



# ANNUAL REPORT 2023 ON MIGRATION AND ASYLUM IN AUSTRIA

Contribution to the Annual Report of the European Commission



The European Migration Network (EMN) is coordinated by the European Commission with National Contact Points established in each EU Member State (except Denmark) plus EMN Observer Countries including Norway, Georgia, the Republic of Moldova, the Ukraine, Montenegro, Armenia, and Serbia.  
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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 2023. The report provides input to the EMN's Annual Report on Migration and Asylum 2023.

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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# 1. OVERARCHING AND CROSSCUTTING CHANGES TO NATIONAL MIGRATION AND ASYLUM SYSTEMS

*Overarching developments 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. Crosscutting developments that impact on more than one thematic section in the template are included under this question.*

## 1. Were there any overarching and/or crosscutting legal or policy developments in the national migration and asylum system in 2023?

**Development:** The Council of Ministers of the Austrian Federal Government adopted a strategic action plan to tackle the shortage of skilled workers on December 1, 2023. The plan covers the areas of (1) skilled immigration, (2) the labour market integration of migrants (in particular, persons granted asylum and beneficiaries of subsidiary protection status) who are already living in Austria, and (3) the labour market integration of displaced persons from Ukraine.

Regarding skilled immigration, the action plan provides that the number of residence permits issued for labour migration will increase to at least 15,000 per year by 2027; that the placement of workers from other European Union (EU) Member States will gradually be increased to 2,000 per year by 2027; and that the procedure for issuing a Red-White-Red Card, including family reunification, will be fully digitalized.

A new intensive programme for the labour market integration of persons granted asylum and beneficiaries of subsidiary protection status is also to be implemented and is included in the Ministry of Labour's budget for 2024 (Parliamentary Administration, 2023i).

In addition, the provinces need to adapt the provincial guidelines for the new regulations related to the exemption threshold ([see 4.3/Question 38.c.](#)) as soon as possible in order to improve the labour market integration of displaced persons from Ukraine. The need for prospects of long-term residence was also highlighted in the strategic plan, and it was emphasized that this was an issue the Federal Government of Austria was looking into.

In order to achieve the objectives of the action plan, the Federal Chancellery, all responsible federal ministries, the Public Employment Service, the Austrian Business Agency and the Austrian Federal Economic Chamber were all involved in the process and a distribution of tasks was defined (Federal Chancellery et al., 2023a; Federal Ministry of Labour and Economy, 2023g).

**Major,** because this is the Federal Government's first cross-government strategic action plan to meet the demand for skilled workers and the issue is a high priority for Austria.

**1. Were there any overarching and/or crosscutting legal or policy developments in the national migration and asylum system in 2023?**

**Objective:** The aim was to develop a coordinated, whole-of-government strategy in order to meet labour supply needs; establish safe, regular and skilled migration; and make Austria more attractive as a business location for skilled workers from abroad (Federal Chancellery et al., 2023a; Federal Ministry of Labour and Economy, 2023d).

**Driver:** The reform of the Red-White-Red Card back in October 2022 was an important first step that has already led to an increase in skilled immigration (Federal Ministry of Labour and Economy, 2023b; Federal Chancellery et al., 2023a). This was followed by further developments in 2023 (see [2.2/Question 3](#)). Nevertheless, the labour shortage reached a new high in 2023 and there was a lack of skilled workers across all sectors (Austrian Business Agency, n.D.a; EY, 2023). Demographic trends have indicated that the demand for skilled workers will continue to rise in the future (Federal Ministry of Labour and Economy, 2023g).

The immigration of skilled workers is therefore considered an essential contribution to the safeguarding and continued sustainable growth of Austria as a centre for business, industry and employment (Federal Chancellery et al., 2023a). However, the Federal Government is of the view that the shortage of skilled workers cannot be remedied by immigration alone and has therefore also identified a need to promote the labour market integration of persons with a migration background who are already living in Austria (Federal Chancellery et al., 2023a).

## 2. LEGAL MIGRATION

### 2.1 Overarching and Crosscutting Developments

*Cross-cutting developments in relation to legal migration are developments that impact more than one policy area in the field of legal migration only.*

#### 2. Were there any overarching and/or crosscutting legal or policy developments in relation to legal migration only in 2023?

**Development:** Since 30 January 2023 consular representation offices have had the option to forward Red-White-Red Card applications to the offices in the particular provincial governments by electronic means.<sup>1</sup>

**Objective:** The aim was to speed up processing times for Red-White-Red Card applications.<sup>2</sup>

**Driver:** Applications for a first Red-White-Red Card that are submitted to a consular representation office abroad are first checked by this office for completeness and accuracy and then forwarded to the competent authority in Austria.<sup>3</sup>

**Development:** On 31 January 2023, the Settlement Regulation 2023<sup>4</sup> came into force. This regulation governs the total number of residence permits subject to quota requirements in Austria (5,951 pursuant to Art. 1 Settlement Regulation 2023) and their breakdown by residence permit and province. It provides that the majority of residence permits subject to quota requirements (5,130) may be issued to family members of third-country nationals for the purpose of family reunification.

**Objective:** The aim of the Settlement Regulation 2023 was to ensure the development of an orderly labour market and to distribute residence permits between the provinces in line with their opportunities and requirements (Art. 13 para 2 Settlement and Residence Act<sup>5</sup>).

**Driver:** The legal basis for the Settlement Regulation is Art. 13 Settlement and Residence Act, according to which the Federal Government specifies by regulation the number of residence permits subject to quota requirements for each calendar year. Compared to the previous year, the Settlement Regulation 2023 provides for fewer residence permits subject to quota requirements (2022:6,020); the reason given for this is

<sup>1</sup> Written input: Federal Ministry for European and International Affairs, 25 January 2024.

<sup>2</sup> Ibid.

<sup>3</sup> Art. 22 para 1 Settlement and Residence Act, FLG. I No. 100/2005, in the version of FLG. I No. 175/2023.

<sup>4</sup> Settlement Regulation 2023, FLG. II No. 28/2023.

<sup>5</sup> Settlement and Residence Act, FLG. I No. 100/2005, in the version of FLG. I No. 175/2023.



**2. Were there any overarching and/or crosscutting legal or policy developments in relation to legal migration only in 2023?**

that Red-White-Red Cards for people with a "Permanent Residence – EU"<sup>6</sup> residence permit of another EU Member State are no longer subject to quota requirements as of 2022 (Parliamentary Administration, 2023a).<sup>7</sup>

**2.2 Work-Related Migration**

**3. Were there any legal or policy developments in relation to migrant workers (both employees and self-employed), including developments to satisfy labour market shortages and skills needs, regarding the following categories of workers in 2023?**

**a. Crosscutting developments affecting all migrant workers**

**Development:** As part of its International Skilled Workers Initiative, the Austrian Federal Economic Chamber worked with the Federal Ministry of Labour and Economy and the Austrian Business Agency (ABA) to support Austrian companies in the recruitment of international skilled workers (Austrian Business Agency, n.D.c; Austrian Federal Economic Chamber, 2023b). The International Skilled Workers Initiative was implemented in 2023 in six selected focus countries (Albania, Brazil, Indonesia, Kosovo,<sup>8</sup> North Macedonia and the Philippines), where Austria was promoted as a business location and international skilled workers were sought in key shortage occupations (Austrian Federal Economic Chamber, 2023b, 2023c).

**Objective:** The aim of the International Skilled Workers Initiative is to encourage the influx of skilled workers in shortage occupations from certain focus countries (Austrian Federal Economic Chamber, 2023c).

**Driver:** According to the Austrian Federal Economic Chamber's Skilled Workers Radar, 82 per cent of Austrian companies are affected by the shortage of skilled workers and labour, and 62 per cent felt this strongly or very strongly (Austrian Federal Economic Chamber, 2023a). To tackle the shortage of skilled workers, the Austrian Federal Economic Chamber implemented various measures in Austria and internationally. The Austrian Federal Economic Chamber developed the International Skilled Workers Strategy as a strategic framework to attract skilled workers from abroad (Austrian Federal Economic Chamber, 2023c).

**Major** because the recruitment of skilled workers is a cross-governmental priority in view of the shortage of skilled workers.

<sup>6</sup> Art. 49 para 2 Settlement and Residence Act regulates the conditions under which third-country nationals with the residence title "Permanent Residence – EU" can be issued a Red-White-Red Card for the exercise of gainful employment.

<sup>7</sup> Written input: Federal Ministry of the Interior, Department V/A/2 (Residence and Citizenship) in coordination with Unit III/A/4/c (Foreign National Legislation), 19 January 2024.

<sup>8</sup> References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

**3. Were there any legal or policy developments in relation to migrant workers (both employees and self-employed), including developments to satisfy labour market shortages and skills needs, regarding the following categories of workers in 2023?**

Initiated back in 2022, the International Skilled Workers Initiative is a programme to implement the Austrian Federal Economic Chamber's International Skilled Workers Strategy (Ebner et al., 2023:10).

**Development:** The Regulation for Skilled Workers 2023,<sup>9</sup> in which this year's list of shortage occupations was issued, came into force on 1 January 2023. With 98 shortage occupations nationwide and an additional 56 regionally, the number of shortage occupations reached an all-time high in 2023<sup>10</sup> (Austrian Business Agency, n.D.b). The Regulation for Skilled Workers 2023 offers skilled third-country workers who meet the relevant requirements (Art. 12a Act Governing the Employment of Foreign Nationals<sup>11</sup>) the opportunity to obtain a Red-White-Red Card that entitles them to work in a shortage occupation anywhere in Austria or in a specific province.

**Objective:** The aim was to safeguard Austria's role as a centre of business and employment.

**Driver:** The Regulation for Skilled Workers is issued annually by the Federal Minister for Labour and Economy (Art. 13 Act Governing the Employment of Foreign Nationals). Shortage occupations are determined by the labour shortage rate (known in German as the *Stellenandrangsziffer*), which is the ratio of available workers to the number of vacancies registered with the Public Employment Service. Jobs for which there are fewer than 1.5 jobseekers per vacancy are classified as shortage occupations (Federal Ministry of Labour and Economy, 2023f).

**Development:** On 21 April 2023, an amendment<sup>12</sup> to the Act Governing the Employment of Foreign Nationals came into force that made it easier for applicants for all Red-White-Red Card categories to fulfil the "language skills" eligibility criterion. For an Red-White-Red Card to be issued, the applicant must achieve a certain number of points. Previously, points were only awarded for German and English proficiency. Under the new regulation, points can also be gained for Spanish, French, Bosnian, Croatian and

**Major,** because this is another step towards facilitating immigration via the Red-White-Red Card.

<sup>9</sup> Regulation for Skilled Workers 2023, FLG. II No. 488/2022.

<sup>10</sup> In 2022, there were 68 federal and between 2 and 49 regional shortage occupations in the provinces, see Art. 1 Regulation for Skilled Workers 2022, FLG. II No. 573/2021, in the version of FLG. II No. 271/2022.

<sup>11</sup> Act Governing the Employment of Foreign Nationals, FLG. No. 218/1975, in the version of FLG. I No. 84/2023.

<sup>12</sup> Amendment to the Act Governing the Employment of Foreign Nationals, FLG. I Nr. 43/2023.

**3. Were there any legal or policy developments in relation to migrant workers (both employees and self-employed), including developments to satisfy labour market shortages and skills needs, regarding the following categories of workers in 2023?**

Serbian language skills. The new regulation applies to very highly qualified workers, skilled workers in shortage occupations, other key workers and start-up founders (Austrian Parliament, 2023d).

**Objective:** The aim was to make it easier for workers from third countries to access the Austrian labour market and thus to increase Austria’s attractiveness for skilled immigration (Federal Ministry of Labour and Economy, 2023a).

**Driver:** Labour supply needs in many industries (Federal Ministry of Labour and Economy, 2023a).

**Development:** On 20 July 2023, an amendment<sup>13</sup> to Art. 4 para 3 Act Governing the Employment of Foreign Nationals came into force that governs the requirements for issuing a work permit. The amended provision states that a work permit may in future also be issued without the unanimous approval of the Regional Advisory Council of the Public Employment Service if the employment of the person from abroad is necessary for very important reasons (in particular preservation of jobs, employment in a shortage occupation)<sup>14</sup> (Parliamentary Administration, 2023g).<sup>15</sup>

**Objective:** The aim was to rectify a regulation that had been repealed by the Constitutional Court (Parliamentary Administration, 2023g).

**Driver:** In December 2021, the Constitutional Court repealed Art. 4 para 3 Act Governing the Employment of Foreign Nationals since, in the view of the Constitutional Court, it was unconstitutional to make the issuing of a work permit dependent on the unanimous approval of the Regional Advisory Council of the Public Employment Service (Federal Constitutional Court, 2021). The repeal came into force at the end of 30 June 2023.

**b. Highly qualified workers and intra-corporate transferees**

No significant changes in 2023.

<sup>13</sup> Amendment to the Act Governing the Employment of Foreign Nationals, FLG. I No. 84/2023.

<sup>14</sup> Written input: Federal Ministry of Labour and Economy, 19 January 2024.

<sup>15</sup> Art. 4 para 3 Act Governing the Employment of Foreign Nationals, FLG. No. 218/1975, in the version of FLG. I No. 84/2023.

**3. Were there any legal or policy developments in relation to migrant workers (both employees and self-employed), including developments to satisfy labour market shortages and skills needs, regarding the following categories of workers in 2023?**

**c. Low and medium skilled workers (other than seasonal workers)**

**Development:** On 22 July 2023, an amendment<sup>16</sup> to the Health Care and Nursing Act<sup>17</sup> came into force. The amendment facilitated labour market access for foreign care assistants as follows:

- The validation or recognition of care assistant training completed abroad is, under certain conditions, conditional on the completion of an aptitude test, an adaptation period or additional training. In this case, the amendment states that care assistants can be included in the Register of Health Care Professionals for a limited period of two years and during this period may work as care assistants under the guidance and supervision of higher-level health care and nursing staff.<sup>18</sup>
- It was also made possible for care assistants who have trained abroad to work as care assistants for training purposes during the recognition or validation process. This work must be done under the guidance and supervision of a member of higher-level health care and nursing staff and is limited to a maximum of one year.<sup>19</sup>
- Moreover, the amendment makes it easier for care assistants to have their qualifications validated.<sup>20</sup> For example, it is explicitly clarified that both training and professional experience must be taken into account (Art. 89 para 6 Health Care and Nursing Act).

**Objective:** The aim was to enable care workers who have trained abroad to gain faster access to the labour market and to speed up the recognition of foreign qualifications (Austrian Parliament, 2023f:7; Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023a).

**Driver:** Austria is facing a shortage of skilled workers in the health and care sector (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023c), which cannot be remedied without skilled immigration (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023b). The first steps were taken as part of a comprehensive care reform back in 2022, and it was made easier to employ care workers

**Major,** because the immigration of care workers was a priority in 2023 due to the shortage of skilled workers in the care sector and measures were implemented across ministries.

<sup>16</sup> Amendment to the Health Care and Nursing Act 2023, FGL I No. 108/2023.

<sup>17</sup> Health Care and Nursing Act, FLG. I No. 108/1997, in the version of FLG. I No. 108/2023.

<sup>18</sup> Art. 87 para 12, Art. 89 para 10 Health Care and Nursing Act, FLG. I No. 108/1997, in the version of FLG. I No. 108/2023.

<sup>19</sup> Art. 89a Health Care and Nursing Act, FLG. I No. 108/1997, in the version of FLG. I No. 108/2023.

<sup>20</sup> Art. 89 Health Care and Nursing Act, FLG. I No. 108/1997, in the version of FLG. I No. 108/2023.

**3. Were there any legal or policy developments in relation to migrant workers (both employees and self-employed), including developments to satisfy labour market shortages and skills needs, regarding the following categories of workers in 2023?**

from abroad (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023a).

**Development:** Following their annual meeting in August 2023, the social affairs and health ministers from Austria, Germany, Switzerland, Liechtenstein, and Luxembourg announced that they would be working together closely in future on recruiting care workers from abroad. They agreed to exchange best-practice models and share information on framework conditions (Federal Ministry of Social Affairs, Health, Care, and Consumer Protection, 2023c). Previously, the Austrian Federal Minister for Social Affairs, Health, Care and Consumer Protection had already raised the issue of care worker recruitment at a meeting of the EU social affairs ministers in July 2023. At this meeting, he called for a joint European strategy (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023b).

**Objective:** The aim was to attract skilled workers from third countries to work in the care sector (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023c).

