www.parlament.gv.at.

²¹⁸ Ibid.

Development: Since the war began, what are known as “neighbourhood help measures” have been instituted, in the form of local aid shipments and preparing accommodation. At the start of March 2022 neighbourhood help focused on provision of accommodation in Austria (see below), as well as ensuring temporary protection and aid shipments to the war zone. In Austria willingness to help was great and many private individuals offered accommodation to displaced persons from Ukraine (Federal Ministry of the Interior, 2022v). The Federal Ministry of the Interior and the provinces worked together closely in order to coordinate the necessary measures. This planning also involved the emergency services and non-governmental organizations (Federal Ministry of the Interior, 2022t).

Objective: The aim was to provide rapid, unbureaucratic help and to provided displaced persons from Ukraine with normal accommodation as quickly as possible, in order to restore a little normality for them quickly (Federal Ministry of the Interior, 2022v).

Driver: The war in Ukraine triggered the fastest and largest displacement in Europe since the Second World War (United Nations, 2022). Especially at the start of the war, the number of arrivals in Austria was high and required appropriate measures where provision of accommodation was concerned.

Development: To procure accommodation places, the Federal Agency for Reception and Support Services company with limited liability set up a central point of contact for offers of accommodation from the civilian population (Federal Ministry of the Interior, 2022i, 2022u). The “Platform for Neighbourhood Accommodation” was launched at the end of February 2022 (Federal Agency for Reception and Support Services, 2022). People who had a vacant property and wanted to make this available short term for people who had fled Ukraine were able to offer this via the platform (Federal Ministry of the Interior, 2022u). By mid-March 2022, more than 6,600 people, companies, municipalities and social organizations had already made more than 29,500 offers of free housing and overnight accommodation to which the provinces could make recourse if needed (Federal Agency for Reception and Support Services, 2022).

At the same time as the neighbourhood accommodation platform launched, the Federal Agency for Reception and Support Services company with limited liability provided first three, and subsequently another four reception centres for displaced persons from Ukraine and declared them to be “neighbourhood accommodation” (Federal Ministry of the Interior, 2022k). As part of the Federal State’s basic level of care, displaced persons from Ukraine have been accommodated in neighbourhood accommodation separately from other people accommodated in federal basic care reception centres (especially asylum seekers) (Federal Ministry of the Interior, 2022k). In mid-March these reception centres welcomed another 400–500 people daily who, in cooperation with the provinces, were promptly transferred to provincial reception centres and longer-term accommodation (Federal Agency for Reception and Support Services, 2022).

Objective: The aim was to ensure that displaced persons from Ukraine were accommodated. The Platform for Neighbourhood Accommodation was intended to ensure that everyone who had fled Ukraine would be given accommodation, even if short term (Federal Agency for Reception and Support Services, 2022). The handover to provincial reception centres and longer-term accommodation was intended to ensure that the Federal Agency for Reception and Support Services company with limited liability could continue to provide its short-term accommodation capacity (Federal Agency for Reception and Support Services, 2022).

Driver: Displaced persons within the terms of the Regulation on Displaced Persons fell under the Agreement between the Federal State and the Provinces on Basic Care²¹⁹ and, if in need of aid, had access to the respective services available, including accommodation and food (Federal Ministry of the Interior, 2022k).

Development: On 27 February 2022 the Federal Agency for Reception and Support Services company with limited liability started a Ukrainian-language and Russian-language hotline for displaced persons. Federal Agency for Reception and Support Services company with limited liability employees use this hotline to organize accommodation, for example, help with obtaining urgently needed medicines or ensure temporary care for pets. Lawyers from the Federal Agency for Reception and Support Services company with limited liability’s legal advice department help with clarification of legal issues. The hotline operates 24 hours per day, seven days per week (Federal Agency for Reception and Support Services, 2022).

²¹⁹ Agreement between the Federal State and the Provinces according to Art. 15a Federal Constitutional Act on common measures for temporary basic care for aliens in need of assistance and protection (asylum seekers, persons granted asylum, displaced persons and other persons who cannot be removed for legal or factual reasons) in Austria (Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act), FLG I No. 80/2004.

Objective: The hotline's aim was to ensure that displaced persons from Ukraine received assistance and advice.

Driver: The driver was the large number of people displaced from Ukraine who arrived in Austria seeking protection.

