



AUSTRIA

ANNUAL POLICY REPORT

2019

Prisca Ebner and Lukas Humer

AUSTRIA – 2019 ANNUAL POLICY REPORT

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International Organization for Migration,
Country Office for Austria
Nibelungengasse 13/4, 1010 Vienna
Tel.: +43 1 585 33 22 0
Email: iomvienna@iom.int, emnaustria@iom.int
Internet: austria.iom.int, www.emn.at

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EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003, by the European Commission and by order of the European Council, in order to satisfy the need for a regular exchange of reliable information in the field of migration and asylum at European level. Since 2008 Council Decision 2008/381/EC has constituted the legal basis of the EMN, and National Contact Points (NCPs) have been established in the EU Member States (with the exception of Denmark, which has observer status) and in Norway.

The EMN's role is to provide up-to-date, objective, reliable and comparable information on migration and asylum to European Union (EU) institutions and Member States' authorities and institutions with a view to supporting policymaking in the EU in these areas. The EMN is also tasked with providing such information to the general public.

The NCP Austria – based on an agreement with the Federal Ministry of the Interior – is located in the Research and Migration Law Department of the Country Office for Austria of the International Organization for Migration (IOM). The IOM office was established in 1952 when Austria became one of the first Member States of the Organization. The main responsibility of the IOM Country Office is to analyse national migration issues and emerging trends and to develop and implement corresponding national projects and programmes.

The main tasks of the NCPs in implementing the work programme of the EMN include drafting the annual policy reports and studies covering specific topics, responding to Ad-Hoc Queries launched by other NCPs or the European Commission, carrying out activities to increase the EMN visibility, and networking within several fora. In addition, the NCPs in each country also set up national networks of organizations, institutions and individuals working in the field of migration and asylum.

In general, the NCPs do not conduct primary research but collect and analyse existing data and information, which are supplemented where necessary through additional information collected directly. EMN studies are prepared in accordance with common study templates in order to achieve comparable results within the EU and Norway. Since comparing results frequently proves challenging, the EMN has produced a Glossary, which ensures that similar definitions and terminology are used in all national reports.

On completion of national reports, the European Commission with the support of a service provider drafts a synthesis report, which summarizes the most significant results from the individual national reports. In addition, topic-based policy briefs, referred to as EMN Informs, are prepared as succinct summaries and comparisons of national findings on key selected topics. All national studies, synthesis reports, Informs and the Glossary are available on the website of the European Commission Directorate-General for Migration and Home Affairs.

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EXECUTIVE SUMMARY

The Annual Policy Report 2019 has been produced within the framework of annual reporting by the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant political and legislative developments in the field of asylum and migration in Austria in 2019 and provides related information on policy and public debates. The most important developments in Austria in 2019 in relation to each of the topics covered are outlined below.

General developments in migration and asylum

The departments within the Federal Ministry of the Interior responsible for asylum and migration were comprehensively restructured in January 2019. The changes included the creation of the new Directorate General V to coordinate all departments relating to migration and asylum (see section 2.1).

The coalition government formed between the Austrian People's Party and the Austrian Freedom Party was terminated in May 2019. This led to the nomination of a new Federal Chancellor unaffiliated with any party and to the appointment of a new independent government, to serve until the new elections on 29 September 2019. The new coalition government formed between the Austrian People's Party and the Austrian Green Party was sworn in on 7 January 2020 (see section 2.2).

Legal migration

An amendment to the Act Governing the Employment of Foreign Nationals entered into force on 1 January 2019. Among the changes was to alter the points system, referred to in granting Red-White-Red Cards (Act Governing the Employment of Foreign Nationals Art. 12b), as well as to break down the list of shortage occupations by region (Art. 13 para 1 *ibid.*). Consequently, with the Regulation for Skilled Workers 2019, occupations with a shortage of workers in individual provinces also qualify for the first time as shortage occupations. Another result of the amendment is the option of issuing a regulation to admit "very highly qualified" workers (Act Governing the Employment of Foreign Nationals Art. 13 para 4) (see section 3.2).

International protection including asylum

The Federal Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company was promulgated on 19 June 2019. Based on the act, this new Federal Agency will have exclusive responsibility to provide accommodation and care for asylum seekers in the federal reception system as of 1 December 2020. The Federal Agency will receive additional tasks as of 1 January 2021, including legal counselling, return counselling and assistance, as well as making available human rights observers, interpreters and translators (Art. 2 Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company) (see section 4.2.1).