**Driver:** Austria is facing a shortage of skilled workers in the health and care sector (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023c), which cannot be remedied without skilled immigration (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023b).

**Development:** An amendment to Art. 12a Act Governing the Employment of Foreign Nationals came into force on 31 December 2023.<sup>21</sup> This provision sets out the conditions under which a third-country national can be admitted to a shortage occupation specified in the Regulation for Skilled Workers. The skilled worker is required, among other things, to provide evidence of appropriate completed vocational education and training (Art. 12a para 1 subpara 1 Act Governing the Employment of Foreign Nationals). Under the previous legislation, the vocational education and training had to be at least comparable to an Austrian apprenticeship (Austrian Parliament, 2023e:2). The amendment stipulates that in the public transport profession, relevant professional authorization is deemed to be appropriate completed vocational education and training (Austrian Parliament, 2023e:1).

<sup>21</sup> Amendment to the Act Governing the Employment of Foreign Nationals and the Settlement and Residence Act, FLG. I No. 175/2023.

**3. Were there any legal or policy developments in relation to migrant workers (both employees and self-employed), including developments to satisfy labour market shortages and skills needs, regarding the following categories of workers in 2023?**

**Objective:** The aim was to increase the opportunities for recruiting skilled workers in the transport and mobility sector (Austrian Parliament, 2023e:2).

**Driver:** With the ongoing expansion of public transport, the demand for additional skilled workers for passenger transport increased. However, it is becoming increasingly difficult for transport companies to find suitable candidates (Austrian Parliament, 2023e:2).

**d. Seasonal workers**

**Development:** The Seasonal Quota Regulation 2023<sup>22</sup> came into force on 1 January 2023 and provides for 6,568 seasonal jobs in the tourism, agriculture and forestry sectors. On 6 June 2023, an amendment to the regulation came into force that increased the number of seasonal jobs to 7,568 (4,287 jobs in tourism and 3,162 jobs in agriculture and forestry, with the harvest industry accounting for the remaining 119 jobs).<sup>23</sup>

**Objective:** The aim of the regulation was to meet the demand for seasonal workers in tourism, agriculture and forestry.

**Driver:** In Austria, seasonal workers from abroad are employed under seasonal quotas, which are specified in a regulation of the Federal Minister for Labour and Economy (Art. 5 para 1 subpara 1 and 2 Act Governing the Employment of Foreign Nationals). The tourism, agriculture and forestry sectors faced a shortage of workers in 2023 (Federal Ministry of Labour and Economy, 2023c).

**Development:** An amendment to the Act Governing the Employment of Foreign Nationals<sup>24</sup> that came into force on 21 April 2023 reduced the level of German proficiency required for an Red-White-Red Card to be issued to a regular seasonal worker from A2 level to A1 level (according to the Common European Framework of Reference for Languages).

**Objective:** The aim was to make it easier for regular workers from third countries to access the Austrian labour market. This was intended to have a positive impact in the tourism industry in particular (Federal Ministry of Labour and Economy, 2023a).

**Driver:** The new Red-White-Red Card for regular workers (Art. 12d Act Governing the Employment of

**Major** because this was a step towards facilitating immigration by means of the Red-White-Red Card for regular workers.

<sup>22</sup> Seasonal Quota Regulation 2023, FLG. II No. 489/2022, in the version of FLG. II No. 168/2023.

<sup>23</sup> Written input: Federal Ministry of Labour and Economy, 19 January 2024.

<sup>24</sup> Amendment to the Act Governing the Employment of Foreign Nationals, FLG. I Nr. 43/2023.

**3. Were there any legal or policy developments in relation to migrant workers (both employees and self-employed), including developments to satisfy labour market shortages and skills needs, regarding the following categories of workers in 2023?**

Foreign Nationals) was introduced as part of the Red-White-Red Card reform<sup>25</sup> in October 2022 and is seen as an important tool for the recruitment of additional workers in the medium term (Federal Ministry of Labour and Economy, 2023a). Regular workers are seasonal workers who have previously been employed in tourism or in agriculture and forestry in Austria for a certain period of time. Since no special knowledge of German was required to carry out the work or in their work-related communications, they were often unable to improve their German language skills during their seasonal employment (Austrian Parliament, 2023d).

**e. Self-employed and start-ups**

No significant changes in 2023.

**f. Other remunerated workers**

No significant changes in 2023.

**4. Were there any legal or policy developments aimed at tackling labour exploitation and/or social dumping of third-country national workers legally residing in your Member/Observer Country in 2023?**

No significant changes in 2023.

**5. Were there any developments regarding bilateral labour migration agreements<sup>26</sup> (including Skills Mobility Partnerships/Talent Partnerships<sup>27</sup>) between your Member/Observer Country and third countries in 2023?**

**Development:** A comprehensive Migration and Mobility Partnership Agreement<sup>28</sup> between Austria and India came into force on 1 September 2023. Among other aspects of this agreement, the contracting parties

**Major,** because this agreement is the first comprehensive migration and mobility partnership agreement that Austria has

<sup>25</sup> 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.

<sup>26</sup> 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/system/files/pdf/iml25\\_1.pdf](https://publications.iom.int/system/files/pdf/iml25_1.pdf)), last accessed on 15 November 2021.

<sup>27</sup> The EMN Glossary (Version 9.0) defines talent partnership as a "Comprehensive EU policy framework as well as funding support for cooperation with third countries to better match labour and skills needs in the EU aimed at enhancing legal migration and mobility with key partners."

<sup>28</sup> Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

**5. Were there any developments regarding bilateral labour migration agreements<sup>26</sup> (including Skills Mobility Partnerships/Talent Partnerships<sup>27</sup>) between your Member/Observer Country and third countries in 2023?**

agreed to promote the mobility of skilled workers<sup>29</sup> and facilitate it by sharing information.

The agreement also provided for the creation of a working holiday programme in which young people can undertake short periods of fixed-term employment without a work permit during a holiday to the destination country (Federal Ministry for European and International Affairs, 2023f). An amendment<sup>30</sup> to the Regulation on the Employment of Foreign Nationals<sup>31</sup> came into force on 13 June 2023 in order to implement the working holiday programme for Indian nationals.

The implementation of the agreement is monitored by a working group composed of representatives of both contracting parties.<sup>32</sup> The working group also examines opportunities for pre-integration, including the expansion of German courses in India.<sup>33</sup> This working group met for the first time in Vienna on 1 December 2023.<sup>34</sup>

**Objective:** The aim of the agreement is to promote cooperation between Austria and India in various areas. Its objectives include facilitating mobility and encouraging longer-term stays for the purpose of gainful employment (Art. 1 para 2 and 3 Migration and Mobility Agreement). For information about its other aims, see [9.1.4/Question 85](#) and [11.4./Question 108](#).

**Driver:** In 2022, Austria recorded a significant increase in irregular migrants from India (Federal Ministry for European and International Affairs, 2023f). In order to effectively address the associated challenges, the Council of Ministers decided in December 2022 to negotiate a migration and mobility agreement (Federal Ministry for European and International Affairs, 2022). The agreement was ultimately signed in May 2023 (Federal Ministry for European and International Affairs, 2023f). In view of the labour shortage and need for skilled immigration, the agreement was seen as an opportunity to bring Indian workers to Austria and thus help meet labour supply needs (Federal Ministry for European and International Affairs, 2023f).

concluded with a third country.

<sup>29</sup> Art. 5 Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

<sup>30</sup> Amendment to the Regulation Governing the Employment of Foreign Nationals, FLG. II No. 176/2023.

<sup>31</sup> Regulation Governing the Employment of Foreign Nationals, FLG. No. 609/1990, in the version of FLG. II No. 175/2023.

<sup>32</sup> Art. 15 Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

<sup>33</sup> Art. 5 para 8 and Art. 15 para 5 Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

<sup>34</sup> Written input: Federal Ministry for European and International Affairs, 25 January 2024.



**5. Were there any developments regarding bilateral labour migration agreements<sup>26</sup> (including Skills Mobility Partnerships/Talent Partnerships<sup>27</sup>) between your Member/Observer Country and third countries in 2023?**

**Development:** On 25 October 2023, Austria and the Philippines signed a Memorandum of Understanding (MoU) on the recruitment of skilled workers. The MoU defines future cooperation in the areas of skilled worker recruitment, vocational training and the prevention of irregular migration.

At the provincial level, too, efforts were made to recruit skilled workers from the Philippines. On 7 July 2023, the City of Vienna, the Austrian Federal Economic Chamber and the Philippine government signed an MoU on the recruitment of Filipino care workers (Vienna Social Fund, n.D.).

Burgenland also recruited care workers from the Philippines, who came to the province from September 2023 onwards (Land Burgenland, 2023).

**Objective:** The aim was to tackle the shortage of skilled workers and further counteract demographic changes in Austria (Federal Ministry of Labour and Economy, 2023e).

**Driver:** Due to the shortage of skilled workers, which cannot be remedied without skilled immigration (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023b), and the emerging demographic changes in Austria, there is a need to recruit qualified immigrants (Federal Ministry of Labour and Economy, 2023e). The Philippines is one of the focus countries included in the International Skilled Workers Initiative set up by the Austrian Federal Economic Chamber. In April 2023, the Austrian Federal Economic Chamber joined forces with the Federal Ministry for European and International Affairs and the Austrian Development Agency to examine the general conditions for the recruitment of skilled workers from the Philippines (Federal Ministry of Labour and Economy, 2023e); [see 2.2/Question 3.a.](#)

**Major** because this is the first MoU on the recruitment of skilled workers, and the recruitment of skilled immigrants is a priority for Austria.

**6. Were there any developments regarding the creation of opportunities for third-country nationals to work in your country under circular migration<sup>35</sup> in 2023?**

**Development:** Within the joint working group between Austria and Morocco, subgroups are to be established to explore the areas of migration communication and regular migration. One focus will be on tackling disinformation and irregular migration by raising awareness of alternative options and on preventing

<sup>35</sup> Circular migration: A repetition of legal migration by the same person between two or more countries. (EMN Glossary v9.0).

**6. Were there any developments regarding the creation of opportunities for third-country nationals to work in your country under circular migration<sup>35</sup> in 2023?**

"brain drain" through circular migration.<sup>36</sup> For more information, see [9.1.4/Question 85](#) and [11.4/Question 108](#).

**2.3 Students and Researchers**

**7. Were there any legal or policy developments in relation to students in 2023?**

**Development:** On 4 February 2023, an amendment<sup>37</sup> to the Student Fees Regulation<sup>38</sup> came into force that exempted students with Ukrainian or Iranian citizenship from having to pay tuition fees for the summer semester 2023. Another amendment,<sup>39</sup> which came into force on 22 June 2023, also granted Ukrainian students an exemption from tuition fees for the winter semester 2023/24 (Art. 4a, para 1 Student Fees Regulation).

**Objective:** The aim of the tuition fees exemption was to support students with Ukrainian or Iranian citizenship.

**Driver:** Third-country national students generally have to pay tuition fees of EUR 726. Ukrainian nationals were previously exempted from having to pay tuition fees in 2022 (Stiller, 2023:17).

**Development:** On 31 December 2023, an amendment to Art. 63 Settlement and Residence Act came into force<sup>40</sup> that governs the requirements for issuing a temporary residence permit for school pupils. As a result of the amendment, this temporary residence permit can also be issued to pupils at schools for social care professions, specialist schools for social professions, specialist schools for social professions with preparatory training in care, and colleges of care and social care (Austrian Parliament, 2023e:2; Parliamentary Administration, 2023I).

**Objective:** The aim is to strengthen the potential of skilled workers in the care and social sector (Austrian Parliament, 2023e:2).

**Driver:** The amendment was a further step towards tackling the shortage of skilled workers in the care and

<sup>36</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 2 February 2024.

<sup>37</sup> Amendment to the Tuition Fee Regulation, FLG. II No. 31/2023.

<sup>38</sup> Tuition Fee Regulation, FLG. II No. 218/2019, in the version of FLG. II No. 187/2023.

<sup>39</sup> Amendment to the Tuition Fee Regulation, FLG. II No. 187/2023.

<sup>40</sup> Amendment to the Act Governing the Employment of Foreign Nationals and the Settlement and Residence Act, BGBl. I Nr. 175/2023.

**7. Were there any legal or policy developments in relation to students in 2023?**

social sector (Federal Ministry of Labour and Economy, 2023f).

**8. Were there any legal or policy developments in relation to researchers in 2023?**

No significant changes in 2023.

**9. Were there any legal or policy developments in relation to trainees, au pairs and volunteers in 2023?**

No significant changes in 2023.

**2.4 Family Reunification**

**10. Were there any legal or policy developments regarding family reunification in 2023?**

No significant changes in 2023.

**2.5 Information Provision**

**11. Were there any legal or policy developments to improve the provision of information on the routes to and conditions of legal migration for third-country nationals, in 2023?**

No significant changes in 2023.

**2.6 Other Developments**

**12. Were there any legal or policy developments in relation to legal migration routes for investors?**

No significant changes in 2023.

**13. Were there any other legal or policy developments regarding legal migration in 2023?**

No significant changes in 2023.

## 3. INTERNATIONAL PROTECTION

### 3.1 Overarching and Crosscutting Developments

**14. Were there any overarching and/or crosscutting legal or policy developments in relation to international protection in 2023?**

No significant changes in 2023.

### 3.2 International Protection Procedure

**15. Were there any legal or policy developments in relation to access to the procedure for international protection in 2023?**

No significant changes in 2023.

**16. Were there any legal or policy developments regarding admissibility of applications in 2023?**

No significant changes in 2023.

**17. Were there any legal or policy developments regarding Dublin procedures in 2023?**

No significant changes in 2023.

**18. Were there any legal or policy developments regarding the safe country of origin concept or safe country of origin lists in 2023?**

No significant changes in 2023.

**19. Were there any legal or policy developments regarding types of procedures to examine a claim in 2023?**

#### **a. Standard procedure**

No significant changes in 2023.

#### **b. Border procedure**

No significant changes in 2023.

#### **c. Accelerated procedures**

No significant changes in 2023.

**20. Were there any legal or policy developments regarding first instance appeals in 2023?**

No significant changes in 2023.

**21. Were there any legal or policy developments in 2023 regarding operational aspects of the international protection procedure (including appeals) covering the following aspects:**

**a. Procedural Safeguards (e.g. access to information and legal counselling/representation; provision of interpretation)**

**Development:** On 14 December 2023, the Constitutional Court ruled that the independence of legal advice provided to asylum-seekers by the Federal Agency for Reception and Support Services is not adequately safeguarded by law (Federal Constitutional Court, 2023c). The Constitutional Court repealed the relevant provisions of the Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability<sup>41</sup> and the Federal Office for Immigration and Asylum Procedures Act<sup>42</sup> as unconstitutional. Lawmakers have until 1 July 2025 to create a new regulation.<sup>43</sup> The provisions in question stipulate that the federal agency will provide asylum-seekers with a legal adviser during proceedings before the Federal Administrative Court. Since the Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability provides for legal advisers to be independent and not required to follow instructions (in relation to the Federal Minister of the Interior and the Federal Minister for Justice) but leaves the more detailed organizational and institutional structure and safeguarding of these provisions to a framework agreement with the Federal State, the Constitutional Court saw this as a violation of the right to an effective legal remedy.<sup>44</sup> However, it was confirmed that the organizational structure of the federal agency – as a limited liability company wholly owned by the Federal State, with independent legal advisers who have specific responsibilities and are not required to follow instructions – is constitutional.<sup>45</sup>

**Objective:** The aim was to repeal unconstitutional provisions.

**Driver:** The Constitutional Court initiated legislative review proceedings in 2022 on the basis of several complaints made by asylum-seekers against findings of the Federal Administrative Court (Federal Constitutional Court, 2023c).

<sup>41</sup> Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability, FLG. I No. 53/2019.

<sup>42</sup> Federal Office for Immigration and Asylum Procedures Act, FLG. I No. 87/2012, in the version of FLG. I No. 221/2022.

<sup>43</sup> Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care Programme) in coordination with the Ukraine Refugee Coordination Unit, 23 January 2024.

<sup>44</sup> Written input: Federal Ministry of the Interior, Department V/B/8 (Asylum) in coordination with Unit III/A/4/c (Foreign National Legislation), 23 January 2024.

<sup>45</sup> Ibid.