Development: One week after the start of the war on 24 February 2022, the City of Vienna opened the Refugee Arrival Center. Other provinces subsequently provided similar arrival centres. Every day the arrival centres reported the number of people that they were unable to accommodate to the Federal Agency for Reception and Support Services company with limited liability. The Federal Agency for Reception and Support Services company with limited liability coordination department then found the required capacity either in federal reception centres or other federal provinces and, with the Austrian Army, organized transportation of the people by bus (Federal Agency for Reception and Support Services, 2022). Financing of the initial care services furnished in the initial reception and/or arrival centres comes from the Federal State, processed as a single lump-sum payment worth €190 per person for whom care has been demonstrably provided (Federal Ministry of the Interior, 2022e). The lump-sum settlement was governed in an agreement²²⁰ supplementary to the Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act²²¹ that came into force on 1 December 2022 (see [11.1/Q 36c](#)).

Objective: The aim was to provide short-term accommodation and care for displaced persons from Ukraine who arrived in Austria.

Driver: The driver was the large number of people displaced from Ukraine who arrived in Austria seeking protection.

b) Access to medical care including in relation to mental health

Development: On 12 March 2022 an amended regulation issued by the Federal Minister for Social Affairs, Health, Care and Consumer Protection came into force.²²² According to this, Ukrainian nationals and other people who had been temporarily received in Austria from 24 February 2022 because of the warlike events in Ukraine, as well as those who had already been in Austria for a while but who were unable to return to Ukraine due to the war, were included in health insurance. Compulsory insurance commences on the date of their arrival in Austria and ends when they leave the country again. The measure was provisionally limited until 31 December 2023 (Parliamentary Administration, 2022a). As a result of this measure, those seeking protection were placed on an equal footing with other policyholders in their entitlement to benefits in kind according to the General Social Insurance Act, especially in respect of medical and psychological care too. Inclusion took place regardless of a need for aid and protection (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2022a).

Objective: The aim was to facilitate rapid, uncomplicated access to medical care for eligible persons (Parliamentary Administration, 2022a).

Driver: Displaced persons from Ukraine who were unable to claim basic care services did not fall within the scope of the insurance cover provided for in the basic level of care. This is why it was necessary to include this group of people in health insurance by regulation.

c) Access to assistance in terms of social welfare and means of subsistence

Development: On 28 February 2022 Austrian Federal Railways introduced the "Not-Ukraine-Ticket". The free Not-Tickets were issued to displaced Ukrainians who travelled to the country on Austrian Federal Railways trains or who wanted to continue their journey in Austria. Austrian Federal Railways bore the costs (Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology, 2022).

²²⁰ Agreement between the Federal State and the Provinces according to Art. 15a Federal Constitutional Act determining in particular the increase of specific maximum cost rates of Art. 9 of the Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act as well as a lump sum for initial care, FLG I No. 197/2022.

²²¹ Agreement between the Federal State and the Provinces according to Art. 15a Federal Constitutional Act on common measures for temporary basic care for aliens in need of assistance and protection (asylum seekers, persons granted asylum, displaced persons and other persons who cannot be removed for legal or factual reasons) in Austria (Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act), FLG I No. 80/2004.

²²² Amendment of the implementation of health insurance for persons included in health insurance pursuant to Art. 9 General Social Insurance Act, FLG II No. 104/2022.

Objective: The aim was to ensure safe, fast, unbureaucratic and free travel within Austria for displaced persons (Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology, 2022).

Driver: This was driven by the large number of people displaced from Ukraine who travelled to or through Austria.

Development: At the Conference of Provincial Refugee Case Workers on 10 May 2022, the Federal Ministry of the Interior presented a model for raising the additional earnings limit for displaced Ukrainians. The model provided that there should be a tiered reduction in payments from basic care once a proposed additional earnings limit had been exceeded. This proposal was subsequently submitted to the Federal State and Provinces Coordination Council²²³ for a resolution (Federal Ministry of the Interior, 2022ab).

Objective: The increase in the additional earnings limit was seen as an important measure for labour market integration of displaced persons from Ukraine (Federal Ministry of the Interior, 2022ab). The aim was to create an incentive to seek employment in order to be able to largely defray the cost of living through their own gainful employment (Federal Ministry of Labour, 2022a).

Driver: The Federal Ministry of the Interior had already explored the necessity of increasing the additional earnings limit for displaced persons from Ukraine at the Conference of Provincial Refugee Case Workers on 29 March 2022 and supported it with opinions from experts and the Federal Chancellery (Federal Ministry of the Interior, 2022ab).

Development: On the basis of an appropriate amendment to the law, displaced persons from Ukraine have been granted access to the following family benefits:

- Amendment of the Act on the Compensation of Family Expenses:²²⁴ Displaced persons from Ukraine were granted entitlement to family allowance for their children from March 2022 at the earliest (retroactive). This entitlement ceases on the day that the temporary right of residence ends, but at the latest in March 2024;²²⁵
- Amendment of the Childcare Allowance Act:²²⁶ Displaced persons from Ukraine were granted entitlement to childcare allowance, retroactive from 12 March 2022 and until 3 March 2024 at most (Expert Council for Integration, 2022a).