Another change was the promulgation on 27 December 2019 of an act amending the Aliens Police Act 2005 temporarily.). The purpose of the amendment is to give (former) asylum seekers the opportunity to complete an apprenticeship in Austria under certain conditions, as it in principle ends *ex lege* in the event of a final negative decision on the application for international protection. Therefore, the beginning of the period for voluntary return was suspended for asylum seekers, who are subject of a return decision or in case the return decision has not yet been legally issued, and who are undergoing apprenticeship training (Art. 55a Aliens Police Act 2005). It further applies to a postponement of removal of former asylum seekers who have (already) received a final negative decision and who have been in an

apprenticeship relationship that ended ex lege before this amendment came into force (Art. 125 para 31 to 34 Aliens Police Act 2005) (see section 4.2.4).

Unaccompanied minors and other vulnerable groups

In December 2019, an agreement concerning child and youth welfare was signed between the Federal State and the provinces. The agreement stipulates the provinces' responsibility in the future for implementing the mechanisms, minimum standards and services relating to child and youth welfare that are listed in the Federal Children and Youth Service Act 2013. These responsibilities also include care and support for unaccompanied minor refugees (see section 5.2).

Integration

The focus in 2019 was on the integration of individuals with asylum or subsidiary protection status into the labour market, as well as to encourage the integration of women with a migration background. To promote language acquisition by pupils unable to follow in class due to inadequate language proficiency, the School Organization Act provides for separate remedial German classes, beginning with the 2018/2019 school year (Art. 8h *ibid.*).

In addition, an amendment to the Integration Act was promulgated on 22 May 2019, requiring that, as of 1 January 2020, German courses be made available to individuals age 15 and over holding asylum or subsidiary protection status, so as to allow them to achieve the B1 level (previously A2; Art. 4 para 1 Integration Act) (see section 6.2).

Citizenship and statelessness

An act amending the Citizenship Act 1985 was issued on 22 October 2019. Accordingly, direct descendants of individuals persecuted under National Socialism are now able to acquire Austrian citizenship more easily (Art. 58c para 1a Citizenship Act 1985). Individuals who had fled the Nazi regime have previously been able to reacquire citizenship under facilitated conditions; another change was to extend the eligibility period in such cases. Now such individuals must have left the country by 15 May 1955 at the latest, instead of 9 May 1945 as previously stated. The group of individuals eligible under these terms was also expanded. The requirements for reacquiring citizenship under facilitated conditions now also apply to citizens of one of the successor states of the former Austro-Hungarian monarchy as well as to stateless individuals whose main residence is in Austria (Art. 58c para 1 Citizenship Act 1985) (see section 7.2).

Borders, Schengen and visas

With regard to border controls, Austria implemented technical changes in 2019 affecting the Passenger Information Unit. A new programme for training border police assistants, based on the 2018 amendment to the Border Control Act, was also launched (see section 8.3).

In terms of border protection, Austria carried out extensive exchange activities with other countries in 2019, foremost with partners from the Forum Salzburg. Through a regulation issued by the Federal Ministry of the Interior, and in accordance with the rules of the Schengen Borders Code, temporary controls were reintroduced at the EU internal borders with Hungary and Slovenia, effective until 14 May 2020 (see section 8.5).

Irregular migration including migrant smuggling

The 2018 status report on migrant smuggling was published in August 2019 by the Federal Ministry of the Interior. According to the report, cases of irregular migration and irregular residence in Austria were becoming less frequent. Steps were taken to address irregular migration and smuggling of migrants along the Silk Road, in the Western Balkans and in the

Danube region, utilizing international networks, information exchange and police cooperation (see section 9).

Trafficking in human beings

Key activities in the area of combating trafficking in human beings in 2019 were trainings in the framework of the *Asyl-Train* project on the identification of victims of human trafficking in asylum procedures, trainings for labour inspectors, and the annual conference of the Task Force on Combating Human Trafficking in Austria titled “Technology and Combating Human Trafficking – Challenge or Opportunity?” (see section 10).

Return and readmission

As of 1 January 2019, a new Department for Return and Reintegration (V/10) was established as part of the efforts to create the new Directorate General V for Aliens Issues in the Federal Ministry of the Interior. The strengthening of bilateral and multilateral relations with third countries, the participation in international and EU bodies and a close exchange with other Member States and EU institutions were actively pursued in 2019 (see section 11.3).