**21. Were there any legal or policy developments in 2023 regarding operational aspects of the international protection procedure (including appeals) covering the following aspects:**

**b. Timeframes and case management including backlog management, caseload management tools e.g. prioritisation procedures. omitting of the personal interview in specific circumstances**

No significant changes in 2023.

**c. Digitisation of the procedure/Data management elements**

No significant changes in 2023.

**d. Other Aspects (e.g. country of origin information)**

No significant changes in 2023.

### 3.3 Reception of Applicants for International Protection

**22. Were there any legal or policy developments in relation to reception of applicants for international protection, including access to basic services, in 2023?**

**a. Accommodation**

**Development:** A federal act on a temporary cost-of-living adjustment within the framework of the basic care system came into force on 24 March 2023.<sup>46</sup> This act provides for a cost-of-living adjustment for individual and organized accommodation in provincial basic care. Specifically, the maximum reimbursable costs in the case of individual accommodation were EUR 50 per month for individuals and EUR 100 per month for families. A maximum of EUR 2 was reimbursed per person in organized accommodation, or EUR 4 in the case of unaccompanied minors. The cost-of-living adjustment covered the period from 1 October 2022 to 31 March 2023. The Federal State provided just over EUR 26 million (Parliamentary Administration, 2023d).

**Objective:** The aim of the act was to provide compensation for financial costs resulting from increased building, energy and personnel costs. The reimbursement of costs was intended to benefit private accommodation providers in particular (Austrian Parliament, 2023c:2).

**Driver:** Skyrocketing building, energy and personnel costs led to cost pressure in accommodation. The cost-of-living adjustment was seen as necessary in order to maintain the housing situation and support the required creation of new accommodation facilities as best as possible (Austrian Parliament, 2023c:2).

**Major,** because the cost-of-living adjustment is intended to benefit private accommodation providers in particular, and because individual accommodation in the basic care system is a key pillar of support for displaced persons from Ukraine.<sup>47</sup>

<sup>46</sup> Temporary reimbursement of costs by the federal government to the federal states for financial expenses as compensation for inflation in the context of basic care, FLG. I No. 28/2023.

<sup>47</sup> Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care Programme) in coordination with the Ukraine Refugee Coordination Unit, 23 January 2024.

**22. Were there any legal or policy developments in relation to reception of applicants for international protection, including access to basic services, in 2023?**

**Development:** On 15 September 2023, the Federal Minister of the Interior and the Vienna City Councillor for Health, Social Affairs and Sport unveiled a Transparent Real Cost Model for basic care, which is designed to replace flat-rate cost claims (Federal Ministry of the Interior, 2023v). The Real Cost Model covers all persons who are housed in organized accommodation in Vienna under the basic care system, including unaccompanied minors and persons requiring care who receive special care (Austrian Parliament, 2023b; Federal Ministry of the Interior, 2023v). The Real Cost Model is being run as a pilot project with retrospective effect from 1 January 2023 until 30 June 2026 (Federal Ministry of the Interior, 2023v).

In order to implement the Real Cost Model, an agreement under Art. 15a Federal Constitutional Act<sup>48</sup> was required between the Federal State and the province of Vienna, which came into force on 1 January 2024.<sup>49</sup> The agreement stipulates that the costs for unaccompanied minors and persons requiring care who are housed in special facilities will be charged according to the Real Cost Model with retrospective effect from 1 January 2023. For all persons housed in organized accommodation under the basic care system in Vienna, charging in accordance with the Real Cost Model will come into effect as of 1 January 2024 (Art. 3 para 2).

**Objective:** The aims of the Real Cost Model are greater transparency, less bureaucracy and a more equitable distribution of costs in basic care (Federal Ministry of the Interior, 2023v). Real cost claims are intended to help tackle challenges in basic care and ensure long-term availability of basic care accommodation in Vienna (Austrian Parliament, 2023g; Parliamentary Administration, 2023h, 2023j).

**Driver:** The basic care system in Austria has been confronted with major challenges since the beginning of the war in Ukraine (Federal Ministry of the Interior, 2023v). It was decided at the Conference of Provincial Refugee Case Workers in May 2022 that the Federal Ministry of the Interior would develop a real cost model, and this decision was confirmed in July and November 2022.<sup>50</sup>

**Major,** because the introduction of a real cost model had already been discussed for some time and has a major impact on cost claims in basic care.

<sup>48</sup> Federal Constitutional Act, FLG. No. 1/1930, in the version of FLG. I No. 222/2022.

<sup>49</sup> Real cost settlement agreement between the Federal State and the Province of Vienna-Art. 15a Federal Constitutional Act, FLG I. No. 1/2024.

<sup>50</sup> Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care Programme) in coordination with the Ukraine Refugee Coordination Unit, 23 January 2024.

**22. Were there any legal or policy developments in relation to reception of applicants for international protection, including access to basic services, in 2023?**

**b. House rules in reception centres**

No significant changes in 2023.

**c. Allowances/material reception conditions**

No significant changes in 2023.

**d. Access to the labour market**

No significant changes in 2023.

**e. Access to healthcare, including mental health**

No significant changes in 2023.

**f. Maintaining family unity**

No significant changes in 2023.

**g. Measures in relation to child protection/safeguarding**

**Development:** The Federal Agency for Reception and Support Services published a child protection concept in August 2023 (Federal Agency for Reception and Support Services, 2023b). The concept provides guidelines for the care and support of children and young people. It contains standards for employees, possible safeguards for specific vulnerabilities (see [5.5/Question 51](#) and [5.2/Question 45](#)), and advice on what to do if there is a suspicion that the best interests of the child are at risk. The protection concept is based on participative risk analysis involving children and young people, in particular, alongside child protection officers, employees and parents.<sup>51</sup> The risk analysis is carried out regularly and systematically covers risk factors for children and young people in federal reception centres.

**Objective:** The aim is to provide children and young people with a safe environment free from violence (Federal Agency for Reception and Support Services, 2023c).

**Driver:** Development of the child protection concept began back in 2022 (Stiller, 2023:37). It is based on UNICEF minimum standards and sets out all measures on a case-by-case basis, taking into account the best interests of the child.<sup>52</sup>

**Major,** because this is a comprehensive child protection concept covering all children and young people accommodated as part of the federal basic care programme.

**23. Were there any legal or policy developments in relation to assessment of vulnerabilities in relation to special reception needs in 2023?**

No significant changes in 2023.

<sup>51</sup> Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care Programme) in coordination with the Ukraine Refugee Coordination Unit, 23 January 2024.

<sup>52</sup> Ibid.



**24. Were there any legal or policy developments regarding (alternatives to) detention of applicants for international protection in 2023?**

No significant changes in 2023.

### **3.4 International Protection Status and Withdrawal of Status**

**25. Were there any legal or policy developments in relation to maintaining family unity<sup>53</sup> for beneficiaries of international protection in 2023?**

No significant changes in 2023.

**26. Were there any legal or policy developments in relation to family reunification of beneficiaries of international protection in 2023?**

No significant changes in 2023.

**27. Were there any legal or policy developments in relation to withdrawal (both revocation and cessation) of international protection status in 2023?**

No significant changes in 2023.

### **3.5 Relocation, Resettlement, Humanitarian Admission and Other Pathways to Protection**

**28. Were there any legal or policy changes in relation to national relocation programmes in 2023?**

No significant changes in 2023.

**29. Were there any legal or policy changes in relation to resettlement and humanitarian admission programmes in 2023?**

No significant changes in 2023.

**30. Were there any new legal or policy developments at national level in relation to relocation of unaccompanied minors to your Member/Observer Country in 2023 (including prioritisation e.g. through quotas, fast-track procedures)?**

No significant changes in 2023.

**31. Were there any new legal or policy developments at national level in relation to resettlement of unaccompanied minors (this includes humanitarian admission programmes) to your Member/Observer Country in 2023 (including prioritisation e.g. through quotas, fast-track procedures)?**

No significant changes in 2023.

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<sup>53</sup> 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. (EMN Glossary v9.0).

**32. Were there any new legal or policy changes in relation to other developments regarding relocation, resettlement and humanitarian admission in 2023?**

No significant changes in 2023.

### 3.6 Other Developments

**33. Were there any other legal and policy developments in the field of international protection in 2023 which were not covered above?**

No significant changes in 2023.

## 4. TEMPORARY PROTECTION AND OTHER MEASURES IN RESPONSE TO PERSONS FLEEING THE WAR IN UKRAINE

### 4.1 Overarching and Crosscutting developments

**34. Were there any overarching and/ or crosscutting legal and policy developments in 2023 regarding temporary protection of persons fleeing Ukraine?**

No significant changes in 2023.

### 4.2 Legal Status

**35. Were there any changes made in 2023 in the scope of the persons to whom the temporary protection applies in accordance with Council Implementing Decision 2022/382?**

**Development:** The Constitutional Court dealt with the subject of displaced person status in March 2023; in Austria, only persons who were residing in Ukraine on 24 February 2022 can be granted this status. On 15 March 2023, the Constitutional Court ruled that Ukrainian nationals who had left Ukraine not long before 24 February 2022 were still resident in Ukraine on this cut-off date and are thus entitled to temporary protection in Austria (Federal Constitutional Court, 2023a, 2023b).

**Objective:** The aim of this decision was to investigate whether a decision by an administrative authority resulted in the violation of one of the complainant's constitutionally protected rights.

**Driver:** The proceedings on which the Constitutional Court's decision was based concerned a Ukrainian national who had travelled to Georgia for a holiday on 13 February 2022. In the proceedings at first and second instance, the complainant was not granted temporary protection because he had not been present

**Major,** because the Constitutional Court's decision provided legal certainty that persons who left Ukraine shortly before 24 February 2024 are also entitled to protection in Austria.

in Ukraine on 24 February 2023 (Federal Constitutional Court, 2023a).

**36. Were there any legal or policy developments in 2023 in relation to the registration of persons arriving from Ukraine, including the provision and issuance of residence permits or other documents providing temporary protection?**

No significant changes in 2023.

**37. Were there any legal or policy developments in 2023 regarding how temporary protection was renewed (e.g. administrative process; documentation)?**

**Development:** An amendment<sup>54</sup> to the Regulation on Displaced Persons<sup>55</sup> came into force on 6 February 2023, extending the temporary right of residence until 4 March 2024 (Art. 4 para 1 Regulation on Displaced Persons). As a result, the Federal Office for Immigration and Asylum automatically issued new ID cards with an extended expiry date to all persons registered as displaced persons residing in Austria (Federal Office for Immigration and Asylum, 2023a). Registration with the Central Population Register was a prerequisite for this. With the EU Council's decision<sup>56</sup> of 19 October 2023 regarding the extension of temporary protection until 4 March 2025, displaced person status in Austria was also automatically extended until this date.<sup>57</sup>

**Objective:** The temporary right of residence was extended in order to create legal certainty for those concerned and to reduce the administrative and financial burden (Parliamentary Administration, 2023a).

**Driver:** The Regulation on Displaced Persons initially granted displaced persons from Ukraine a temporary right of residence until 3 March 2023 and provided for two automatic extensions, each of six months in duration. After the European Commission announced in October 2022 that it had no intention of proposing a termination (according to Art. 6 para 1 (b) EU Temporary Protection Directive (2001/55/EC)),<sup>58</sup> the Regulation on Displaced Persons was amended accordingly (Parliamentary Administration, 2023a). In this context, it was made clear that if the EU Council decided to extend the duration of temporary protection,

**Major,** because the right of residence for displaced persons was extended by another year as a result.

<sup>54</sup> Amendment to the Regulation on Displaced Persons, FLG. II No. 27/2023.

<sup>55</sup> Regulation on Displaced Persons, FLG. II No. 92/2022, in the version of FLG. II No. 27/2023.

<sup>56</sup> Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382. OJ. L. 2023/2409, p. 24.

<sup>57</sup> Written input: Federal Chancellery, 23 January 2024; Written input: Federal Ministry of the Interior, Department V/B/7 (Foreign Nationals Police, Visa Affairs and ETIAS), 23 January 2024.

<sup>58</sup> 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, S. 12–23.

**37. Were there any legal or policy developments in 2023 regarding how temporary protection was renewed (e.g. administrative process; documentation)?**

the granting of displaced person status would also be extended to this date (Art. 4 para 2 Regulation on Displaced Persons).

**4.3 Rights**

**38. Were there any legal or policy developments in 2023 in relation to access to rights and basic services for beneficiaries of temporary protection?**

**a. Access to suitable accommodation and/or means to obtain housing?**

No significant changes in 2023.

**b. Access to medical care including in relation to mental health?**

**Development:** On 14 December 2023, the inclusion of displaced persons in the Austrian health insurance system was extended until 4 March 2025. The extension was granted by order of the Federal Minister for Social Affairs, Health, Care and Consumer Protection by way of a regulation approved by the Main Committee of the National Council (Parliamentary Administration, 2023m).

**Objective:** The aim was to extend the period of health insurance for displaced persons.

**Driver:** Inclusion in the health insurance system was limited until the end of December 2023. The extension was granted in line with the extension of the right of residence based on the EU Temporary Protection Directive (2001/55/EC), which applies until 4 March 2025 (Parliamentary Administration, 2023m).

**Major,** because it ensures that displaced persons are covered by the health insurance system for the duration of their right of residence according to the EU Temporary Protective Directive (2001/55/EC).

**c. Access to assistance in terms of social welfare and means of subsistence?**

**Development:** In January 2023, the Federal State and Provinces Coordination Council<sup>59</sup> decided to increase the exemption threshold for displaced persons in basic care (Federal Chancellery et al., 2023a). Under this new model for displaced persons, basic care benefits are gradually reduced as soon as the general exemption threshold has been reached. Specifically, this means that once the exemption threshold has been exceeded, a person’s basic care benefits will be continuously reduced by 65 per cent of the income earned above this threshold until their income reaches the level at which

**Major,** because the subject of increasing the exemption threshold was discussed at political level in the previous year and implementation is now under way.

<sup>59</sup> 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, FLG. I No. 80/2004.

**38. Were there any legal or policy developments in 2023 in relation to access to rights and basic services for beneficiaries of temporary protection?**

the fundamental basic care benefits are completely used up due to the extent of the deduction.<sup>60</sup>

Application of the increased exemption threshold requires the internal regulations of each province to be amended. Although the resolution for a new exemption threshold for displaced persons has been adopted, it has not been implemented throughout all of the provinces (Lower Austria, Carinthia and Salzburg are lagging behind).<sup>61</sup> The decision of the Council of Ministers on 1 December 2023 on the strategic action plan to tackle the shortage of skilled workers (see [1./Question 1.](#)) called for the provincial guidelines to be adapted as soon as possible.

**Objective:** The aim of increasing the exemption threshold was to make it easier for displaced persons to enter the labour market (Federal Chancellery et al., 2023a) and to help them smoothly transition out of government support services without suddenly losing their entitlement to basic care.<sup>62</sup>

**Driver:** The general exemption threshold for all recipients of basic care is EUR 110 per month plus EUR 80 for each additional family member (nuclear family). If a case-by-case assessment determines that this limit has been exceeded, the individual's access to basic care benefits may be (partially) restricted or stopped, and they may also face a repayment obligation (Stiller, 2023:18-19). The new model for displaced persons was presented by the Federal Minister of the Interior in May (Stiller, 2023:18-19) and adopted during the Conference of Provincial Refugee Case Workers on 24 and 25 November 2022. The identical agreement was subsequently issued by the Federal State and Provinces Coordination Council on 5 December 2022.<sup>63</sup>

**Development:** On 22 August 2023, the Supreme Court decided that displaced persons are entitled to long-term care allowance if they meet the other requirements (Supreme Court of Justice, 2023).

**Objective:** The aim was to clarify the legal issue of whether displaced persons may be entitled to long-term care allowance under the Federal Care Allowance Act.<sup>64</sup>

**Driver:** The facts relating to the Supreme Court's decision were as follows: The complainant was a

**Major,** because this means that all displaced persons who meet the other requirements are also entitled to long-term care allowance.

<sup>60</sup> Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care Programme) in coordination with the Ukraine Refugee Coordination Unit, 23 January 2024.

<sup>61</sup> Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care Programme) in coordination with the Ukraine Refugee Coordination Unit, 23 January 2024.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Federal Care Allowance Act, FLG. No. 110/1993, in the version of FLG. I Nr. 109/2023.

**38. Were there any legal or policy developments in 2023 in relation to access to rights and basic services for beneficiaries of temporary protection?**

Ukrainian citizen with an ID card for displaced persons. Her application for long-term care allowance was rejected on the grounds that she did not fall within the group of persons entitled to claim the allowance under the Federal Care Allowance Act (Supreme Court of Justice, 2023).