Objective: The aim of the amendment to the law was to grant displaced persons from Ukraine access to family benefits (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2022b).

Driver: It was triggered by displaced persons from Ukraine not having access to family benefits in Austria (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2022b). This was changed by the stated amendments to the law.

Development: On 1 December 2022 an agreement²²⁷ supplementing the Agreement between the Federal State and the Provinces on Basic Care concluded between the Federal State and the provinces came into force. The contents of the supplementary agreement governed the increase in specific maximum cost rates (see [2.1.3/Q 15](#)), payment of a lump sum by the Federal State to the provinces for initial care in arrival centres for displaced persons from Ukraine (see [11.1/Q 36a](#)) and extension of the scope of application of the Agreement between the Federal State and the Provinces on Basic Care to third-country nationals displaced from Ukraine who did not fall under the Regulation on Displaced Persons, but whose immigration was permitted for the purpose of transit and immediate departure from Austria thereafter according to Art. 6 para 5 (c) Safety Control Act.

²²³ The Federal State-Provinces Coordination Council is composed of representatives of the federal government, the provinces and is dedicated to solving problems in a spirit of partnership that arise from current incidents, the interpretation of the Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act, cost allocation and its auditing, as well as extraordinary events (Art. 5 para 1 and 2 Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act).

²²⁴ Act on the Compensation of Family Expenses, FLG I No. 376/1967 in the version of federal law FLG I No. 135/2022.

²²⁵ Federal Chancellery, *Familienbeihilfe für aus der Ukraine Vertriebene*. Available at www.bundestkanzleramt.gv.at (accessed 8 December 2022).

²²⁶ Childcare Allowance Act, FLG I No. 103/2001 in the version of federal law FLG I No. 154/2022.

²²⁷ Agreement between the Federal State and the Provinces according to Art. 15a Federal Constitutional Act determining in particular the increase of specific maximum cost rates of Art. 9 of the Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act as well as a lump sum for initial care, FLG I No. 197/2022.

Objective: The aim of the supplementary agreement was to overcome challenges in the area of basic care, especially in connection with care of persons displaced due to the war in Ukraine and acceptance of admitted asylum seekers from federal reception centres.²²⁸

Driver: The supplementary agreement was initiated by the challenges in the field of basic care.²²⁹ The lump-sum contribution to costs and acceptance of third-country nationals from Ukraine that are not within the target group of the Regulation on Displaced Persons have already been explored in a submission to the Council of Ministers by the Federal Ministry of the Interior on 10 March 2022 (Federal Ministry of the Interior, 2022o).

d) Access to education for minors (including educational support)

Development: Since the start of the war in Ukraine, the Federal Ministry of Education, Science and Research has implemented some measures to help Ukrainian pupils gain access to the Austrian education system (Federal Ministry of Education, Science and Research, 2022a) – which comprise:

- Establishment of departments in all Boards of Education to support displaced Ukrainians and to handle questions relating to the education system;
- Establishment of additional German remedial classes and courses (Expert Council for Integration, 2022a);
- Possibility for Boards of Education to set up additional “bridging courses” for school pupils from Ukraine who are no longer of compulsory school age, in which they received intensive instruction in the core subjects of German and Mathematics, amongst others. Another focus was on career guidance;
- Expansion of a video and telephone interpreting system already in use to include the Ukrainian language in order to assist communication between schools and the respective Ukrainian pupils, parents or guardians;
- Appointment of additional teachers in all federal provinces. These also include teachers displaced from Ukraine who support the work of Austrian teachers based on their pedagogical training and experience.

Objective: The aim was to help Ukrainian school pupils gain access to the Austrian education system (BMBWF, 2022a).

Driver: People displaced from Ukraine included a large number of children and young people. In order to give them the ability to shape their lives independently in the future, it was necessary to integrate them into the Austrian kindergarten, school and education system as soon as possible (Expert Council for Integration, 2022b).

Development: On 29 June 2022 the City of Vienna announced that in cooperation with the Vienna Board of Education, free summer German courses for more than 900 pupils had been set up for school-age children and young people from Ukraine who attended a Viennese primary, compulsory secondary or lower cycle of academic secondary school in the 2021/22 academic year (City of Vienna, 2022b).

Objective: The aim of the courses was to reinforce initial experience of acquisition of German as the language of instruction that children and young people had already gained in school during summer German courses (City of Vienna, 2022b).