Similar to 2018, one of the Federal Ministry of the Interior’s priorities in 2019 was on return. In the period from 1 January to 31 December 2019, 12,245 departures took place, of which 5,568 were voluntary departures (45%) and 6,677 forced returns (55%). The removals involved a large number of persons who had been convicted of criminal offences (46%). By the end of 2019, returns were carried out by 58 charter operations (thereof 54 operations to third countries) to 17 destination countries (see section 11.1).

Migration and development

Development assistance was provided for refugees in third countries such as Bangladesh, Burkina Faso, Ethiopia, Jordan and Lebanon (see section 12.1), largely through funding commitments to support international organizations and non-governmental organizations.

1 INTRODUCTION

1.1 Purpose

The Annual Policy Report 2019 was produced within the framework of the European Migration Network (EMN),¹ which was established by Council Decision 2008/381/EC in May 2008.² The EMN provides up-to-date, objective, reliable and comparable information on migration and asylum matters, with the aim of supporting policymaking at European Union (EU) and national levels as well as of disseminating this information among the general public.

This is the sixteenth annual policy report³ compiled by the National Contact Point (NCP) Austria in the EMN, covering the period from 1 January to 31 December 2019. The purpose of the annual policy report is to provide an overview of the most significant political and legislative developments relating to asylum and migration in Austria. It also intends to summarize the political and public debates in the area of asylum and migration. The report covers the following topics:

- (a) Legal migration;
- (b) International protection including asylum;
- (c) Unaccompanied minors and other vulnerable groups;
- (d) Integration;
- (e) Citizenship and statelessness;
- (f) Borders, Schengen and visas;
- (g) Irregular migration including migrant smuggling;
- (h) Countering trafficking in human beings;
- (i) Return and readmission; and
- (j) Migration and development.

1.2 Methodology and definitions

In preparing the Annual Policy Report 2019, the NCP Austria followed common specifications developed by the EMN to facilitate comparability of the findings from all Member States. At the same time, the format allowed flexibility to a certain degree, so as to enable output that targets the national audience. The terminology used in the context of this report is based on the terms and definitions given in the EMN Glossary 6.0 (EMN, 2018).

In order to allow for concise reporting and comparability, the Annual Policy Report 2019 reflects only significant developments and debates as have been defined based on the criteria listed in the study specifications. Hence, for the present report, proposals for amended or new legislation or policy changes were considered to be important developments. A significant debate was defined as one taking place in the Austrian Parliament or among relevant ministries, political parties or civil society stakeholders, and which consequently received wide media coverage.

Based on the methodology used in previous annual policy reports, the referenced sources of information include: press releases and websites of relevant ministries, journals, studies, reports, draft and enacted legislation, court rulings, parliamentary debates, as well as online media articles from the main daily newspapers in Austria. In the latter case, press articles dealing with migration and asylum issues were collected throughout the year through

¹ More information on the EMN NCP Austria is available at www.emn.at/en (accessed 2 April 2020).

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

³ Previous reports from 2004 to 2018 are available from www.emn.at (accessed 2 April 2020).

continuous media monitoring in order to gain an overview of the most important public discussions.

The basis for the 2019 Annual Policy Report is provided by the Annual Report 2019 on Migration and Asylum in Austria – Contribution to Commission and to EASO Annual Reports,⁴ which was developed in cooperation with the Federal Ministry of the Interior as well as the Criminal Intelligence Service Austria, the Federal Chancellery, the Federal Ministry for Europe, Integration and Foreign Affairs, and the Federal Ministry of Labour, Social Affairs and Consumer Protection.

The report was prepared by Prisca Ebner (Administrative Assistant) and Lukas Humer (Research Assistant) under the supervision of Julia Lendorfer (Head of Research and Migration Law). Martin Stiller (Legal Associate) provided legal input and Alexander Spiegelfeld (Research and Communication Associate) coordinated the drafting of the report. Thanks go to Helena Hahn (Research Intern) for her research and editing support.

⁴ European Migration Network – National Contact Point Austria, Annual Reports. Available at www.emn.at (accessed 14 April 2020).