**Development:** An amendment<sup>65</sup> to the Act on the Compensation of Family Expenses<sup>66</sup> came into force on 31 December 2023, extending the entitlement of displaced persons to childcare allowance and family allowance until 4 March 2025.

**Objective:** The aim was to extend the duration of family benefits for displaced persons.

**Driver:** The entitlement to family benefits was limited to 4 March 2024. This period has been extended in line with the decision of the EU Council to extend the temporary right of residence until 4 March 2025 (Austrian Parliament, 2023a).

**Major,** because as a result of this legal amendment, the entitlement to family benefits for displaced persons was extended until 4 March 2025.

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

**Development:** At the end of the 2022/23 school year, a regulation within the framework of German language support was amended. Specifically, the Federal Ministry of Education, Science and Research made a corresponding request to the education directorates and schools to enable displaced children and young people from Ukraine to progress from one school type to another (primary school to secondary school/academic secondary school or after the eight/ninth grade when changing school type).<sup>67</sup>

**Objective:** Enabling advancement opportunities for Ukrainian children.<sup>68</sup>

**Driver:** Some Ukrainian children, for example, had to repeat the fourth year of primary school for the second time. It is particularly important for the increasing age difference between the children, but also for the children's personal motivation, that they are able to progress to the next type of school.<sup>69</sup>

**e. Access to the labour market**

<sup>65</sup> Amendment to the Act on the Compensation of Family Expenses 1967, FLG. I No. 184/2023.  
<sup>66</sup> Act on the Compensation of Family Expenses 1967, FLG. No. 376/1967, in the version of FLG. I No. 184/2023.  
<sup>67</sup> Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care Programme) in coordination with the Ukraine Refugee Coordination Unit, 23 January 2024.  
<sup>68</sup> Ibid.  
<sup>69</sup> Ibid.

**38. Were there any legal or policy developments in 2023 in relation to access to rights and basic services for beneficiaries of temporary protection?**

**Development:** An amendment to the Act Governing the Employment of Foreign Nationals,<sup>70</sup> which exempted displaced persons from the scope of the Act Governing the Employment of Foreign Nationals (Art. 1 para 2 (k) Act Governing the Employment of Foreign Nationals), came into force on 21 April 2023. Since then, displaced persons from Ukraine who hold an ID card for displaced persons can take up any employment in Austria without a work permit (Austrian Parliament, 2023d).

**Objective:** The aim of this exemption was to remove all obstacles imposed by the labour market authorities and to accelerate the labour market integration of displaced persons who seek to remain in the Austrian labour market permanently (Austrian Parliament, 2023d).

**Driver:** Before the exemption came into force, displaced persons were given preferential yet limited access to the labour market. This required a work permit, which was issued without a labour market test (Austrian Parliament, 2023d; Parliamentary Administration, 2023b).

**Major,** because displaced persons have been granted unrestricted labour market access as a result.

**f. Access to education for adults, including vocational training?**

**Development:** On the exemption from the obligation to pay tuition fees, see [2.3/Question 7](#).

**39. Were there any legal or policy developments in 2023 in relation to family reunification for beneficiaries of temporary protection?**

No significant changes in 2023.

**4.4 Other developments**

**40. Were there any legal or policy developments in 2023 in relation to unaccompanied minors or children lacking parental care (including in relation to the determination of guardianship) arriving from Ukraine?**

No significant changes in 2023.

**41. Were there any legal or policy developments in relation to support for persons enjoying temporary protection who voluntarily want to go back to Ukraine?**

No significant changes in 2023.

<sup>70</sup> Amendment to the Act Governing the Employment of Foreign Nationals, FLG. I Nr. 43/2023.

**42. Were there any other major legal or policy developments in 2023 in relation to protection of persons fleeing the war in Ukraine not covered above (this includes supports (e.g. additional integration supports) not directly linked to rights under the Directive)?**

No significant changes in 2023.	
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## 5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

*This section covers unaccompanied minors in the asylum procedure and unaccompanied minors outside of the asylum procedure.*

*Developments regarding Unaccompanied Minors who are beneficiaries of temporary protection are covered in the previous section.*

### 5.1 Identification and registration of Unaccompanied Minors

**43. Were there any new legal or policy developments at national level in relation to identification and registration of unaccompanied minors in 2023?**

No significant changes in 2023.

**44. Were there any legal or policy developments at national level in relation to unaccompanied minors going missing in 2023?**

No significant changes in 2023.

### 5.2 Reception of Unaccompanied Minors

**45. Were there any legal or policy developments at national level in relation to the reception and care of unaccompanied minors in 2023?**

**Development:** As part of the temporary cost-of-living adjustment from 1 October 2022 to 31 March 2023, a reimbursement of a maximum of EUR 4 per person was granted for the provision of accommodation, food and support for unaccompanied minors in organized accommodation. See [3.3/Question 22.a.](#)

**Objective:** See [3.3/Question 22.a.](#)

**Driver:** Skyrocketing building, energy and personnel costs led to cost pressure, especially in the provision of care and accommodation for unaccompanied minors (Austrian Parliament, 2023c). See also [3.3/ Question 22.a.](#)

**Development:** In August 2023, the Federal Agency for Reception and Support Services published a child protection concept that included safeguards for cases where unaccompanied minors go missing. The concept also stipulated that each federal reception centre that provides support for minors is to have a child protection officer, who is someone all children and young people in the federal reception centre can trust. In this way, child protection officers play a key role in managing complaints<sup>71</sup> as well as serving as a direct contact for unaccompanied minors in particular (Federal Agency for Reception and Support Services, 2023b).

<sup>71</sup> Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care Programme) in coordination with the Ukraine Refugee Coordination Unit, 23 January 2024.

**45. Were there any legal or policy developments at national level in relation to the reception and care of unaccompanied minors in 2023?**

<p><b>Objective:</b> See <a href="#">3.3/Question 22.g.</a></p> <p><b>Driver:</b> See <a href="#">3.3/Question 22.g.</a></p>	
<p><b>Development:</b> See <a href="#">3.3/22.a</a> with regard to the introduction of the Transparent Real Cost Model in basic care in Vienna, which applies to minors with retrospective effect from 1 January 2023.</p>	

**5.3 Status Determination Procedures and Procedural Safeguards for Unaccompanied Minors**

**46. Were there any legal or policy developments in relation to age assessment or in the methods of age assessment in 2023?**

No significant changes in 2023.	
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**47. Were there any legal or policy developments in relation to family reunification of unaccompanied minors in 2023?**

No significant changes in 2023.	
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**48. Were there any legal or policy developments in relation to guardianship of unaccompanied minors in 2023?**

No significant changes in 2023.	
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**49. Were there any legal or policy developments in relation to improving the procedural safeguards for unaccompanied minors in the asylum procedure in 2023?**

<p><b>Development:</b> On 15 May 2023, the Federal Administrative Court published an updated version of the guidelines on the best interests of the child in asylum and aliens law (Federal Administrative Court, 2023). The guidelines are a working aid for judges of the Federal Administrative Court, outlining the key criteria for assessing the best interests of the child based on the latest case law (Federal Administrative Court, n.D.a).</p> <p><b>Objective:</b> The aim was to revise the guidelines while also incorporating the latest case law (Federal Administrative Court, n.D.b)</p> <p><b>Driver:</b> The Commission on the Best Interests of the Child published a series of recommendations in its report (Unabhängige Kommission für den Schutz der Kinderrechte und des Kindeswohls im Asyl und Fremdenrecht, 2021). The guidelines are a key component in relation to the implementation of the</p>	
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**49. Were there any legal or policy developments in relation to improving the procedural safeguards for unaccompanied minors in the asylum procedure in 2023?**

recommendations of the Commission on the Best Interests of the Child at the Federal Administrative Court (Federal Administrative Court, n.D.b). Since the guidelines are a “living” document, the contents must be adapted to reflect advances in the case law (Federal Administrative Court, n.D.a).

**5.4 Transition to Adulthood**

**50. Were there any legal or policy developments at national level in the type of support (e.g. housing, education, employment, psychological support) available to unaccompanied minors for the transition to adulthood in 2023?**

No significant changes in 2023.

**5.5 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.*

**51. Were there any legal or policy developments at national level regarding vulnerable groups (excluding victims of trafficking in human beings) in 2023?**

**Development:** The child protection concept developed by the Federal Agency for Reception and Support Services and published in August 2023 includes possible safeguards to protect against particular risks (e.g. sexual and sexualized violence, neglect, risks outside of the reception centres, missing children) and guidelines for the handling of suspected cases.

**Objective:** See [3.3/Question 22.g.](#)

**Driver:** See [3.3/Question 22.g.](#)

**Development:** See [3.3/Question 22.a](#) on the introduction of the Transparent Real Cost Model in basic care in Vienna, which applies with retrospective effect from 1 January 2023 to the provision of special accommodation for persons requiring care.

**Development:** The Federal Chancellery’s support for *FEM Süd’s* Female Genital Mutilation (FGM)<sup>72</sup> Coordination Office project has been extended by

<sup>72</sup> FGM refers to all procedures which involve the partial or total removal of the external genitalia or other injury to the female genital organs, whether for cultural or any other non-medical reasons. EMN Glossary v.9.0 [ec.europa.eu](http://ec.europa.eu).

**51. Were there any legal or policy developments at national level regarding vulnerable groups (excluding victims of trafficking in human beings) in 2023?**

another year, until the end of 2024.<sup>73</sup> This nationwide coordination office was established in 2022 (Federal Chancellery, 2023b).

**Objective:** The aim is to expand the spectrum of services offered throughout Austria for women who are at risk of or affected by FGM, as well as for men from the communities and for representatives of relevant occupational groups (for example, the health-care professions).<sup>74</sup>

**Driver:** Due to migration flows, FGM has also become a reality in Austria. The aim is to bring about a significant improvement in the situations of women affected by and at risk of FGM through a wide range of measures.<sup>75</sup>

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<sup>73</sup> Written input: Federal Chancellery, 23 January 2024.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

## 6. INTEGRATION AND INCLUSION OF MIGRANTS

### 6.1 National Integration Strategy

#### 52. Were there any developments in or changes to the national/regional integration strategy (in general or targeting specific groups) in 2023?

**Development:** For more information on the strategic action plan to tackle the shortage of skilled workers, see [1./Question 1.](#)

**Major,** because this is the Federal Government's first cross-government strategic action plan to meet the demand for skilled workers in Austria.

**Development:** On 27 April 2023, the Federal Chancellery presented a report entitled *Social Cohesion and Segregation: Taking Stock of Integration and Disintegration in Austria*; this marked the start of a process at Federal State, provincial and municipal level to counteract social segregation in Austria.<sup>76</sup> The Federal Chancellery subsequently made the prevention of extremism and segregation a new priority support area under the call for promoting national integration in 2024/25.

**Major,** because this is the implementation of a central measure of the government programme and the first time a broad-based process has been initiated to counteract social segregation in Austria.

**Objective:** The primary aim of the report is to identify problem areas in connection with segregation-related developments. The new priority support area is intended, inter alia, to promote low-barrier services that prevent trends for segregation and the prevention of extremism among young people.<sup>77</sup>

**Driver:** The report was compiled as part of the implementation of the government programme (Austrian Federal Government, 2020:159). According to the Federal Chancellery, the intense concentration of immigration activity, particularly in densely populated areas, combined with problematic socio-economic, ethnic and religious situations, can lead to the formation of segregated environments. In addition to hindering the integration of immigrants in Austrian society, this may also stoke resentment, intensify societal tensions and create a breeding ground for extremism. The new priority support area was established as one of the first measures following the publication of the *Social cohesion and segregation* report.<sup>78</sup>

<sup>76</sup> Written input: Federal Chancellery, 23 January 2024.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

**53. Were there any changes in the distribution of responsibilities for integration policy between national, regional and local authorities in 2023?**

No significant changes in 2023.

**54. Were there any legal or policy changes in relation to the use of any digitalisation tools that facilitate access to integration processes and services in 2023?**

**Development:** The Austrian Integration Fund began issuing digital certificates for integration and language tests in January 2023. This helped to reduce waiting times for course participants, thus supporting a swifter entry to the labour market (Austrian Integration Fund, 2023a).

**Objective:** The switch to digital certificates was aimed at saving costs, time and resources, thus optimizing the general process flows involved in integration work. The move was also intended to facilitate simple, speedy checks by the authorities and offices, as well as to achieve higher standards in relation to counterfeit protection and traceability (Austrian Integration Fund, 2023a).

**Driver:** The various test formats employed by the Austrian Integration Fund were developed explicitly for the Austrian integration context (Austrian Integration Fund, 2023a). Administrative processes were often very time-consuming, and this in turn was slowing integration (Austrian Integration Fund, 2023a).

**Development:** The Austrian Integration Fund introduced a new digital assessment process that allows the individual's language level to be determined objectively so that they can then be booked onto the most suitable German course. Initial advice can now be provided, the language level assessed and a course booked at a single appointment (Austrian Integration Fund, n.D.).

**Objective:** The aim was to provide places on courses for German learners as efficiently as possible (Austrian Integration Fund, n.D.).

**Driver:** The reasons for this included the high demand for places on German courses and the scarcity of resources among course providers (Austrian Integration Fund, n.D.).

**Major** because the new system allows learners to have their German skills assessed digitally and be booked onto a course at the same time ("one-stop shop").

**55. Were there any developments in relation to the monitoring and/or evaluation(s) of your national/regional integration programmes and/or strategy during 2023?**

No significant changes in 2023.

## 6.2 Involvement of Stakeholders

*Stakeholders include civil society organisations, educational and other public 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.*

**56. Were there any legal or policy developments at the national/regional level targeting the involvement of stakeholders in promoting the integration of third-country nationals in 2023?**

**Development:** Austrian Integration Fund German courses were awarded to training providers via an award procedure in accordance with the Federal Procurement Act<sup>79</sup> (Austrian Integration Fund, n.D.) for the first time in 2023, replacing the project funding system that was previously common practice.<sup>80</sup>

**Objective:** The aim was to implement a transparent award procedure to increase the number of places available on German courses of different levels (Austrian Integration Fund, n.D.).<sup>81</sup>

**Driver:** The reasons for this included the high demand for places on German courses and the scarcity of resources among course providers (Austrian Integration Fund, n.D.).

**Major,** because German courses are no longer awarded to educational institutions in the framework of a funding system but instead through a transparent award procedure.

## 6.3 Pre-departure/Post-arrival Integration Programmes

**57. Were there any legal or policy developments targeting the integration of third-country nationals through pre-departure integration programmes (e.g. language, civic integration) in 2023?**

No significant changes in 2023.

**58. Were there any legal or policy developments in relation to pre-departure integration programmes for resettled refugees?**

No significant changes in 2023.

<sup>79</sup> Federal Procurement Act 2018, FLG. I No. 65/2018, in the version of FLG. II No. 91/2019.

<sup>80</sup> Written input: Federal Chancellery, 23 January 2024.

<sup>81</sup> Ibid.

**59. Were there any legal or policy developments in relation to pre-integration of applicants for international protection before status determination?**

**a. Labour market integration**

No significant changes in 2023.

**b. Basic skills and language training**

No significant changes in 2023.

**c. Other**

No significant changes in 2023.

**6.4 Education and Training**

**60. Were there any legal or policy developments targeting the integration of third-country nationals through education and training in 2023, including applying new technologies and digital tools (in general or targeting specific groups)?**

**a. Basic skills and language**

No significant changes in 2023.

**b. Compulsory civic integration programmes**

No significant changes in 2023.

**c. Primary education**

No significant changes in 2023.

**d. Secondary education**

No significant changes in 2023.

**e. Tertiary education**

No significant changes in 2023.

**f. Other forms of education/training**

**Development:** The free Language Portal, a learning platform provided by the Austrian Integration Fund (sprachportal.at), was updated and expanded in August 2023 with the addition of numerous new functions (Austrian Integration Fund, 2023b). The Language Portal offers more than 5,000 exercises, over 500 audiovisual features and ongoing live online courses for all language levels (from literacy level to C1). The contents of the portal revolve around occupational and pre-vocational German language learning.<sup>82</sup> At the end of November 2023, for example, a new, free online course format specific to jobs in care and personal assistance was made available on the Language Portal (Austrian Integration Fund, 2023d). The contents of the Language Portal are compatible with any end device, giving users the option to learn German on the go, on a smartphone or tablet (Austrian Integration Fund, 2023b).