Driver: Thousands of people have arrived in Austria since the start of the war in Ukraine, especially women and their children. Vienna has welcomed a large proportion of the Ukrainians who have fled to Austria. The additional offering for refugee pupils made it possible to reinforce and further develop their linguistic competence (City of Vienna, 2022b).

Development: In autumn 2022 the Austrian Integration Fund put together German teaching materials for children, with interactive learning materials and language-learning modules, in a free “German learning pack” that could be ordered. Amongst other things, the pack includes a Ukraine special edition on interactive

²²⁸ See Art. 1 Agreement between the Federal State and the Provinces according to Art. 15a Federal Constitutional Act determining in particular the increase of specific maximum cost rates of Art. 9 of the Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act as well as a lump sum for initial care, FLG I No. 197/2022.

²²⁹ See Art. 1 *ibid.*

vocabulary development and information about learning German and life and integration in Austria (Austrian Integration Fund, 2022j).

Objective: The aim was to support displaced Ukrainians and targeted language learning by Ukrainian children (Austrian Integration Fund, 2022j).

Driver: Learning the German language as a child is seen as a foundation stone for a successful start to the Austrian school system. This is why the Austrian Integration Fund specifically targeted early language learning for children and provided German learning materials (Austrian Integration Fund, 2022j).

Development: From autumn 2022 the Vienna Board of Education, in cooperation with the Austrian Integration Fund, set up its own bridging courses at which young people could learn German before attending the regular school system. The Austrian Integration Fund supplied the teaching materials necessary for the bridging courses for 300 young people and these were handed over on 29 September 2022 in conjunction with the Vienna Board of Education. The target group included young people who had completed compulsory education in another country (from the tenth year), but were unable to progress to a compulsory or higher academic secondary school in Austria due to insufficient knowledge of German (Austrian Integration Fund, 2022m).

Objective: The aim was to help with acquisition of German in order to prepare for attendance at a compulsory or higher academic secondary school (Austrian Integration Fund, 2022m).

Driver: This was triggered by the war in Ukraine and the high number of displaced persons who were received in Austria.

e) Access to education for adults

Development: On 10 March 2022, Ukrainian students were exempted from university fees in the 2022 summer semester by an amendment²³⁰ to the Student Fees Regulation.²³¹ The exemption was extended by another amendment to the Student Fees Regulation for the 2022/23 winter semester.²³²

Objective: The aim was rapid, unbureaucratic financial aid for Ukrainian students.

Driver: This was triggered by the existing regulation that in principle third-country nationals must pay university fees of EUR 726.77 per semester. Ukrainian students should be exempted from university fees by the special regulation.

Development: From mid-March 2022 the Austrian Integration Fund offered free German lessons for displaced persons from Ukraine. The courses have been offered at more than 80 sites, with accompanying childcare if needed. A total of 35,000 places on courses were provided for Ukrainians (Austrian Integration Fund, 2022f). From level A2 up, successful course graduates received an Austrian Integration Fund certificate that has been enshrined in law. The Austrian Integration Fund also offered free online German lessons so that participants could improve their knowledge of German regardless of location, on their own initiative. Also, the voluntary “Treffpunkt Deutsch” learning groups by the Austrian Integration Fund have been available to all displaced persons aged 15 years or over as a complement to ordinary German courses or a pre-course preparation. As part of this initiative the Austrian Integration Fund brought together volunteers and German learners and provided premises for this across Austria (Austrian Integration Fund, 2022e).

As an extension to the range of German courses (see also [4.4/Q 55a](#)), together with famous Ukrainian universities and language learning centres, the Austrian Integration Fund provided new places on online courses for displaced Ukrainians in Austria. The first courses and learning options started in May 2022. In connection with attending the courses, all participants in these online German courses had the opportunity to conclude the courses with officially recognised Austrian integration examinations (Austrian Integration Fund, 2022g).

Objective: The aim was to provide German courses for displaced persons from Ukraine.

Driver: The driver was the large number of people displaced from Ukraine seeking protection in Austria. With regard to the demographic composition of the group of displaced persons from Ukraine, it was also particularly important to offer German courses and other support measures with childcare, as only in this way could female

²³⁰ Amendment to the Tuition Fee Regulation, FLG II No. 89/2022.

²³¹ Tuition Fee Regulation, FLG II No. 218/2019 in the version FLG II No. 304/2022.

²³² Amendment to the Tuition Fee Regulation, FLG II No. 304/2022.

displaced persons, who often had no possibility of childcare within the family, take part in the courses (Expert Council for Integration, 2022b).