2 OVERVIEW OF ASYLUM AND MIGRATION RELATED DEVELOPMENTS

The overall development of asylum and migration policies in 2019 was heavily impacted by the appointment of a new Austrian government following the termination of the coalition between the Austrian People's Party and the Austrian Freedom Party in May 2019. An important institutional change concerned the creation of the new Directorate General V for Aliens' Issues within the Federal Ministry of the Interior. Furthermore, several amendments to Austrian asylum and aliens law were implemented, with implications for the asylum system, labour migration and integration.

2.1 General political developments

The most important political development in Austria in 2019 was the termination on 18 May 2019 of the coalition government that had been formed in 2017 by the Austrian People's Party and the Austrian Freedom Party and the subsequent announcement of early National Council elections.⁵ As a result, a date was set for early elections.⁶ The President of the Constitutional Court, unaffiliated with any party, was nominated Federal Chancellor on 30 May 2019.⁷ The new independent government, mostly consisting of public officials from the various ministries, was sworn to office on 3 June 2019.⁸

In the National Council elections on 29 September 2019, the popular vote was distributed as follows: Austrian People's Party 37.5 per cent, Social Democratic Party of Austria 21.2 per cent, Austrian Freedom Party 16.2 per cent, Austrian Green Party 13.9 per cent, NEOS – The New Austria 8.1 per cent.⁹ Coalition talks were held between the Austrian People's Party and the Austrian Green Party from 11 November 2019 to 2 January 2020.¹⁰ The new federal government, consisting of representatives of those two parties, was sworn in by the Austrian Federal President on 7 January 2020.¹¹

The new government programme describes plans relating to migration and asylum under the section "Europe, integration, migration and security".¹² The programme points towards a balanced approach to migration, rooted in multilateral cooperation and partnerships with Member States of the European Union and international organizations.¹³ The government plans to formulate a comprehensive "whole-of-government" strategy on migration, clearly separating labour migration and asylum. In addition, the programme highlights the need for

⁵ Federal Chancellery, *Bundeskanzler Kurz: „Neuwahlen der einzige Weg für Österreich“*. Press Release, 18 May 2019. Available at www.bundeskanzleramt.gv.at (accessed 11 December 2019).

⁶ Federal Chancellery, *Ministerrat fixiert Nationalratswahltermin*. Press Release, 3 July 2019. Available at www.bundeskanzleramt.gv.at (accessed 11 December 2019).

⁷ Federal Chancellery, *Brigitte Bierlein mit Regierungsbildung beauftragt*. Press Release, 31 May 2019. Available at www.bundeskanzleramt.gv.at (accessed 4 December 2019).

⁸ Federal Chancellery, *Bundeskanzlerin Brigitte Bierlein angelobt*. Press Release, 3 June 2019. Available at www.bundeskanzleramt.gv.at (accessed 30 December 2019).

⁹ Federal Ministry of the Interior, *Nationalratswahl 2019 – Österreich, Endgültiges Endergebnis*. Available at <https://wahl19.bmi.gv.at/> (accessed 11 December 2019).

¹⁰ Austrian People's Party, *Aviso: Pressestatement zum Start der Koalitionsverhandlungen*. Press Release, 11 November 2019. Available at www.ots.at (accessed 4 Dezember 2019); Austrian Green Party, *Aviso: Morgen Di., 17.30h – Pressestatement Kurz/Kogler zum Start der Koalitionsverhandlungen*. Press Release, 11 November 2019. Available at www.ots.at (accessed 4 December 2019); APA, *ÖVP und Grüne stehen vor Regierungseinigung*. Press Release, 30 December 2019. Available at www.apa.at (accessed 30 December 2019).

¹¹ Presidential Chancellery, *AVISO: Ernennung und Angelobung der Bundesregierung – Akkreditierung*. Press Release, 4 January 2020. Available at www.ots.at (accessed 13 January 2020); Press Office of the Parliamentary Administration, *Bundeskanzler Kurz und Vizekanzler Kogler präsentieren Schwerpunkte des Regierungsprogramms*. Press Release, 10 January 2020. Available at www.ots.at (accessed 13 January 2020).

¹² Federal Government, *Aus Verantwortung für Österreich: Regierungsprogramm 2020–2024*, pp. 174–224. Available at www.bundeskanzleramt.gv.at (accessed 29 May 2020).