**Major,** because the care and health sector is a large employment area. At the same time, there is a major shortage of skilled labour, making this a priority measure.

<sup>82</sup> Written input: Federal Chancellery, 23 January 2024.



**60. Were there any legal or policy developments targeting the integration of third-country nationals through education and training in 2023, including applying new technologies and digital tools (in general or targeting specific groups)?**

**Objective:** The platform is intended to provide maximum flexibility for German learners, allowing them to continue learning the language alongside work or care responsibilities. The aim of the course for care workers is to promote the labour market integration of migrants in the care sector.<sup>83</sup>

**Driver:** Particularly with a view to ensuring the compatibility of work and learning German, language acquisition must be able to take place independent of location. The urgent need for workers in the care and support sectors provided the impetus for the specialist course for care workers.<sup>84</sup>

## 6.5 Labour Market and Skills

**61. Were there any legal or policy developments at the national/ regional level targeting the labour market integration of third-country nationals in 2023?**

**a. Access to vocational training / other types of training as a measure aimed at labour market integration**

No significant changes in 2023.

**b. Measures targeting third-country national entrepreneurs**

No significant changes in 2023.

**c. Measures to facilitate the validation of formal qualifications**

**Development:** An interministerial meeting on the recognition of foreign vocational and educational qualifications took place on 9 November 2023, led by the Federal Chancellery. In the future, further meetings are to be organized quarterly to promote cooperation, information and discussion across ministries on the cross-government subject of professional recognition.<sup>85</sup>

**Objective:** The aim is to counter the shortage of skilled workers, as well as to create integration prospects for persons with foreign education and training.<sup>86</sup>

**Driver:** In view of the acute shortage of skilled workers and the tendency for individuals with foreign educational qualifications to be employed in roles for which they are overqualified, there is an urgent need for action in this area.<sup>87</sup>

**Major** because the issue of overqualification and the shortage of skilled workers must be combated.

<sup>83</sup> Written input: Federal Chancellery, 23 January 2024.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

**61. Were there any legal or policy developments at the national/ regional level targeting the labour market integration of third-country nationals in 2023?**

**d. Measures to facilitate the recognition of skills**

No significant changes in 2023.

**e. Other measures to facilitate labour market integration of third-country nationals**

**Development:** In February 2023, the Public Employment Service launched a new online survey tool that can determine the specific work entitlements and restrictions of foreign workers in three simple steps (Public Employment Service, 2023).

**Objective:** The online tool is intended as a quick, uncomplicated way for employers to determine the employability of foreign workers. It is designed to simplify the hiring process for the employer while also dispelling any concerns they may have.

**Driver:** The Public Employment Service identified a need for measures to promote the employment of foreign workers because, despite the shortage of workers in many sectors, employers are often reluctant to hire foreign workers.

**Development:** In a press release on 24 May 2023, the Federal Minister for Integration announced that an additional EUR 1 million would be provided to promote the labour market integration of migrants in the care sector. The additional funds are intended primarily to support initiatives like the Migrants Care project, which offer comprehensive advice services, as well as language courses and workshops to assist with specialist training in the care sector (Federal Chancellery, 2023f).

**Objective:** The aim was to promote the labour market integration of migrants in the care sector (Federal Chancellery, 2023f).

**Driver:** There was an urgent demand for workers in the care and support sectors in Austria, while many migrants were also looking for work (Federal Chancellery, 2023f).

**Major,** because the immigration of care workers was a priority due to the shortage of skilled workers in the care sector, and because measures were implemented across government.

**Development:** The Integration Service for Professionals included in the government programme was put into operation in October 2023. This coordination office, which has been established at the Austrian Integration Fund, is a central point of contact for foreign skilled workers, their families and interested companies. The office provides extensive advice and information services, including advice on German

**Major,** because this concerns the implementation of a cross-government priority and it is also the first one-stop shop created specifically for foreign skilled workers and their families.

**61. Were there any legal or policy developments at the national/ regional level targeting the labour market integration of third-country nationals in 2023?**

language learning services for skilled workers (focusing on job-specific, occupational and digital language courses), assistance with the recognition of training and qualifications, and pre-integration advice and events (Austrian Integration Fund, 2023c). In December 2023, the integration service extended the opportunities for reimbursement of the costs incurred in the recognition and assessment of foreign qualifications. Since then, Red-White-Red cardholders may also receive funds and the possible amount of assistance was increased from EUR 1,000 to EUR 1,500 per person (Austrian Integration Fund, 2023e).

**Objective:** The aim of establishing the integration service is to support the recruitment of qualified skilled workers from abroad and ensure their long-term integration in Austria (Austrian Integration Fund, 2023c; Federal Chancellery, 2023i).

**Driver:** Many companies in Austria were facing a shortage of skilled workers that could not be met by the national labour force. The Austrian labour market was therefore reliant on the targeted recruitment of skilled workers from abroad (Austrian Integration Fund, 2023c). The plan to establish a coordination office for qualified immigration and key workers was also included in the government programme and rolled out as part of the latter’s implementation (Austrian Federal Government, 2020:145).

**6.6 Basic Services**

**62. Were there any legal or policy developments at the national/ regional level targeting the integration of third-country nationals through access to basic services in 2023?**

**a. Access to housing**

No significant changes in 2023.

**b. Access to healthcare including mental healthcare**

No significant changes in 2023.

**c. Access to social security**

No significant changes in 2023.

**d. Other**

**Development:** On the basis of the Living and Housing Cost Equalization Act<sup>88</sup> additional financial resources for the support of low-income groups of people were made available in 2023 to secure housing and energy and to end homelessness. Further funds were made available

<sup>88</sup> Living and Housing Cost Equalization Act, FLG. I No. 93/2022, in the version of FLG. I No. 119/2023.

**62. Were there any legal or policy developments at the national/ regional level targeting the integration of third-country nationals through access to basic services in 2023?**

for those eligible for social assistance and the minimum benefit system in order to help the target group cover the additional expenses incurred as a result of inflation. Persons without Austrian citizenship can also receive support as long as they meet the requirements defined by law, decree or regulation.<sup>89</sup> Eligible third-country nationals for minimum benefits or social assistance are (if the other requirements are met) persons entitled to asylum and third-country nationals who have lived regularly in Austria for more than five years.<sup>90</sup>

**Objective:** The aim was to cushion the additional financial burden caused by inflation, to secure housing, create new housing perspectives and combat homelessness.<sup>91</sup>

**Driver:** The catalyst was the fact that, according to the Federal Ministry of Social Affairs, Health, Care and Consumer Protection, people on low incomes were no longer in a position to cover the costs of their basic living and housing needs. Persistent inflation throughout 2023 only served to exacerbate this situation.<sup>92</sup>

**6.7 Active Participation of Migrants and Receiving Societies in Integration**

**63. Were there any legal or policy developments at the national/regional level targeting the integration of third-country nationals through active (civic/social) participation of migrants and receiving societies in 2023?**

**a. Migrant participation in local democratic structures**

No significant changes in 2023.

**b. Organising civic orientation programmes**

No significant changes in 2023.

**c. Providing opportunities for local communities to interact with migrants**

No significant changes in 2023.

**d. Other**

No significant changes in 2023.

<sup>89</sup> Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 23 January 2024.

<sup>90</sup> Art. 4 para 1 General Social Assistance Act, FLG. I No. 41/2019, in the version FLG. I No. 45/2023.

<sup>91</sup> Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 23 January 2024.

<sup>92</sup> Ibid.

## 6.8 Fighting Racism and Discrimination

### 64. Were there any legal or policy developments at the national or regional aimed at fighting discrimination of third-country nationals, racism etc. in 2023?

**Development:** The 2023 amendment to the Prohibition Act<sup>93</sup> was promulgated on 30 December 2023. Among other changes, this amendment set out stricter penalties for certain offences and envisaged an alignment of the penalties for displaying National Socialist symbols and other banned symbols in Austria (for example, symbols of the Islamic State, Hamas, the Grey Wolves and Kurdistan Workers' Party (PKK)) (Parliamentary Administration, 2023k). The changes came into force on 1 January 2024.

**Objective:** The aim was to reform the Prohibition Act, which is seen as the most effective tool that criminal law has to offer in the fight against antisemitism, right-wing extremism and National Socialist resurgence, as well as to close legal loopholes (Federal Chancellery, 2023j).

**Driver:** Austria has registered an increase in violent antisemitic incidents since the attack on Israel by Hamas. Furthermore, the amendment to the Prohibition Act was considered an important step in the implementation of the National Strategy Against Antisemitism (Federal Chancellery, 2021:34) and Austria's zero-tolerance policy against any form of National Socialist resurgence (Federal Chancellery, 2023j).

<sup>93</sup> Amendment to the Prohibition Act 2023, FLG. I No. 177/2023.

## 7. CITIZENSHIP AND STATELESSNESS

### 7.1 Acquisition of Citizenship

**65. Were there any legal or policy developments in relation to the acquisition of citizenship (prerequisites and conditions) for legally residing third-country nationals in 2023?**

No significant changes in 2023.

### 7.2 Statelessness

**66. Were there any developments related to the legal regulation of statelessness (e.g. ratification of international conventions; overarching changes in the legal framework etc.) in 2023?**

No significant changes in 2023.

**67. Were there any legal or policy developments in relation to a dedicated statelessness determination procedure (SDP) or any other procedures or mechanisms by which statelessness can be identified or the status can be determined in 2023?**

No significant changes in 2023.

**68. Were there any legal or policy developments in relation to the issuance of a residence permit or in relation to the rights (access to the labour market, education, health care and social aid, access to citizenship, etc.) granted to recognized stateless persons in 2023?**

No significant changes in 2023.

**69. Were there any legal or policy developments in relation to the prevention of children being born stateless in 2023?**

No significant changes in 2023.

## 8. BORDERS, VISA AND SCHENGEN

### 8.1 Schengen area

#### 8.1.1 Schengen Governance

##### 70. Were there any legal or policy developments in relation to Schengen governance during 2023?

###### a. Schengen evaluations

**Development:** In December 2022, Austria and the Netherlands voted against the expansion of the Schengen Area to include Bulgaria and Romania. In December 2023, the Council agreed to the full application of the Schengen acquis in Romania and Bulgaria. The checks at the land borders still remain in place, however, subject to a separate Council Decision. Alongside this development, Austria, Romania and Bulgaria agreed on a joint declaration which defined the parameters for the further course of action and was supported by a separate declaration from the Commission.<sup>94</sup>

**Objective:** The aim was to strengthen the Schengen Area.<sup>95</sup>

**Driver:** Reasons cited were systematic weaknesses at the external borders and in the Schengen Area, as well as pressure on Austria from migration.<sup>96</sup>

###### b. Schengen Cycle

No significant changes in 2023.

#### 8.1.2 External dimension

##### 71. Were there any legal or policy developments in relation to the implementation of Schengen visas in 2023?

**Development:** Following the earthquake that occurred in the Republic of Türkiye and the Syrian Arab Republic on 6 February 2023, the Austrian representation authorities supported those affected by the earthquake and their relatives by expediting their visa applications, ensuring that they would be checked as swiftly as possible (Federal Ministry for European and International Affairs, 2023a; Federal Ministry of the Interior, 2023f). The representation authorities were instructed to explore the possibility of issuing a Schengen visa restricted to Austria only. This resulted in a simplified process for issuing visas and meant that emergency passports could also be accepted. Furthermore, additional staff were posted to the

<sup>94</sup> Written input: Federal Ministry of the Interior, Unit V/A/5/a (EU Migration Affairs), 23 January 2024.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

**71. Were there any legal or policy developments in relation to the implementation of Schengen visas in 2023?**

representation authorities in question and victims of the earthquake were given priority appointments for submitting visa applications (Federal Ministry of the Interior, 2023f).

**Objective:** The aim was to support those affected by the earthquake in the Republic of Türkiye by issuing visas in a swift, simplified process.

**Driver:** A devastating earthquake shook the Republic of Türkiye and the Syrian Arab Republic on 6 February 2023. In particular, Austria supported those affected by the earthquake by providing services in these regions and by making visa applications easier (Federal Ministry for European and International Affairs, 2023a). An exceptional admission of persons from the earthquake zone did not take place (Federal Ministry of the Interior, 2023f).

**72. Did your Member Country/Schengen State take any policy decisions to deploy or remove liaison officers to particular regions or countries in 2023 (ILO)?**

No significant changes in 2023.

**8.1.3 External Schengen border management**

**73. Were there any legal or policy developments in relation to the European harmonisation of external border controls of the Schengen area in 2023?**

**a. Entry/Exit System (EES)**

No significant changes in 2023.

**b. European Travel Information and Authorisation System (ETIAS)**

No significant changes in 2023.

**c. Schengen Information System (SIS)**

No significant changes in 2023.

**d. European Interoperability Framework**

No significant changes in 2023.

**e. European Integrated Border Management**

No significant changes in 2023.

**f. Other**

**Development:** Austrian decision makers repeatedly called for stronger support for EU Member States at the EU's external borders and for the provision of financial resources from the European Commission to protect the EU's external borders (Federal Chancellery, 2023a, 2023f; Federal Ministry of the Interior, 2023g, 2023h, 2023y, 2023ad, 2023ag). At an extraordinary European

**Major,** because there was considered to be an urgent need for the demands made.



**73. Were there any legal or policy developments in relation to the European harmonisation of external border controls of the Schengen area in 2023?**

Council meeting held on the initiative of Austria and the Netherlands on 9 and 10 February 2023, Austria and other EU Member States made various demands relating to EU external border control (Federal Chancellery, 2023a). The Federal Chancellor and the Federal Minister of the Interior subsequently committed to swiftly implementing the measures decided upon at this meeting (Federal Chancellery, 2023d; Federal Ministry of the Interior, 2023y; Parliamentary Administration, 2023f). The Federal Chancellor also highlighted the need for greater financial resources – for example, for Bulgaria, Romania and Finland – during various working discussions (Federal Chancellery, 2023a, 2023c, 2023d). Furthermore, in the context of negotiations for the EU Pact on Asylum and Migration, Austria advocated for measures such as stronger external border protection and compulsory external border procedures.<sup>97</sup>

**Objective:** The aim was to increase the effectiveness of EU external border controls (Federal Chancellery, 2023a).

**Driver:** According to the Federal Ministry of the Interior, the motivation for this development is that the European asylum system is under pressure from irregular migration. A reform of the European asylum and migration system and the Schengen rules was identified as an urgent need (Federal Ministry of the Interior, 2023ad).

**74. Were there any legal or policy developments in relation to Local Border Traffic Regimes in 2023?**

No significant changes in 2023.

**8.1.4 Situation at the internal borders**

**75. Were there any legal or policy developments in relation to the situation at the internal borders in the Schengen area during 2023?**

**Development:** The temporary internal border controls at the borders with Slovenia and Hungary were maintained in 2023. Accordingly, two orders were issued by the Federal Minister of the Interior, which initially provided for a reintroduction of the border

<sup>97</sup> Written input: Federal Ministry of the Interior, Unit V/A/5/a (EU Migration Affairs), 23 January 2024.

**75. Were there any legal or policy developments in relation to the situation at the internal borders in the Schengen area during 2023?**

controls from 12 May 2023 to 11 November 2023<sup>98</sup> and finally from 12 November 2023 to 11 May 2024.<sup>99, 100</sup>

While the border controls remain in place, the internal border may only be crossed at designated border crossing points.

**Objective:** The aim was to guarantee peace, public order and security (Stiller, 2023:41) and to combat smuggling organizations (Federal Ministry of the Interior, 2023x).

**Driver:** According to the government programme, Austria’s internal border must be protected as long as the Austrian Federal Government regards the protection of the EU’s external borders as unsatisfactory (Austrian Federal Government, 2020:139).

The border controls at Austria’s borders with Slovenia and Hungary have been in place since autumn 2015 (Stiller, 2023:42). The decision to reintroduce the controls was made following an assessment of the facts<sup>101</sup> and justified in 2023 on the grounds of pressure on the asylum system, high migratory pressure at the EU’s external border with the Republic of Türkiye and the Western Balkans, the threat of arms trafficking and criminal networks due to the war in Ukraine, and human trafficking (European Commission, 2023).