Development: The Federal Ministry of Education, Science and Research supported Ukrainian students and academics with special grants ("Ernst Mach-Stipendium Ukraine"). In mid-April 2022 500 grants worth EUR 715 per person, per month were available. The grants were awarded for the current summer semester 2022 and the 2022/23 winter semester and were aimed at Ukrainian academics and students who were already studying in Austria before the war and had problems continuing their studies due to lack of financial support from Ukraine, and students who had to flee Ukraine and wanted to continue their studies at Austrian higher education institutions or universities (Federal Ministry of Education, Science and Research, 2022c).

Objective: The aim of the special grants was to allow Ukrainian students and academics to start or continue an academic education and to facilitate academic residence (Federal Ministry of Education, Science and Research, 2022c).

Driver: This was triggered by the war in Ukraine and the high number of displaced persons who were received in Austria.

37. What were the legal or policy developments since 4 March 2022 in relation to family reunification for beneficiaries of temporary protection? This includes reunification with family members outside the EU and of family members enjoying temporary protection in different Member States.

Development including objective and driver

Development: According to the Regulation on Displaced Persons that came into force on 12 March 2022 (see [11.1/Q 32](#)), family members of Ukrainian nationals, third-country nationals or stateless persons with a temporary right of residence in Austria also have a temporary right of residence. If they were already resident in Ukraine prior to 24 February 2022 as a family member of the sponsor, the family members include spouses and registered partners, minor single children and other close relatives who lived with the sponsor in a common household before the displacement and were completely or largely dependent on the latter. The temporary right of residence was initially valid until 3 March 2023 and should automatically extend by six months in each case, but at most by one year. On 21 December 2022, the Council of Ministers adopted an amendment to the Regulation on Displaced Persons that subsequently enabled the extension of the temporary right of residence for displaced persons until March 2024 (Federal Ministry of the Interior, 2022m; see also [11.1/Q 34](#)).

Objective: The aim was adoption in national law of the implementing resolution enacting the Temporary Protection Directive (2001/55/EC) (Parliamentary Administration, 2022a) and to ensure that all who had had to flee the war in Ukraine received assistance (Federal Ministry of the Interior, 2022w).

Driver: According to the implementing resolution²³³ by the Council of the European Union on 4 March 2022, certain family members are part of the group of people to whom temporary protection applies. This has been adopted into national law by granting temporary protection for family members in the Regulation on Displaced Persons.

38. What were the legal or policy developments since 4 March 2022 in your Member State in relation to the protection of unaccompanied minors and separated children enjoying temporary protection?

Development including objective and driver

Category

Development: In cooperation with the Federal Ministry for European and International Affairs, non-governmental organizations and child and youth welfare authorities, the Federal Ministry of the Interior implemented

x Unaccompanied minors

²³³ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, 4 March 2022: OJ L 71, pp. 1–6.

Development including objective and driver	Category
<p>comprehensive prevention, awareness and clarification measures. Posters, leaflets and stickers have been used for campaigns. Furthermore, the Federal Criminal Intelligence Service's human trafficking hotline was proactively advertised and its dissemination reinforced. In the operational area, control measures on the borders with Austria's eastern neighbour states were reinforced and focused campaigns conducted in "red light establishments" and to ascertain illegal prostitution in hotels and apartments (Federal Ministry of the Interior, 2022b).</p> <p>Objective: The aim was to protect unaccompanied children and adolescents from Ukraine (Federal Ministry of the Interior, 2022b).</p> <p>Driver: This was driven by the ever-deteriorating humanitarian situation in Ukraine and the ensuing danger that unaccompanied refugee children and young people from Ukraine could become victims of trafficking in human beings (Federal Ministry of the Interior, 2022b).</p>	x Separated children

39. What were the legal or policy developments in relation to support for persons enjoying temporary protection who voluntarily want to go back to Ukraine?

Development including objective and driver
<p>Development: Due to the war in Ukraine, assistance returning to Ukraine was temporarily suspended (Return from Austria, n.d.).</p> <p>Objective: See above.</p> <p>Driver: This was occasioned by the war in Ukraine.</p>

11.2. Measures taken outside of the legal framework of the Temporary Protection Directive

The following questions look at measures taken to protect persons fleeing Ukraine during 2022 which fall outside the legal framework of the Temporary Protection Directive and Council Implementing Decision 2022/382.

40. What were the major legal or policy developments undertaken in relation to protection of persons fleeing the war in Ukraine prior to activation of the TPD? This should also cover aspects related to initial registration (e.g. at the border) and/or provision of other services.