¹³ *Ibid.*, p. 191.

expeditious and fair asylum procedures and high-quality basic care services. Further priorities are qualified migration, local protection mechanisms, border management and the prevention of smuggling.¹⁴

According to opinion polling, immigration was the fourth most discussed topic among voters during the election campaign in 2019, following climate change, corruption and health related topics (SORA/ISA, 2019:8).¹⁵ This may reflect a changing influence of migration on electoral behaviour, considering that asylum and integration had been the most discussed topic among the voting population in the 2017 campaign (SORA/ISA, 2017:10).¹⁶

2.2 Overall institutional changes

The Federal Ministry of the Interior, the main institution responsible for migration and asylum policy in Austria, underwent organizational changes. The Ministry's departments responsible for asylum and migration were comprehensively restructured in January 2019. The changes included the creation of the new Directorate General V for Aliens Issues to coordinate all departments relating to migration and asylum. The newly established Directorate General V consists of the directorates Citizenship and Residence Matters, Border Management and Aliens Police, and Asylum and Return.¹⁷ Basic care facilities as well as the Federal Office for Immigration and Asylum have now also been placed under Directorate General V.¹⁸ Drawing on the experiences from 2015 to 2016, restructuring was aimed at merging the portfolios relating to asylum and aliens law, towards the higher goal of developing a national migration strategy.¹⁹ The Directorate General's activities also have an external dimension, as the new directorate is also cooperating with EU Member States as well as with migrants' countries of transit and origin (see Heilemann, 2019:13).

The Provincial Police Directorates were also restructured by dividing the tasks of the Operations, Aliens and Border Police Department and creating a separate Aliens and Border Police Department in each of the police headquarters in March 2019.²⁰ This was justified with growing challenges and responsibilities related to migration.²¹

2.3 Main legislative developments

In 2019, the Federal Government initiated several changes to Austrian legislation on migration and asylum. An amendment to the Act Governing the Employment of Foreign Nationals²² entered into force on 1 January 2019, leading to changes among other things in the points system relevant to granting Red-White-Red Cards (Act Governing the Employment of Foreign Nationals Art. 12b) (see also chapter 3). In addition, the Federal Act Establishing the Federal

¹⁴ Federal Government, *Aus Verantwortung für Österreich: Regierungsprogramm 2020–2024*. Available at www.bundeskanzleramt.gv.at (accessed 29 May 2020). pp. 174–224.

¹⁵ SORA, ISA, *Wahlanalyse Nationalratswahl 2019*. Available at www.sora.at (accessed 25 February 2020).

¹⁶ SORA, ISA, *Wahlanalyse Nationalratswahl 2017*. Available at <https://strategieanalysen.at> (accessed 25 February 2020).

¹⁷ Federal Ministry of the Interior, *BMI: Peter Webinger zum Leiter der neuen Sektion V „Fremdenwesen“ bestellt*. Press Release, 5 January 2019. Available at www.ots.at (accessed 15 November 2019).

¹⁸ *Ibid.*

¹⁹ Federal Ministry of the Interior, *Kickl präsentiert neue Sektion V und gibt Ausblick für 2019*. Press Release, 7 January 2019. Available at www.bmi.gv.at (accessed 15 November 2019); Federal Ministry of the Interior, *BMI: Kickl: Asyl-Betreuungsagentur, Neukodifikation des Fremdenrechts und Migrationsstrategie sind wesentliche Projekte 2019*. Press Release, 7 January 2019. Available at www.ots.at (accessed 15 November 2019).

²⁰ Written input by the Federal Ministry of the Interior, Department V/7 (Aliens Police), 21 February 2020.

²¹ Federal Ministry of the Interior, *Neue Struktur und Aufgaben für Einsatz-, Grenz- und Fremdenpolizeiliche Abteilungen (EGFA)*. Press Release, 31 March 2019. Available at www.bmi.gv.at (accessed 15 November 2019).

²² [FLG No. 218/1975](http://www.ris.bka.gv.at), in the version of federal law [FLG I No. 94/2018](http://www.ris.bka.gv.at).

Agency for Care and Support Services as a Private Limited Company²³ was promulgated on 19 June 2019. As a consequence, the Federal Office for Immigration and Asylum Procedures Act,²⁴ the Asylum Act 2005²⁵ and the Federal Basic Care Act 2005²⁶ were also amended (see also chapters 4 and 11). Other legislative developments relating to migration and asylum included amendments to the Integration Act²⁷ (see chapter 6), the Citizenship Act 1985²⁸ (see chapter 7) and the Weapons Act 1996²⁹ (see chapter 4).