**Development:** A regulation<sup>102</sup> by the Federal Minister of the Interior came into force on 4 October 2023, reintroducing temporary border controls at the border with Slovakia for a period of 10 days. The duration of the controls was subsequently amended by regulation four times, most recently by two months until 2 February 2024.<sup>103</sup>

**Objective:** The aim was to guarantee peace, public order and security (Stiller, 2023:42). Another objective of reintroducing the border controls was to prevent the

<sup>98</sup> Temporary reintroduction of border controls at the internal borders with Slovenia and Hungary, FLG. II No. 143/2023.

<sup>99</sup> Temporary reintroduction of border controls at the internal borders with Slovenia and Hungary, FLG. II No. 326/2023.

<sup>100</sup> Written input: Federal Ministry of the Interior, Department V/B/6 (Integrated Border Management), 23 January 2024.

<sup>101</sup> Written input: Federal Ministry of the Interior, Joint Coordination Platform, 19 January 2024.

<sup>102</sup> Temporary reintroduction of border controls at the internal borders with the Slovak Republic, FLG. II No. 295/2023.

<sup>103</sup> Temporary reintroduction of border controls at the internal borders with the Slovak Republic, FLG. II No. 295/2023, in the version of FLG. II No. 349/2023.

**75. Were there any legal or policy developments in relation to the situation at the internal borders in the Schengen area during 2023?**

shifting of smuggling routes towards Austria (Federal Ministry of the Interior, 2023w).

**Driver:** The border controls at the border with Slovakia were first introduced in 2022 (Stiller, 2023:42), however, they were subsequently converted into border area controls (Provincial Police Directorate of Burgenland, 2023a). The reasons cited for reintroducing the border controls in October 2023 were a high migratory pressure, the increase in attacks in the Western Balkans, extensive secondary movement of migrants, pressure on the asylum system, and a risk of trafficking in human beings (European Commission, 2023). The respective regulations were issued in close agreement with Poland and Czechia (Federal Ministry of the Interior, 2023w).

**Development:** On 18 October 2023, temporary border controls were introduced at the border with Czechia for the first time. The regulation<sup>104</sup> provided for border controls for a 10-day period. The duration of the controls was subsequently amended by regulation four times, most recently by two months until 16 February 2024.<sup>105</sup>

**Objective:** The aim was to guarantee peace, public order and security (Stiller, 2023:41) and to combat smuggling organizations (Federal Ministry of the Interior, 2023x).

**Driver:** Reasons cited for introducing new border controls at the border with Czechia were high migratory pressure on the migration routes towards Central Europe, extensive secondary movement of migrants, the increase in smuggling of migrants, and the increased security risk from terrorist threats following the events in the Middle East (European Commission, 2023).

<sup>104</sup> Temporary reintroduction of border controls at the internal borders with the Czech Republic, FLG. II No. 308/2023.

<sup>105</sup> Temporary reintroduction of border controls at the internal borders with the Czech Republic, FLG. II No. 308/2023, in the version of FLG. II No. 382/2023.

## 8.2 Other developments in Border Management and Visa Policy

*This section collects information on developments which fall outside or go beyond the Schengen acquis. For border management this relates to developments which fall within national competence such as bilateral agreements with third countries. Regarding visa policy this includes developments within national competence which impact both short stay or long stay visas (e.g. institutional developments) and developments in national policies regarding long stay visas.*

### 76. Were there any developments in relation to border management (other than Schengen borders) in 2023?

**Development:** The annual European Migration Network (EMN) Austria National Conference was held in Vienna on 26 September 2023 with the title Opportunities and Challenges in the Management of EU's External Borders. The conference provided room for a timely discussion of the effective and humanitarian protection of the EU's external borders and issues relating to the Schengen system. The need for strengthened cooperation with third countries, sustainable solutions for maritime borders (Search & Rescue) and strategies for preventing the instrumentalization of migration were also discussed.<sup>106</sup>

**Objective:** The aim of the conference was to bring together political decision makers, practitioners and experts from Europe and the USA, to offer a space for discussions on the status quo, current challenges and policy and legal developments, and to facilitate an exchange of experiences and strategies.<sup>107</sup>

**Driver:** The management of the EU's external borders and the Schengen system have been at the top of the political agenda for years, both at EU level and at national level, including, most recently, as part of negotiations for the Pact on Asylum and Migration.<sup>108</sup>

### 77. Were there any developments in relation to agreements or other forms of bilateral cooperation with third countries that were entered into in 2023 with an objective of strengthening operational capacity in control of external borders?

**Development:** On 17 November 2023, the Federal Minister of the Interior together with the Danish Minister for Migration opened a new training centre for Tunisian border protection in Nefta, Tunisia. Established with Austrian and Danish support, the training centre is intended to strengthen Tunisian border protection. The two ministers met for working discussions in Tunisia prior to this, on 15 and 16 November. Austria and Denmark work closely together on matters relating to

<sup>106</sup> Written input: Federal Ministry of the Interior, Unit V/A/5/c (International Migration Communication and Research), 23 January 2024.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

**77. Were there any developments in relation to agreements or other forms of bilateral cooperation with third countries that were entered into in 2023 with an objective of strengthening operational capacity in control of external borders?**

migration and cooperation with third countries (Federal Ministry of the Interior, 2023ab).

**Objective:** The primary aim of the new training centre is to provide solid training for Tunisian border guards. By extension, this should also help to regulate future migration flows from Tunisia to Europe. Irregular migration and identifying smuggling activities are other key focal points (Federal Ministry of the Interior, 2023ab, 2023ac).

**Driver:** The Federal Minister of the Interior identified a need for close cooperation with countries of origin or transit regarding the situation at the EU's external borders and in order to reduce irregular migration within Europe (Federal Ministry of the Interior, 2023ad). Tunisia was seen as an important partner in the Mediterranean region in this connection. Border security is important to Austria, especially due to the high numbers of applications for asylum received from Tunisians in 2022; indeed, Tunisia was the fourth-largest group in this regard (Federal Ministry of the Interior, 2023ab, 2023ac). Austria initiated the founding of the training centre a few years ago (Federal Ministry of the Interior, 2023ab, 2023ac).

**78. Were there any legal or policy developments in relation to visa policy falling under national competence in 2023?**

No significant changes in 2023.

## 9. IRREGULAR MIGRATION

There is no universally accepted definition of irregular migration. From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorisation or documents required under immigration regulations (Source: Note 1 to definition of [Irregular Migration](#) EMN Glossary, v9.0).

### 9.1 Preventing the Arrival of Irregular Migrants

#### 9.1.1 Monitoring and Identifying Irregular Migration Routes

##### 79. Were there any legal, policy or practice developments with regard to identifying and/or monitoring irregular migration routes in 2023?

**Development:** The Austrian Embassy in Baghdad was reopened on 12 September 2023 (Federal Ministry for European and International Affairs, 2023h). The Federal Minister for European and International Affairs travelled to Baghdad for the occasion and held working meetings with members of the government, which focused on various issues, including irregular migration. The reopening of the Austrian embassy has strengthened the Austrian early warning system with regard to current migration flows and developments (Federal Ministry for European and International Affairs, 2023h).

**Objective:** The aim was to strengthen links between Austria and Iraq.

**Driver:** Since the situation in Iraq can impact on migration flows to Austria and the EU, the Federal Ministry for European and International Affairs saw Iraq as an important partner with a stabilizing function (Federal Ministry for European and International Affairs, 2023h).

##### 80. Were there any legal, policy or practice developments in relation to data collection regarding irregular arrivals in 2023?

No significant changes in 2023.

#### 9.1.2 Combatting Facilitation of Unauthorised Entry (Migrant Smuggling)

##### 81. Were there any legal or policy developments aimed at combatting facilitation of unauthorised entry (migrant smuggling) in 2023?

**Development:** The Federal Ministry of the Interior endeavoured to reduce irregular migration and lower the number of asylum applications in Austria. At a press conference on 31 July 2023, the Federal Minister of the Interior commented on the measures taken in the first half of the year. These included the implementation of border controls (see [8.1.4/Question 75](#)) and measures to combat smuggling networks, including participation in border point and border area controls in other

**Major** because the reduction of irregular migration was a priority of the Federal Ministry of the Interior.

**81. Were there any legal or policy developments aimed at combatting facilitation of unauthorised entry (migrant smuggling) in 2023?**

countries (see [9.1.2./Question 82](#)). Among other things, the Federal Ministry of the Interior assisted Hungary, Serbia and North Macedonia in carrying out border point controls, either through the direct local presence of Austrian police officers or appropriate technical assistance (Federal Ministry of the Interior, 2023p, 2023q, 2023ae; Federal Office for Immigration and Asylum, 2023b). Austria also participated in international border area controls, such as Operation Fox (Federal Ministry of the Interior, 2023k), which was extended until the end of May 2024 by a decree issued by the Federal Minister of the Interior on 2 June 2023 (Federal Ministry of the Interior, 2023d:8). In addition, the Federal Minister highlighted other measures to curb irregular migration, including the implementation of accelerated asylum procedures in cases with a low likelihood of being granted international protection (e.g. persons from Morocco, Bangladesh or India) and the systematic implementation of removals from the country (Federal Ministry of the Interior, 2023f:6, 2023t; Federal Office for Immigration and Asylum, 2023b).

**Objective:** The measures were aimed at combating irregular migration, preventing smuggling activities and, more generally, reducing the number of applications for international protection in Austria, especially those from persons with a low likelihood of being granted international protection (Federal Ministry of the Interior, 2023m).

**Driver:** In 2022, applications for international protection in Austria reached a new high at 112,000 applications.<sup>109</sup> In order to avoid the system becoming overburdened, various measures were introduced in 2022 and continued in 2023 (Parliamentary Administration, 2023c). Whereas in the EU, applications for international protection increased in the first half of 2023 compared to the previous year, there was a sharp drop in the number of applications in Austria (Federal Ministry of the Interior, 2023t).

**Development:** On 26 April 2023, Austria and Romania agreed on a bilateral action plan to combat smuggling activities. Among other things, the action plan provided for the possibility of carrying out joint patrols on the Hungarian border with Romania (Provincial Police Directorate of Burgenland, 2023b). Furthermore, mutual assistance was agreed through the deployment of police and contact officers (Federal Ministry of the Interior, 2023m, 2023s).

<sup>109</sup> Written input: Federal Ministry of the Interior, Department V/B/8 (Asylum) in coordination with Unit III/A/4/c (Foreign National Legislation), 23 January 2024.

**81. Were there any legal or policy developments aimed at combatting facilitation of unauthorised entry (migrant smuggling) in 2023?**

Based on a written agreement between the Austrian Minister of the Interior and his Romanian counterpart, Romanian liaison officers are also regularly deployed to the Joint Coordination Platform (JCP) to strengthen collaboration in the fight against irregular migration.<sup>110</sup>

**Objective:** The aim was to deepen collaboration between Austria and Romania, as well as to prevent smuggling activities (Federal Ministry of the Interior, 2023m, 2023s; Provincial Police Directorate of Burgenland, 2023b).

**Driver:** Austria sees Romania as an important partner in migration issues, primarily due to its geographical position on the EU's external borders and given the high incidence of smuggling activities and numerous irregular migration routes (Parliamentary Administration, 2023e). In 2023, the Federal Ministry of the Interior focused on combating smuggling activities and irregular migration (Federal Ministry of the Interior, 2023s; Provincial Police Directorate of Burgenland, 2023b).

**Development:** The Austrian-Bulgarian Action Plan on Preventing Illegal Migration was agreed during a working visit to Bulgaria from 5 to 7 June 2023 by representatives of the Criminal Intelligence Service Austria and the Federal Police Directorate. Further talks and collaboration within the framework of the Operational Task Force Migrant Smuggling were also planned (Criminal Intelligence Service Austria, 2023a).

**Objective:** The aim of the action plan was to improve collaboration between Austria and Bulgaria in the fight against crime and efforts to restrict irregular migration (Federal Criminal Intelligence Service Austria, 2023a).

**Driver:** Bulgaria was seen as an important partner in restricting irregular migration, particularly because of Bulgaria's geographical position on the EU's external borders as a direct neighbour of the Republic of Türkiye and the high incidence of smuggling activities (Federal Criminal Intelligence Service Austria, 2023a; Parliamentary Administration, 2023e).

**82. Were there any legal or policy developments aimed at combatting migrant smuggling networks in 2023?**

**Development:** Numerous targeted operations against smuggling networks were carried out in 2023 (Federal Ministry of the Interior, 2023n, 2023o). The Joint Operational Office of the Criminal Intelligence Service

<sup>110</sup> Written input: Federal Ministry of the Interior, Joint Coordination Platform, 19 January 2024.



**82. Were there any legal or policy developments aimed at combatting migrant smuggling networks in 2023?**

Austria played a coordinating role in many large-scale cross-border operations (Federal Criminal Intelligence Service Austria, 2023b; Federal Ministry of the Interior, 2023o, 2023z).

**Objective:** The aim was to take action against smuggling networks.

**Driver:** Restricting smuggling activities was an area of focus for the Federal Ministry of the Interior in 2023 (Federal Ministry of the Interior, 2023n, 2023z). The Joint Operational Office in Vienna was set up in 2016, since which time it has been coordinating cross-border investigations and measures to combat smuggling networks (Federal Ministry of the Interior, 2023o).

**83. Were there any legal, policy, or practice developments in 2023 to prevent, identify and/or investigate fraudulent acquisition and use of false travel documents for travelling to your country?**

No significant changes in 2023.

**9.1.3 Preventing Irregular Migration through Information Provision**

**84. Were there any legal, policy or practice developments aimed at providing information to prevent irregular migration from countries of origin and transit through information provision in 2023?**

**Development:** The Federal Ministry of the Interior financed and/or implemented various information campaigns in 2023. Three AMIF information campaigns (Union Actions) co-financed by the Federal Ministry of the Interior and other EU Member States were launched in April and May 2023:

- The International Centre for Migration Policy Development (ICMPD) projects PARIM II in Pakistan and MIRAMI in Iraq began their activities with preparatory research and by developing specific communication strategies.
- The Seefar project Pathways EMR-WBR comprises social media interventions and online and telephone counselling on migration in numerous countries of origin and along the Eastern Mediterranean and Western Balkan routes. A central element of the project is the specially developed online platform, which was launched in November 2023 and offers interactive training on the risks of irregular migration, the situation in transit countries, alternatives and other issues.

In addition, the Federal Ministry of the Interior's online campaign Myths about Migration was extended for a

**84. Were there any legal, policy or practice developments aimed at providing information to prevent irregular migration from countries of origin and transit through information provision in 2023?**

further project and funding phase in December 2023. The campaign is available online in eight countries of origin and transit relevant to Austria.<sup>111</sup>

**Objective:** The aim of the measures is to provide fact-based information in countries of origin on the dangers of irregular migration (e.g. smuggling), the conditions in European countries of destination (e.g. complex asylum procedures) and on regular alternatives and prospects in the regions of origin and transit.<sup>112</sup>

**Driver:** Information campaigns are seen as an important component of international migration policy to correct misinformation regarding migration and establish fact-based counter-narratives.<sup>113</sup>

**9.1.4 Cooperation with Third Countries to Prevent Irregular Migration**

**85. Were there any legal or policy developments in relation to establishing cooperation with new or existing partner third countries in 2023 to prevent irregular migration?**

**Development:** On 28 February 2023, Austria and Morocco signed a joint declaration covering cultural, economic and industrial issues as well as migration-related topics.<sup>114</sup> Among other things, the declaration created the basis for future collaboration in the area of irregular migration (Federal Ministry of the Interior, 2023i). A working group was set up to ensure the continuation of this collaboration (Federal Ministry of the Interior, 2023b:2). See also [11.4/Question 108](#).

**Objective:** The aim was to reduce irregular migration from Morocco to Austria. The agreement also aimed to facilitate the return of Moroccan nationals (Federal Ministry of the Interior, 2023i).

**Driver:** In January 2023, around a third of all applications for international protection in Austria were from Moroccan nationals. According to the Federal Ministry of the Interior, 90 per cent of Moroccan applicants came to Austria by way of smuggling activities (Federal Ministry of the Interior, 2023i).

**Major,** because the reduction of irregular migration was a priority of the Federal Ministry of the Interior and because cooperative partnerships with third countries are becoming increasingly important for Austria.

<sup>111</sup> Written input: Federal Ministry of the Interior, Unit V/A/5/c (International Migration Communication and Research), 23 January 2024.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Written input: Federal Ministry of the Interior, Unit V/A/5/b (International Migration Affairs), 19 January 2024.