Development including objective and driver
<p>Development: Before the Regulation on Displaced Persons came into force, Ukrainian nationals whose residence permits were about to expire at the end of February 2022 could contact the respective locally competent provincial police directorate (Federal Ministry of the Interior, 2022s). On the basis of the decree of 25 February 2022, the competent authorities were directed to refrain from instituting criminal proceedings according to the Aliens Police Act, despite the permitted residence period being exceeded. Another decree governed the issue to Ukrainian nationals of a visa on humanitarian grounds. This regulation was rescinded on 14 March 2022, as due to the Regulation on Displaced Persons coming into force, it was no longer necessary to grant a visa on humanitarian grounds (Federal Ministry of the Interior, 2022l).</p> <p>Objective: The aim was extension of residence for humanitarian reasons and to refrain from consequences under aliens police law on expiry of the permitted residence period.</p> <p>Driver: Due to the war, the de facto possibility of return travel did not exist, or existed to a very limited extent,</p>

and it was therefore impossible to fulfil departure obligations. As the people concerned were not responsible for their unlawful residence, they could not be accused of unlawful residence for the duration of these circumstances (Federal Ministry of the Interior, 2022s).

Development: In a Federal Ministry of the Interior press release on 27 February 2022, it was announced that it was possible to apply for (initial) visas at the Austrian embassies in Bratislava and Ljubljana and from the Austrian General Consulate in Munich. The same representations would also issue them. Applications for extensions by Ukrainian nationals who were already in Austria with permission and whose residence was supposed to end soon could still be made from the competent provincial police directorate (Federal Ministry of the Interior, 2022s).

Objective: The objective was to facilitate visa applications to Austrian embassies outside Ukraine.

Driver: In principle, Ukrainian nationals could travel to Austria without a visa and stay there for a period of 90 days in 180 days for tourism purposes. A visa was required for purposes other than tourism, especially for seasonal workers or harvest workers. From the end of February 2022 until further notice, the Austrian Embassy in Kiev was reduced to limited operations (Federal Ministry of the Interior, 2022s).

Development: The Federal Ministry of the Interior decree “Ukraine – immigration and transit of displaced persons from 27 February 2022”, updated by the decree of 16 March 2022, concerned immigration and transit of Ukrainians who did not have a biometric passport. The decree provided that on the basis of Art. 6 para 5 (C) Safety Control Act, as an exception displaced persons were permitted to travel to and/or through Austrian territory for humanitarian reasons if specific requirements were met during a case-by-case review as part of border controls. Sanctions were not applied to transport companies that transported Ukrainians without the necessary travel documents and/or the necessary authorization to immigrate being present (Federal Ministry of the Interior, 2022e).

Objective: The aim was to facilitate travel to and through Austria for displaced Ukrainians who did not have a biometric passport or a visa.

Driver: The obligations to carry out border controls and to check and observe the immigration requirements within the terms of the Safety Control Act also existed with respect to Ukrainian nationals. Ukrainian nationals could travel to Austria with a biometric passport for 90 days in a period of 180 days without a visa. In the absence of a biometric passport, a visa was also required for travel to Austria. In principle travel to or through Austria was not permitted without a visa (Federal Ministry of the Interior, 2022e).

Development: On 2 March 2022, the 14th Amendment to the COVID-19 Entry Regulation 2021 was announced.²³⁴ This amendment included another exception according to which the regulation no longer applied to people who were immigrating due to a military conflict (Art. 9 para 2 subpara 3 COVID-19 Entry Regulation 2021).²³⁵ The COVID-19 Entry Regulation 2022 came into force on 16 May 2022,²³⁶ introducing a general relaxation of the COVID-19 right of entry (lapse of the “3G Rule”²³⁷ for inbound travel; Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2022d). It did not contain special regulations for persons displaced from Ukraine, but they were also no longer necessary.

Objective: The aim was to facilitate inbound travel for people who wanted to travel to Austria due to a military conflict.

Driver: See the remarks above.

²³⁴ 14. Amendment to the COVID-19 Entry Regulation 2021, FLG II No. 85/2022.

²³⁵ COVID-19 Entry Regulation, FLG II No. 276/2021 in the version FLG II No. 85/2022.

²³⁶ COVID-19 Entry Regulation 2022, FLG II No. 186/2022.

²³⁷ The “3G rule” stood for the following groups of people: vaccinated people, recovered people, tested people. See Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2022c.

41. What were other major legal or policy developments undertaken outside the framework of the Temporary Protection Directive in relation to protection of persons fleeing the war in Ukraine (e.g. the lifting of visa requirements for Ukraine by non-Schengen countries)?