Further legislative developments concerned legal procedures that would have applied if the United Kingdom of Great Britain and Northern Ireland had left the European Union (EU) without a withdrawal agreement. Against this backdrop, the Act Accompanying Brexit 2019³⁰ was promulgated on 25 March 2019 and a regulation was issued by the Federal Minister for Europe, Integration and Foreign Affairs on 27 March 2019.³¹ These steps were taken because, based on political developments in the United Kingdom of Great Britain and Northern Ireland, it had initially been expected that the country might leave the EU without a withdrawal agreement.³² However, a withdrawal agreement was agreed between the United Kingdom of Great Britain and Northern Ireland and the EU on 17 October 2019.³³

2.4 Austrian Presidency of the Council of the EU

From July to December 2018 Austria held the Presidency of the Council of the European Union. Under the general theme of “A Europe that protects”, a key thematic area was “security and the fight against illegal migration”.³⁴ This topic was addressed in many of the events held during the presidency, in particular at the ministerial conference held on 13 and 14 September 2018 under the motto of “Security and Migration – Promoting Partnership and Resilience” (see Heilemann, 2019:17–18).

The main achievements of the Presidency were presented and reviewed at European level in early 2019. According to an official summary document, the Austrian presidency contributed to a turnaround in European migration policies and led to greater consensus in the areas of border protection, return policies and combating migrant smugglers.³⁵ In a speech before the European Parliament in January 2019, reviewing the Austrian Presidency, the Austrian Federal Chancellor highlighted significant developments related to the EU-wide agreement to strengthen Frontex’ mandate and to increase repatriations to North Africa.³⁶ The President of the European Commission shared this positive assessment of the Austrian presidency, with the exception of the Federal government’s decision not to adopt the Global Compact for Safe, Orderly and Regular Migration.³⁷ On a national level, the opposition parties, in contrast,

²³ FLG I No. 53/2019.

²⁴ FLG I No. 87/2012, in the version of federal law FLG I No. 53/2019.

²⁵ FLG I No. 100/2005, in the version of federal law FLG I No. 53/2019.

²⁶ FLG No. 405/1991, in the version of federal law FLG I No. 53/2019.

²⁷ FLG I No. 68/2017, in the version of federal law FLG I No. 41/2019.

²⁸ FLG No. 311/1985, in the version of federal law FLG I No. 96/2019.

²⁹ FLG I No. 12/1997, in the version of federal law FLG I No. 97/2018.

³⁰ FLG I No. 25/2019.

³¹ FLG II No. 80/2019.

³² Written input by the Federal Ministry of the Interior, Department V/2 (Residence and Citizenship), 22 January 2020.

³³ European Commission, The UK-EU Withdrawal Agreement. Available at <https://ec.europa.eu> (accessed 25 March 2020).

³⁴ Austrian Presidency of the Council of the European Union, Der Österreichische Ratsvorsitz 2018 auf einen Blick. Available at www.eu2018.at (accessed 18 March 2020).

³⁵ Ibid.

³⁶ Austrian Presidency of the Council of the EU, Federal Chancellor Sebastian Kurz: Strengthen European cooperation, reach compromises and achieve results. Available at www.eu2018.at (accessed 18 March 2020).

³⁷ European Parliament, 3. Review of the Austrian Council Presidency (debate), 15 January 2019. Available at www.europarl.europa.eu (accessed 18 March 2020).

pointed to a lack of tangible results and criticized the exclusive focus on migration and asylum.³⁸ These varying assessments of the outcomes brought forth by the council presidency were also reported in part by Austrian media, as was the positive overall rating by the European Commission.³⁹

³⁸ Austrian Parliament, *Nationalrat zieht Bilanz über Österreichs EU-Ratsvorsitz*, Parliamentary Correspondence, No. 1492, 12 December 2018. Available at www.parlament.gv.at (accessed 25 March 2020).

³⁹ See, for example, *Die Presse*, Kurz im EU-Parlament: Opposition lässt kein gutes Haar an Ratsvorsitz, 15 January 2019. Available at www.diepresse.com (accessed 14 April 2020); *Salzburger Nachrichten*, Kurz kritisiert verzögerten Frontex-Ausbau, 20 January 2019. Available at www.sn.at (accessed 25 March 2020).