**85. Were there any legal or policy developments in relation to establishing cooperation with new or existing partner third countries in 2023 to prevent irregular migration?**

**Development:** The Migration and Mobility Partnership Agreement between Austria and India, which came into force on 1 September 2023 (see also [2.2./Question 5](#) and [11.4./Question 108](#)), includes measures to combat irregular migration such as the development of a joint work programme, provisions on sharing information, encouraging skilled worker mobility and cooperation in the area of return.<sup>115</sup> In the event of a significant increase in or a significant volume of irregular migration of nationals of one party to the territory of the other party, a joint working group will analyse the situation and propose concrete measures to reduce the number of irregular migrants.<sup>116</sup>

**Objective:** The aim was to strengthen collaboration between Austria and India in efforts to restrict irregular migration, smuggling activities and trafficking in human beings.<sup>117</sup> For information on the other objectives of the agreement, see [2.2./Question 5](#) and [11.4./Question 108](#)).

**Driver:** See [2.2./Question 5](#).

**Major,** because it is the first comprehensive migration and mobility partnership agreement that Austria has concluded with a third state.

**Development:** On 11 September 2023, Austria signed a Memorandum of Understanding (MoU) in the area of security with Iraq during a working visit by the Federal Minister for European and International Affairs to Baghdad.<sup>118</sup> The parties agreed on the regular sharing of knowledge, experience, expertise and research as well as the implementation of joint projects. The MoU also focused on the deployment of document advisors, who would run training courses (Federal Ministry of the Interior, 2023u).

Non-binding agreements were also signed with other countries, including a MoU between Austria, Hungary and Serbia (Federal Chancellery, 2023h).<sup>119</sup>

**Objective:** The aim of the MoU was to intensify cooperation between Austria and Iraq in various areas, including irregular migration (Federal Ministry of the Interior, 2023u).

<sup>115</sup> Written input: Federal Ministry of the Interior, Unit V/A/5/b (International Migration Affairs), 19 January 2024.

<sup>116</sup> Art. 13 Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

<sup>117</sup> Art. 1 subpara 4 Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

<sup>118</sup> Written input: Federal Ministry for European and International Affairs, 25 January 2024.

<sup>119</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 2 February 2024.

**85. Were there any legal or policy developments in relation to establishing cooperation with new or existing partner third countries in 2023 to prevent irregular migration?**

**Driver:** Iraq signalled its interest in closer cooperation with Austria back in 2019 and two declarations of intent have been signed since then in the area of migration (Federal Ministry of the Interior, 2023u), see also [11.4./Question 108](#). The MoU, which was signed during a working visit to Iraq by the Federal Minister for European and International Affairs, focused on restricting irregular migration and increasing Austrian support for Iraq (Federal Ministry for European and International Affairs, 2023h; Federal Ministry of the Interior, 2023u). See also [9.1.1./Question 79](#).

**Development:** On 2 November 2023, during a working visit by the British Home Secretary to Vienna, Austria and the United Kingdom signed a police cooperation agreement that focused on sharing information on irregular migration and combating terrorism (Federal Ministry of the Interior, 2023aa).

**Objective:** The main aim was to share information on irregular migration and combating terrorism, with a focus on learning from each other and the transfer of expertise (Federal Ministry of the Interior, 2023aa).

**Driver:** According to the Federal Ministry of the Interior, despite a 50 per cent decrease in 2023, the number of asylum applications in Austria is still too high. In signing the agreement, the Federal Ministry of the Interior wanted to benefit from British experience in terms of migration management strategies (Federal Ministry of the Interior, 2023aa).

**Development:** In December 2023, the Joint Coordination Platform (JCP) began implementing a regional project that supports the Western Balkan partners, particularly in terms of improving contacts with countries of origin of irregular migrants. The project is being implemented together with the Netherlands and in close liaison with Frontex.<sup>120</sup>

The first phase of the project is being funded by the Netherlands. Further support is being sought from the European Commission.<sup>121</sup>

**Objective:** The aims are: (1) improved information and faster identification, (2) improved cooperation with countries of origin, (3) facilitated forced return of persons who have no right of residence, and (4) reduction of potential smuggling activities.<sup>122</sup>

<sup>120</sup> Written input: Federal Ministry of the Interior, Joint Coordination Platform, 19 January 2024.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

**85. Were there any legal or policy developments in relation to establishing cooperation with new or existing partner third countries in 2023 to prevent irregular migration?**

**Driver:** The project is being implemented alongside ongoing bilateral support in capacity building in the area of forced return and assistance in border protection. Needs mapping was used to identify the need for regional support.<sup>123</sup>

**9.2 Preventing Irregular Stay**

**86. Were there any legal or policy developments introduced in 2023 to prevent and /or tackle irregular migration through misuse<sup>124</sup> of the following legal migration channels?**

**a. Visa liberalisation (including monitoring the effects of visa-free regimes in your country)**

No significant changes in 2023.

**b. Legal migration for the purpose of work (e.g. overstay, misuse of rights granted by a permit etc.)**

No significant changes in 2023.

**c. Legal migration for the purpose of study and research (e.g. overstay, misuse of rights granted by a permit etc.)**

No significant changes in 2023.

**d. Family reunification (e.g. sham marriages, misuse of rights granted by a permit etc.)**

No significant changes in 2023.

**87. Were there any legal or policy developments aimed at preventing irregular stay and combatting facilitation of irregular stay, including disincentives and sanctions in 2023?**

No significant changes in 2023.

**88. Were there any legal or policy developments aimed at preventing employment of irregular migrants, including sanctions against employers in 2023?**

No significant changes in 2023.

**9.3 Access to Services and Legal Solutions for Irregularly Staying Migrants**

**89. 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 2023?**

No significant changes in 2023.

<sup>123</sup> Written input: Federal Ministry of the Interior, Joint Coordination Platform, 19 January 2024.

<sup>124</sup> Misuse in this context refers to a serious breach of EU or national law.

**90. Were there any legal or policy developments in relation to legal solutions for irregularly staying migrants (e.g. tolerated stays, regularisation schemes for particular groups) in 2023?**

No significant changes in 2023.	
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**91. Were there any other legal or policy developments regarding irregular migration (i.e. developments not specifically tied to one of the categories or topics already covered above) in 2023?**

No significant changes in 2023.	
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## 10. TRAFFICKING IN HUMAN BEINGS

### 10.1 National Strategic Policy Developments

**92. Were there any legal or policy developments regarding the prevention and/or the fight against trafficking in human beings of third-country nationals (e.g. new legal or institutional framework, national action plans or national strategies introduced) during 2023?**

**Development:** In 2023, several meetings of the Task Force on Combating Human Trafficking were held under the chairmanship of the Federal Ministry for European and International Affairs. The task force includes representatives from all relevant federal ministries and government agencies, the provinces, social partners and specialized non-governmental organizations.<sup>125</sup> In December 2023, a draft of the seventh National Action Plan on Combating Human Trafficking was negotiated within the Task Force on Combating Human Trafficking. The draft sets out numerous new measures with a focus on prevention, victim protection and prosecution, labour exploitation, combating child trafficking and the participation of affected persons when drafting the new action plan for the period 2024–2027.<sup>126</sup>

**Objective:** The aim is to coordinate and intensify Austrian measures against trafficking in human beings. The fight against trafficking in human beings is a priority issue in Austrian foreign policy. The Federal Ministry for European and International Affairs states that Austria pursues a comprehensive approach centred on human rights and trafficked persons.<sup>127</sup>

**Driver:** Trafficking in human beings is a serious violation of human rights and human dignity. The Task Force on Combating Human Trafficking was set up by the Federal Government in 2004 to coordinate and intensify Austrian measures against trafficking in human beings. The main task of the task force is to draw up national action plans to combat such trafficking and to monitor their implementation. The sixth National Action Plan on Combating Human Trafficking was implemented between 2021 and 2023 (Federal Ministry for European and International Affairs, n.D.).

**Major,** because Austria is affected by trafficking in human beings as a transit and destination country, and only a nationally coordinated approach can guarantee that such trafficking is effectively combated.

<sup>125</sup> Written input: Federal Ministry for European and International Affairs, 25 January 2024.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

## 10.2 Detection and Identification of Victims

### 93. Were there any developments in relation to the detection and identification of third-country national victims (including applicants for international protection) in 2023?

#### a. Training and awareness raising

**Development:** The annual Vienna Conference on Combating Trafficking in Human Beings took place on 19 October 2023 to coincide with EU Anti-Trafficking Day. The title of the conference was Boundaries and Frontiers in Human Trafficking (Federal Ministry for European and International Affairs, 2023d). In addition to numerous specialists and a total of over 600 participants (in person and online), the UN High Commissioner for Human Rights, the EU Anti-Trafficking Coordinator and the Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings were also invited.<sup>128</sup>

**Objective:** The aim of the conference was to raise public awareness of the issue of trafficking in human beings and to promote knowledge sharing in relation to best practice.<sup>129</sup>

**Driver:** The Vienna Conference on Combating Trafficking in Human Beings takes place annually.

**Development:** In December 2023, a training course on child trafficking was offered to employees of the Federal Office for Immigration and Asylum for the first time. The eight-hour course took place online and was conducted by the International Organization for Migration (IOM) Country Office for Austria, the Criminal Intelligence Service Austria, the LEFÖ Intervention Center for Trafficked Women, ECPAT Austria and the City of Vienna Child and Youth Welfare Service Crisis Centre. The training was attended by 15 members of staff from the Federal Office for Immigration and Asylum and will take place again in 2024.<sup>130</sup>

**Objective:** The aim of this training initiative was (1) to improve the identification of children affected or potentially affected by procedures relating to asylum and the rights of foreign nationals, (2) to improve the protection of affected or potentially affected children, and (3) to improve the awareness of risks and the protection of children from exploitation in procedures relating to asylum and the rights of foreign nationals.<sup>131</sup>

**Driver:** The training was held to supplement the introductory training sessions on trafficking in human

<sup>128</sup> Written input: Federal Ministry for European and International Affairs, 25 January 2024.

<sup>129</sup> Ibid.

<sup>130</sup> Written input: International Organization for Migration (IOM) Country Office for Austria, Counter Trafficking, 11 December 2023.

<sup>131</sup> Ibid.



**93. Were there any developments in relation to the detection and identification of third-country national victims (including applicants for international protection) in 2023?**

beings that have been conducted since 2014 by IOM Austria together with specialist organizations for the Federal Office for Immigration and Asylum. The need was identified by IOM during previous training courses on trafficking in human beings. Staff from the Federal Office for Immigration and Asylum identified the need for training specifically on the issue of child trafficking.<sup>132</sup>

**b. Measures on cooperation between national authorities**

**Development:** See [10.1/Question 92](#).

**c. Measures on cooperation between (Member) States**

No significant changes in 2023.

**d. Other**

No significant changes in 2023.

**94. Were there any developments in 2023 in relation to national referral mechanisms (or equivalent systems) for victims of trafficking?**

No significant changes in 2023.

**10.3 Protection of Victims**

**95. Were there any developments regarding the provision of a reflection period and/or legal residence for (presumed) third-country national victims of trafficking in human beings) during 2023?**

**Development:** In June 2023, the Federal Office for Immigration and Asylum updated its internal guidelines for staff with responsibility for decisions under the Dublin III Regulation and added a chapter on trafficking in human beings. The new chapter describes the protection obligations of public authorities, including the need to carry out an individual assessment of each case to determine whether transfer poses a serious risk of re-traumatization or re-trafficking (European Migration Network, forthcoming).

**96. Were there any developments regarding protection (the provision of assistance to and support of (presumed) third-country national victims of trafficking in human beings during 2023?**

**Development:** In May 2023, the Vienna Chamber of Labour held a press conference on a major case of

<sup>132</sup> Written input: International Organization for Migration (IOM) Country Office for Austria, Counter Trafficking, 11 December 2023.

**96. Were there any developments regarding protection (the provision of assistance to and support of (presumed) third-country national victims of trafficking in human beings during 2023?**

human trafficking for the purpose of labour exploitation involving a group of over 60 Iraqi asylum-seekers. The press conference was widely covered in the media, helping to inform the public and highlight exploitative and illegal business models.

In 2023, the trafficked persons received psychosocial and legal support in criminal proceedings from MEN VIA, the Austrian victim protection organization for men affected by trafficking in human beings. The UNDOK (drop-in centre for undocumented workers) provided support in labour law proceedings. Legal representation in asylum and residence law proceedings was also provided in partnership with the Caritas Vienna Asylum Legal Advice Service. In some cases, it proved possible to achieve residence status and potential entry into the labour market for these people.<sup>133</sup>

**Objective:** To inform the public and create awareness of a specific and major case of trafficking in human beings.<sup>134</sup>

**Driver:** The driver was the discovery of a major case of human trafficking in 2022.<sup>135</sup>

**Development:** The Federal Ministry of Social Affairs, Health, Care and Consumer Protection funded various projects in 2023:<sup>136</sup>

- MEN VIA victim protection centre for trafficked men (together with the Federal Ministry of the Interior);
- UNDOK drop-in centre for workers without or with uncertain residence status or restricted access to the labour market who are affected by extreme exploitation;
- Legal advice (in Arabic, Bulgarian, Ukrainian, Romanian and Russian) from the Austrian Trade Union Federation for migrants who find themselves in a precarious social situation (together with the Federal Ministry of Labour and Economic Affairs, started in 2023).

As part of the implementation of the National Action Plans on Combating Human Trafficking, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection has been funding the following Social Responsibility Network projects for the prevention of labour exploitation in supply chains since 2023:

<sup>133</sup> Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 23 January 2024.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

**96. Were there any developments regarding protection (the provision of assistance to and support of (presumed) third-country national victims of trafficking in human beings during 2023?**

- Project *Implementation of the EU Supply Chain Act using the example of the cocoa sector (2022–2023)*;
- Project *Potential of current EU legislative proposals to combat labour exploitation and forced labour along global value chains (2023–2025)*.

**Objective:** To combat labour exploitation and forced labour along global value chains.

**Driver:** Upcoming approval of the EU Supply Chain Act and the existence of labour exploitation and forced labour along global value chains.

**97. Were there any legal or policy developments at national level in relation to the protection of third-country national minors who are (presumed) victims of human trafficking in 2023?**

No significant changes in 2023.

**98. Were there any developments in relation to the provision of information to (presumed) third-country national victims (including applicants for international protection) in 2023?**

No significant changes in 2023.

## 10.4 Cooperation with Third Countries

**99. Were there any developments involving cooperation with third countries on the prevention and fight against trafficking in human beings in 2023?**

**Development:** Between 8 and 15 May 2023, Austria led a global campaign to combat trafficking in human beings for the purposes of sexual exploitation, begging and criminality. Operation Global Chain was implemented in 44 countries and coordinated by Europol, Frontex and Interpol. The operation involved police, immigration and border control agencies, transport police, social services and child protection services, with around 130,000 officials deployed. The operation resulted in 212 arrests and the identification of 1,426 potential trafficked persons, while 244 new investigations were initiated (Europol, 2023; Federal Ministry of the Interior, 2023r).

**Objective:** The main aim was to identify and protect trafficked and potentially trafficked persons and to refer them to appropriate support centres. Specific actions targeted the detection and disruption of organized crime groups, particularly those from South America, Asia,

**99. Were there any developments involving cooperation with third countries on the prevention and fight against trafficking in human beings in 2023?**

Africa, the Western Balkans and Ukraine (Europol, 2023; Federal Ministry of the Interior, 2023r).

**Driver:** The operation was organized and carried out within the framework of EMPACT Joint Action Days.

**10.5 Beneficiaries of Temporary Protection**

**100. Were there any developments in relation to the fight against trafficking in human beings of beneficiaries of temporary protection in 2023?**

**Development:** Operation Global Chain targeted issues such as the identification of trafficking in human beings from Ukraine. See also [10.4/Question 99](#).

**Objective:** See [10.4/Question 99](#).

**Driver:** See [10.4/Question 99](#).

# 11. Return and Readmission

## 11.1 Forced Return

### 101. Were there any legal or policy developments in relation to forced return of irregular migrants and unsuccessful international protection applicants in 2023?

No significant changes in 2023.

### 102. Were there any developments at national level regarding participation in Joint Return Operations in 2023?

**Development:** In 2023, almost all charter returns organized by Austria were carried out as Frontex Joint Return Operations (JROs), unless otherwise stipulated by third countries. This represents one pillar of an effective strategy employed at the Federal Office for Immigration and Asylum for removals from the country. The second pillar is close cooperation with other EU Member States. Bilateral exchange was further expanded in 2023.<sup>137</sup> A particular area of focus was on the forced return of individuals who have been convicted of crimes (Federal Office for Immigration and Asylum, 2023c).