Development including objective and driver

Development: In view of developments in Ukraine, on 14 March 2022 Austria agreed to take up to 2,000 displaced Ukrainians from the Republic of Moldova and, shortly afterwards, up to 500 displaced Ukrainians from Poland (Federal Ministry of the Interior, 2022c). Austria was thus the first EU Member State that under the EU Solidarity Platform carried out transfers of displaced persons from the Republic of Moldova from 19 March 2022 in close agreement with UNHCR and IOM (UNHCR Austria, 2022). By the end of 2022, Austria had taken 575 people from the Republic of Moldova and 176 people from Poland (Federal Ministry of the Interior, 2022a). Furthermore, during a telephone conversation with the President of Ukraine and the Ukrainian Prime Minister on 24 May 2022, the Federal Chancellor offered to take up to 100 seriously injured women and children and to provide them with medical care and rehabilitation (Federal Chancellery, 2022e).

Objective: The aim was to ensure protection for displaced persons from Ukraine and to relieve Ukraine's neighbouring states that were particularly under pressure (Federal Ministry of the Interior, 2022c). By accepting the seriously injured, people who had lost limbs as a result of bombs or grenades, for example, and who required treatment or aftercare – such as prosthetics – would receive care (Federal Chancellery, 2022e).

Driver: The humanitarian situation in Ukraine and its neighbouring states was the driver. The acceptance and medical care of the seriously injured was seen as a humanitarian obligation (Federal Chancellery, 2022e).

Development: The Federal Ministry for European and International Affairs and Austrian representation authorities assist with evacuations to Austria of particularly vulnerable Ukrainians. In March 2022, the Federal Ministry for European and International Affairs assisted the Austrian non-governmental organization *kleine Herzen* to evacuate 79 children and 28 carers from an orphanage in Kropyvnytskyi. The Cracow general consulate and other non-governmental organizations and volunteers were also involved. At the end of March 2022, five children suffering from cancer were also evacuated from Ukraine to Austria, with their mothers (Federal Ministry for European and International Affairs, 2022d).

Objective: The aim was to evacuate and help particularly vulnerable people from Ukraine.

Driver: The driver was the war in Ukraine which led to the Austrian non-governmental organization *kleine Herzen*, which has worked for years with orphaned children in countries such as Ukraine, requesting urgent assistance with evacuation from Ukraine to Austria of a group of orphaned children 1–6 years of age, some with serious disabilities (Federal Ministry for European and International Affairs, 2022d). Care capabilities in Ukraine were also stretched to the limit by frequent Russian attacks on hospitals and medical facilities, which affected children suffering from cancer who were being treated there and who needed round-the-clock care particularly badly (Federal Ministry for European and International Affairs, 2022e).

Development: Austria made a commitment to so-called “green corridors” in order to facilitate bringing agricultural produce out of Ukraine and made a contribution in terms of logistics and opportunities for removal from the country (Federal Chancellery, 2022f). With regard to logistical measures, Austrian Federal Railways railway shipments were increased because agricultural produce could no longer be exported by sea due to the blockade of Ukrainian Black Sea ports. Up to the start of July 2022, more than 130,000 tonnes of grain had been transported to Central Europe in this way (Federal Chancellery, 2022g).

Objective: This measure's aim was to assist Ukraine with export of agricultural products (Federal Chancellery, 2022e) and thus ensure global food security (Federal Chancellery, 2022f).

Driver: Many states in the world were dependent upon Ukrainian wheat, corn and oilseeds, which it was difficult to export from the country due to the war (Federal Chancellery, 2022e).

42. What were the major legal or policy developments undertaken regarding the prevention of and/or the fight against trafficking in human beings?

Development including objective and driver

Development: Immediately after the start of the Russian war of aggression against Ukraine and the resulting forced displacement, the Federal Criminal Intelligence Service and the victim protection organizations launched information campaigns at the border and in reception centres for arriving Ukrainians displaced by war. The “Asylum Train II” training conducted by the IOM Austria together with the Federal Criminal Intelligence Service and victims’ protection organizations LEFÖ-IBF, MEN VIA and Drehscheibe (MA 11) was also supplemented by workshops for staff from the registration and basic care centres for Ukrainians.²³⁸

Objective: The preventative aim of the measures relating to the Ukraine crisis was to prevent displaced persons arriving in Austria becoming trafficked.²³⁹

Driver: This was occasioned by the war in Ukraine.²⁴⁰

Development: Task Force Ukraine against Trafficking in Human Beings was founded on 21 April 2022. It was coordinated via the Federal Criminal Intelligence Service, by the Joint Operational Office Vienna in close coordination with Europol. Meetings were held at regular intervals. Participants included Europol, Germany, Hungary, the Republic of Moldova, Slovakia, Romania, the Czech Republic and Poland. The United Nations Office on Drugs and Crime (UNODC) participated on a strategic level (Federal Ministry of the Interior, 2022e). The cooperation led to many cases of trafficking in human beings that concerned persons who had fled from Ukraine being investigated, but as at October 2022 it had not been possible to confirm any cases (Federal Ministry of the Interior, 2022ac).