3 LEGAL MIGRATION

Austria's efforts to attract a higher number of highly skilled workers and seasonal workers continued in 2019. Skilled labour shortage in certain occupations presented a major economic challenge, which was tackled through a break-down by region of the shortage occupation list.⁴⁰ It is now possible to admit foreign nationals as skilled workers in shortage occupations according to the needs in a specific province. In addition to these efforts, measures to counter "social dumping" and labour exploitation were stepped up.

3.1 Statistical developments and trends

In 2019, a total of 20,490 residence titles for permanent immigration were newly issued in Austria (see table 1), which represents an increase of 16 per cent compared with the previous year, when 17,724 residence titles were issued (Heilemann, 2019:20). Third-country nationals planning to reside in Austria for more than six months require residence titles that permit permanent immigration.⁴¹ In addition, 5,778 first-time residence titles for temporary immigration were issued (see table 2), almost the same number as in 2018, when 5,918 titles were issued (Heilemann, 2019:20).

As was the case in 2018, the Red-White-Red (RWR) Card and the RWR Card Plus are the most common first residence titles for third-country nationals, accounting for approximately half (48%) of all first-time residence titles for permanent immigration issued in 2019. RWR Cards are issued to groups such as very highly qualified workers, skilled workers in shortage occupations and other key workers. The RWR Card and the RWR Cards Plus are additionally issued based on quotas, for example to family members of third-country nationals. The RWR Card category as a whole accounts for almost two thirds (64%) of all residence titles (see table 1).

Table 1: Number of first residence titles for permanent immigration issued in Austria per type (2019)

	Total	Per cent
Red-White-Red Card (Plus)	9 824	48%
Family Member (quota-free)	3 910	19%
Red-White-Red Card (Plus) (quota-based)	3 303	16%
Settlement Permit	1 492	7%
Permanent Residence – EU ⁴²	1 193	6%
Settlement Permit (quota-based)	459	2%
EU Blue Card	309	2%
Total	20 490	100%

Source: Federal Ministry of the Interior, 2020, 31–34; representation by authors.

With regard to temporary immigration, students accounted for 62 per cent of all residence titles for temporary immigration newly issued in 2019. Like in 2018 (Heilemann, 2019:20), student mobility was the most frequent form of temporary immigration again in 2019 (see table 2).

⁴⁰ Shortage occupations are considered to be occupations for which a maximum of 1.5 employment seekers are registered per vacancy (Art. 13 para 1 Act Governing the Employment of Foreign Nationals).

⁴¹ Migration.gv.at, Permanent Immigration. Available at www.migration.gv.at (accessed 7 April 2020).

⁴² The number refers to persons granted international protection who were issued a first residence title Permanent Residence – EU.

Table 2: Number of first residence titles for temporary immigration issued in Austria per type (2019)

	Total	Per cent
Students	3 609	62%
Special Cases of dependent gainful occupation	986	17%
Pupils	699	12%
Family Reunification	311	5%
ICT	103	2%
Seconded Employment	35	1%
Volunteers	24	<1%
Social Service Employee	5	<1%
Self-employed Persons	5	<1%
Mobile Researchers	1	<1%
	5 778	100%

Source: Federal Ministry of the Interior, 2020, 43; representation by authors.

3.2 Legislative changes

3.2.1 Highly qualified and skilled migrants

An amendment to the Act Governing the Employment of Foreign Nationals⁴³ was adopted in December 2018 and entered into force on 1 January 2019. Accordingly, the points system for granting an RWR Card for other key workers was modified through the introduction of English language proficiency as a criterion while giving more weight to the criterion of occupational experience and less to age (see annex C Act Governing the Employment of Foreign Nationals).⁴⁴ The change resulted from a Constitutional Court ruling from 2017 which had determined the previous rule based on an applicant's age to be discriminatory and unconstitutional.⁴⁵ The Federation of Austrian Industries welcomed these developments, particularly the reduction of bureaucratic hurdles.⁴⁶ Moreover, the Federation also argues that further development of the RWR Card is necessary to better respond to the growing demand for skilled labour and to attract qualified migrants.⁴⁷

Another result of the amendment to the Act Governing the Employment of Foreign Nationals is the option of issuing a regulation that would declare third-country nationals with certain types of university-level training as being “very highly qualified” and eligible for facilitated immigration to Austria (Art. 13 para 4 Act Governing the Employment of Foreign Nationals).⁴⁸ Use was made of this option in January 2019 when the Federal Minister of Labour, Social Affairs, Health and Consumer Protection issued a corresponding regulation. The preferred category of “very highly qualified” workers includes university-level mechanical engineers,

⁴³ FLG No. 218/1975, in the version of federal law FLG I No. 94/2018.