**Objective:** The aim was to enable the forced return of people who were subject to removal orders but who had not left the country (Federal Office for Immigration and Asylum, 2023c).

**Driver:** Austria has participated in and implemented JROs for more than a decade.<sup>138</sup> The Federal Office for Immigration and Asylum initiates forced returns in accordance with legal requirements in cases where the obligation to leave the country voluntarily is not fulfilled. In addition, joint charter returns are seen as a sign of a common return policy and thus as an essential element of the European migration system (Federal Office for Immigration and Asylum, 2023c).

## 11.2 (Assisted) Voluntary Return and Reintegration

### 103. Were there any legal or policy developments with regard to (assisted) voluntary return in 2023?

**Development:** The Federal Agency for Reception and Support Services was presented as a best-practice example of integrated and effective return management at the High-Level Network on Returns, which took place in Vienna on 14 and 15 June 2023. Representatives and relevant experts from all EU Member States and Schengen-associated countries took part in the

<sup>137</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

<sup>138</sup> Ibid.

**103. Were there any legal or policy developments with regard to (assisted) voluntary return in 2023?**

conference. Challenges, trends and problems in the area of return and reintegration were discussed and the common strategic approach was outlined. The Federal Agency gave a presentation on its tasks and functions in the context of return counselling and return assistance (Federal Agency for Reception and Support Services, 2023a).

**Objective:** The aim of the conference was to bring together stakeholders in the area of return and reintegration. and thus contribute to an exchange of experiences and strategies. The presentation of the Federal Agency for Reception and Support Services as an example of best practice was intended to promote the transfer and further development of expertise, as well as to bring about an increasing standardization of processes in the area of return and reintegration within the EU (Federal Agency for Reception and Support Services, 2023a).

**Driver:** The national strategies and approaches applied in the EU Member States in the area of return and reintegration continue to differ greatly. Several attempts at Europe-wide harmonization have been made in the past (Federal Agency for Reception and Support Services, 2023a).

**Development:** In the second half of the year, the Federal Ministry of the Interior implemented a package of measures to promote voluntary return to Iraq, which included a special campaign for voluntary returnees from 3 October to 31 December 2023. Individuals who submitted an application for voluntary return during the campaign received an additional EUR 1,000 per person (maximum EUR 3,000 per family) in return assistance (Federal Agency for Reception and Support Services, 2023d; Federal Office for Immigration and Asylum, 2023d). A particular focus was placed on the procurement of replacement travel documents for Iraqi nationals. The organization of new return counselling sessions for all Iraqis subject to removal orders was also part of the package of measures. As part of a pilot project by the Frontex Joint Reintegration Counselling Missions (JRCM), two reintegration counsellors from Iraq were also involved and provided clearer information on the prospects in Iraq as a country of return. Various online and in-person communication measures were also implemented, along with measures in the area of return.<sup>139</sup>

<sup>139</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

**103. Were there any legal or policy developments with regard to (assisted) voluntary return in 2023?**

**Objective:** The aim was to create additional incentives for voluntary return to Iraq (Federal Agency for Reception and Support Services, n.D., 2023d).

**Driver:** The background was improved cooperation with Iraq on the issue of return (see [11.4./Question 108](#)).

**Development:** In 2023, Austria offered Return with Prospects reintegration programmes for voluntary returnees in 40 countries of origin. The aim of the reintegration programmes was to facilitate a new start for individuals in their country of origin through counselling, training, financing of a business idea or medical assistance. The schemes were implemented primarily as part of the Frontex Joint Reintegration Services (JRS), as well as with other partners (International Organization for Migration (IOM), European Technology and Training Centre (ETTC), French Office for Immigration and Integration (OFII)) (Federal Ministry of the Interior, 2023e).<sup>140</sup>

In addition, a brochure entitled *Stories of Return and Reintegration*, produced by IOM Austria in collaboration with reintegration partners, was published in March 2023. The brochure was commissioned by the Federal Ministry of the Interior and contains information and accounts of experiences relating to the return and reintegration process (Federal Ministry of the Interior, 2023e).

**Objective:** The Return with Prospects initiative aimed to offer voluntary returnees individual support and facilitate their reintegration. The support programmes were also intended to help develop structures in the regions of origin and thus minimize future migration flows (Federal Ministry of the Interior, 2023e). The *Stories of Return and Reintegration* brochure was produced to help reach potential returnees and inform them about support services.<sup>141</sup>

**Driver:** Return and reintegration are key areas of focus for Austrian migration management, with a particular emphasis on the aspect of voluntary return (Federal Ministry of the Interior, 2023e).

<sup>140</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

<sup>141</sup> Ibid.

**103. Were there any legal or policy developments with regard to (assisted) voluntary return in 2023?**

**Development:** The Frontex Return Escort and Support Officer (FRESO) team continued to be deployed in Austria and was expanded in 2023. At the end of the year, 14 FRESO officers were deployed in Austria (five at Vienna Schwechat Airport and nine at the Federal Agency for Reception and Support Services). There was a positive evaluation of the FRESO deployments in Austria in November 2023 and a further extension is under way.<sup>142</sup>

**Objective:** The operational management of voluntary departure within the Federal Agency’s sphere of responsibility is to be further supported by increasing the number of FRESO officers and thus further prioritizing voluntary return.<sup>143</sup>

**Driver:** Austria supports the development of Frontex as an operational arm of the EU in the areas of forced and voluntary return.<sup>144</sup>

**104. Were there any legal or policy developments in relation to return counselling in 2023?**

No significant changes in 2023.

**105. Were there any legal or policy developments regarding reintegration measures in 2023?**

No significant changes in 2023.

**11.3 Detention**

**106. Were there any legal or policy developments regarding, detention, alternatives to detention of irregular migrants and unsuccessful international protection applicants in 2023, including minors and families with children?**

**a. Detention**

No significant changes in 2023.

**b. Alternatives to detention**

No significant changes in 2023.

**c. Other and/or crosscutting developments**

No significant changes in 2023.

<sup>142</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.



## 11.4 Cooperation with Countries of Origin and Transit

### 107. Were there any legal or policy developments regarding cooperation with third countries in 2023 on return and reintegration management?

**Development:** In a first joint outward mission from 13 to 16 March 2023, representatives of Austria and Germany, as well as Frontex, travelled to Pakistan together to discuss long-term collaboration in the area of return and reintegration with the relevant national authorities and international partners. As part of the joint outward mission, working discussions were held with representatives of the Pakistani Ministry of Interior and Foreign Affairs, the National Database and Registration Authority (NADRA) and international partners (Federal Ministry of the Interior, 2023j).

**Objective:** The aim was to promote collaboration in the area of return and reintegration, to hold in-depth discussions on return issues and to ensure the implementation of the EU readmission agreement (Federal Ministry of the Interior, 2023j).

**Driver:** Pakistan is an important partner of the Federal Ministry of the Interior in migration issues, particularly in the area of return and reintegration (Federal Ministry of the Interior, 2023j).

### 108. Were there any developments regarding cooperation with third countries in 2023 in other policy areas (border management, irregular migration, visa policy, sustainable development policies, including migration and mobility agreements) which included specific linkages to return management?

**Development:** Austria and Morocco signed a joint declaration on 28 February 2023. Return and reintegration were key components of the declaration (Federal Ministry of the Interior, 2023b:2).

A joint high-level working group was also set up to ensure cooperation on migration issues (Federal Ministry of the Interior, 2023b:2). An operational working agreement relating to preparation for return was adopted at the meeting of the high-level working group on 26 May 2023 in Vienna (Federal Ministry of the Interior, 2023a:8).

**Objective:** One of the main aims of the declaration was to strengthen collaboration in the area of return. The declaration also aimed to ensure the swift removal from the country of criminal offenders (Federal Ministry of the Interior, 2023a, 2023b).

**Driver:** Cooperation with Morocco is particularly important with regard to return preparation (establishing nationality and issuing return travel

**108. Were there any developments regarding cooperation with third countries in 2023 in other policy areas (border management, irregular migration, visa policy, sustainable development policies, including migration and mobility agreements) which included specific linkages to return management?**

certificates) (Federal Ministry of the Interior, 2023a, 2023b). See also [9.1.4./Question 85](#).

**Development:** The Federal Minister for European and International Affairs received his Somali counterpart on 20 June 2023. The working meeting centred on the forced return of Somali nationals and the issue of irregular migration. The ministers announced the start of a structured dialogue on migration (Federal Ministry for European and International Affairs, 2023g).

**Objective:** The migration dialogue aims to deepen cooperation with Somalia, particularly in the areas of return, reintegration and restricting irregular migration (Federal Ministry for European and International Affairs, 2023g).

**Driver:** In recent years, Somalia has been one of the most important countries of origin for applications for international protection in Austria. According to the Federal Ministry for European and International Affairs, long-term cooperation with Somalia – and the regional stabilization associated with this – has a direct impact on European and Austrian security and is therefore a priority for Austria (Federal Ministry for European and International Affairs, 2023g).

**Development:** Austria and Armenia signed an implementation protocol for the readmission of irregular migrants on 18 July 2023.<sup>145</sup> Among other things, the protocol defines responsibilities, procedures, border crossing points and contact details.<sup>146</sup>

**Objective:** The aim was to strengthen and facilitate cooperation between Austria and Armenia in the readmission of persons staying irregularly.<sup>147</sup>

**Driver:** The implementing protocol builds on the strong bilateral links already in place.<sup>148</sup>

**Development:** On 20 July 2023, Austria and Iraq signed a declaration of intent on increased cooperation on migration issues (Federal Ministry of the Interior,

**Major** because this paved the way for the first bilateral agreement with Iraq in the

<sup>145</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024; Written input: Federal Ministry for European and International Affairs, 25 January 2024.

<sup>146</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

<sup>147</sup> Written input: Federal Ministry for European and International Affairs, 25 January 2024.

<sup>148</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

**108. Were there any developments regarding cooperation with third countries in 2023 in other policy areas (border management, irregular migration, visa policy, sustainable development policies, including migration and mobility agreements) which included specific linkages to return management?**

2023v). Based on this declaration, a charter return flight to Iraq was organized for the first time in October 2023.<sup>149</sup>

See also [9.1.4./Question 85](#) regarding the Memorandum of Understanding with Iraq, which was agreed in September 2023.

**Objective:** The aim was to strengthen cooperation with Iraq in the area of migration, to further promote the voluntary return and reintegration of Iraqi nationals, and to facilitate the forced return of Iraqi nationals.<sup>150</sup>

**Driver:** Iraq has been one of the main countries of origin in the areas of asylum, basic care and return for many years. Joint efforts to strengthen cooperation in the area of migration started in 2019.<sup>151</sup>

**Development:** As mentioned above, a Migration and Mobility Partnership Agreement between Austria and India came into force on 1 September 2023 (see [2.2./Question 5](#) and [9.1.4./Question 85](#)). In this agreement, the contracting parties laid down regulations on the forced return of nationals subject to removal orders. These related, for instance, to determination of nationality, issuing of original or replacement travel documents, different deadlines, assumption of costs as well as modalities of communication and exchange of data.<sup>152</sup> Voluntary return was agreed as the preferred option. Austria declared its willingness to offer return counselling and, if necessary, financial support for voluntary return.<sup>153</sup>

**Objective:** The aim was to strengthen and facilitate cooperation between Austria and India in the forced return of nationals of the contracting parties.<sup>154</sup> For the other objectives of the agreement, see [2.2./Question 5](#) and [9.1.4./Question 85](#).

**Driver:** See [2.2./ Question 5](#).

area of migration, which also sets out modalities for return and reintegration.

**Major,** because this is the first comprehensive migration and mobility partnership agreement that Austria has concluded with a third country.

<sup>149</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Art. 11 of the Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

<sup>153</sup> Art. 12 of the Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

<sup>154</sup> Arti. 1 subpara 5 of the Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

**108. Were there any developments regarding cooperation with third countries in 2023 in other policy areas (border management, irregular migration, visa policy, sustainable development policies, including migration and mobility agreements) which included specific linkages to return management?**

**Development:** On 15 November 2023, the EU and its Member States signed a new partnership agreement (Samoa Agreement) with the members of the Organisation of African, Caribbean and Pacific States (OACPS). The agreement covers a wide range of areas and also contains provisions on return, readmission, and reintegration.<sup>155</sup>

**Objective:** The Samoa Agreement is intended to serve as an overarching legal framework for relations with the OACPS and to strengthen bilateral cooperation (Council of the European Union, 2023).

**Driver:** The EU's partnership with the OACPS is one of the oldest and most comprehensive frameworks for collaboration between the EU and third countries (Council of the European Union, 2023).

**Development:** On 12 December, the Austrian Foreign Minister signed an agreement to hold regular talks and intensify bilateral political, economic and security relations with Senegal (Federal Ministry for European and International Affairs, 2023i).

**Objective:** The aim was to strengthen collaboration between Austria and Senegal.<sup>156</sup>

**Driver:** Topics of the working discussions included the deteriorating security situation in West Africa and the increase in irregular migration from Senegal to Europe via the West Atlantic route (Federal Ministry for European and International Affairs, 2023i).

<sup>155</sup> Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 2 February 2024.

<sup>156</sup> Written input: Federal Ministry for European and International Affairs, 25 January 2024.

## 12. Migration and development

### 109. Were there any new developments aimed at facilitating synergies between migration and development in third countries in 2023?

**Development:** The programme of the Austrian Development Agency is taking increasing account of the issue of migration. As of the end of 2023, Austria was implementing 85 ongoing, multi-year projects totalling over EUR 190 million in the area of migration and development.<sup>157</sup> In the 2023 budget, the Austrian Federal Government also decided to further increase the Foreign Disaster Relief Fund to EUR 77.5 million (Austrian Development Agency, n.D.). In May 2023, it made one of the largest individual payouts from the fund for the work of Austrian non-governmental organizations in humanitarian crisis areas (Federal Ministry for European and International Affairs, 2023e). The decision provided for EUR 21.5 million to be made available for projects to alleviate the dire humanitarian situation in the Middle East, Africa and Afghanistan (Federal Chancellery et al., 2023b).

**Objective:** The aim was to alleviate humanitarian disasters and create future prospects in the countries of origin (Federal Ministry for European and International Affairs, 2023e). By extension, the creation of future prospects in these regions should help to counter the causes of migration and restrict irregular migration flows (Federal Chancellery, 2023e).

**Driver:** Wars, uncertain economic prospects, migration flows, energy crises and climate change have rapidly increased global poverty and threatened the livelihoods of millions of people, especially in the Global South (Federal Ministry for European and International Affairs, 2023e).

**Major** because this represents an increase in the fund of more than 40 per cent and the fund has increased more than fivefold since 2019.

**Development:** On 4 October 2023, the Federal Government adopted a new humanitarian aid strategy in the Council of Ministers (Federal Ministry for European and International Affairs, 2023c). The strategy describes key challenges that the Republic of Austria intends to address, including migration and (forced) displacement. The strategy envisages that Austria will support refugees, internally displaced persons and host societies by providing humanitarian aid in the countries of origin and that it will strive to minimize the causes of displacement. Support for refugees close to their country of origin is intended to facilitate their return and reintegration once the circumstances that caused their displacement have ceased to exist (Federal Ministry for European and International Affairs, 2023b:5)

**Major** because this is a new strategy for humanitarian aid, which also addresses the issues of displacement and migration.

<sup>157</sup> Written input: Federal Ministry for European and International Affairs, 25 January 2024.

**109. Were there any new developments aimed at facilitating synergies between migration and development in third countries in 2023?**

**Objective:** By focusing on innovation, quality and careful planning, the strategy aims to improve the links between humanitarian aid, development cooperation and peacebuilding so as to be able to respond to new challenges and to strengthen the efficiency and effectiveness of aid (Federal Ministry for European and International Affairs, 2023b:3, 2023c).

**Driver:** In recent years, there has been a sharp increase in the number of people worldwide who are dependent on humanitarian aid as a result of crises and conflict, as well as climate change, natural disasters and extreme weather events. Over the past three years, the Federal Government has significantly increased funding for humanitarian aid. In order to put this on a solid footing with specific goals and responsibilities, a new strategy for humanitarian aid has been developed (Federal Ministry for European and International Affairs, 2023b:3), as set out in the government programme (Austrian Federal Government, 2020:134). The government programme also envisages an increased focus on the issue of migration in development cooperation (Austrian Federal Government, 2020:124).

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