Objective: Task Force Ukraine’s objective was to prevent the exploitation of people (Federal Ministry of the Interior, 2022ac).

Driver: In April 2022, when Task Force Ukraine was established, more than 13,000 children had already left the country and more than 4,000 children had fled unaccompanied. These children were exposed to the dangers of child trafficking (Federal Ministry of the Interior, 2022ac).

Development: From 6 to 13 June 2022 focused campaigns to combat child trafficking in Europe took place across Europe. Police units from 22 states, Frontex, Europol and Eurojust, plus INTERPOL, combined forces for this; the Austrian police also played an active part in the operation. These Joint Action Days were coordinated internationally. In Austria they were implemented by the Federal Criminal Intelligence Service in cooperation with all the criminal intelligence services in the provinces and thorough checks of people and vehicles were conducted. During the Joint Action Days, no victims of child trafficking were identified in Austria (Federal Criminal Intelligence Service Austria, 2022b).

Objective: The declared aims of these Joint Action Days were the earliest possible identification of child trafficking, identification of the trafficked persons and destruction of criminal organizations acting nationally and internationally (Federal Criminal Intelligence Service Austria, 2022b).

Driver: The focused campaigns were conducted across Europe due to the humanitarian situation in Ukraine (Federal Criminal Intelligence Service Austria, 2022b).

²³⁸ Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 24 January 2023.

²³⁹ Ibid.

²⁴⁰ Ibid.

Development including objective and driver

Development: On 18 July 2022 it was announced that the Security Police had already started gathering information beforehand. For this, national reports and pictures of the situation in Ukraine focusing on “trafficking in human beings” and the Austrian Police Crime Statistics 2021 with regard to trafficking in human beings and prostitution were analysed and an automatic search for relevant Internet platforms carried out (Federal Ministry of the Interior, 2022e).

Awareness campaigns directed at the displaced persons, public sector employees and civil society were implemented based on the information and findings obtained. These included (Federal Ministry of the Interior, 2022e):

- A workshop held on 21 April 2022 at the Federal Criminal Intelligence Service (JOO), in cooperation with UNODC, with all Ukraine’s neighbouring states;
- Publication of posters and leaflets at heavily frequented locations (such as railway stations) and in humanitarian arrival, registration and advice centres and the registration offices at border crossings;
- On-site clarification at border checkpoints with the neighbouring states of Hungary, Slovakia and the Czech Republic;
- Searches of social media and target group-specific campaigns;
- Covert patrols at railway stations by provincial criminal intelligence service officers;
- Broadcast of the “Human trafficking Ukraine” warning across Austria;
- Issue of a decree to all provincial police directorates regarding ordering of intensified measures to protect displaced Ukrainians.

Objective: The aim was to obtain an overview of the situation in Austria with regard to people displaced from Ukraine (Federal Ministry of the Interior, 2022e).

Driver: The driver was the large number of displaced persons seeking protection in Austria.

Development: At the start of September 2022 measures or focus on combating trafficking in human beings were implemented across Austria. The provincial police directorates and provincial criminal intelligence services were asked by the Federal Criminal Intelligence Service to plan and implement criminal police and preventative measures. These took place specifically in the form of prevention, investigation and appeals to Ukrainians displaced by the war in government and private accommodation. Contact meetings were held to increase awareness of possible indicators of trafficking in human beings (Federal Ministry of the Interior, 2022a). Austria also got involved in a campaign coordinated by Europol to combat trafficking in human beings for the purposes of sexual exploitation, begging and the commission of crimes in the week from 24 to 30 October 2022. Austria’s focus in this focused campaign was primarily on identifying trafficked persons from Ukraine and Nigeria. Ultimately, as a result of this coordinated campaign 16 people from Bulgaria, South America, Nigeria, Slovakia and Romania affected by trafficking in human beings were identified in Austria and eight suspects investigated (Federal Criminal Intelligence Service Austria, 2022c).

Objective: The aim was to combat trafficking in human beings and – with regard to the Europol campaign in October 2022 – to investigate suspects and to identify people affected by trafficking in human beings, especially from Ukraine and Nigeria (Federal Criminal Intelligence Service Austria, 2022c).

Driver: The driver was the large number of displaced persons seeking protection in Austria and who were regarded as potentially at risk from trafficking in human beings.

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