⁴⁴ FLG I No. 94/2018.

⁴⁵ Constitutional Court, 13 December 2017, G281/2017.

⁴⁶ Federation of Austrian Industries, Verbesserungen bei Rot-Weiß-Rot Karte umgesetzt, in: *iv positionen – Das Magazin der Industrie*, February 2019, p. 4. Available at <https://wien.iv.at/> (accessed 26 March 2020); Federation of Austrian Industries, Qualifizierte Zuwanderung braucht Strategie, in: *iv positionen – Das Magazin der Industrie*, February 2019, p. 6. Available at <https://wien.iv.at/> (accessed 26 March 2020).

⁴⁷ Federation of Austrian Industries, Verbesserungen bei Rot-Weiß-Rot Karte umgesetzt, in: *iv positionen – Das Magazin der Industrie*, February 2019, p. 4. Available at <https://wien.iv.at/> (accessed 26 March 2020).

⁴⁸ FLG I No. 94/2018.

data-processing engineers and business engineers as well as physicians.⁴⁹ For these professions, the required minimum standard for the issuance of an RWR Card is to be reduced by five points. Thus, instead of the normal 70 points, a total of only 65 points need to be achieved in order to apply for an RWR Card. The eligibility criteria that are taken into account include special qualifications and skills, work experience, language skills, age and university studies (partially) completed in Austria.⁵⁰ According to the governing parties, this legislative change was necessary in order to facilitate the admission of well-qualified key employees in professions that are in particularly high demand.⁵¹

Furthermore, the Regulation on the Employment of Foreigners⁵² was amended, expanding the scope of exemptions in regard to the employment of foreigners as of 1 September 2019.⁵³ These exemptions had already applied, among others, to foreign nationals employed with international institutions and organizations and international schools in Austria.⁵⁴ Now individuals employed at such institutions are exempt from the provisions of the Act Governing the Employment of Foreign Nationals (Art. 1 para 2 and 12 Regulation on the Employment of Foreigners).

In addition, as of 1 January 2019 the list of shortage occupations (*Mangelberufsliste*) can be enacted according to regional demands (Art. 13 para 1 Act Governing the Employment of Foreign Nationals). It is subsequently possible to issue an RWR Card for skilled workers in a specified province (Art. 20d para 5 Act Governing the Employment of Foreign Nationals) so as to ensure a controlled supply of workers in line with the needs at the respective local labour market.⁵⁵ In addition to occupations for which a maximum of 1.5 employment seekers are registered per vacancy, skilled workers from third countries can now be employed in occupations for which there is a shortage of workers in certain provinces (Art. 13 para 1 Act Governing the Employment of Foreign Nationals). Under the Regulation for Skilled Workers 2019,⁵⁶ as of 2019 skilled workers from third countries could apply for an RWR Card valid in 45 occupations throughout Austria and in 18 additional occupations in specific provinces. The list included significantly more shortage occupations than in the previous year (2018: 27).⁵⁷ A regulation was issued on 12 April 2019 limiting the number of province-level permits to 300.⁵⁸

Specifying the shortage occupation list drew criticism from opposition parties. While the NEOS – The New Austria regarded the measures as inadequate, the Social Democratic Party of Austria argued that it would allow wage dumping and lead to more unemployment among Austrian residents (see section 3.3.1).⁵⁹ In response to these concerns, the Federal Minister of Social Affairs, Health, Care and Consumer Protection stressed that sector-specific wage agreements (*Kollektivverträge*) will remain in force.⁶⁰ The Austrian Federal Economic

⁴⁹ FLG II No. 2/2019.

⁵⁰ Migration.gv.at, Very Highly Qualified Workers. Available at www.migration.gv.at (accessed 16 April 2020).

⁵¹ Austrian Parliament, *Nationalrat beschließt Reform der Rot-Weiß-Rot-Karte samt Regionalisierung der Mangelberufsliste*, Parliamentary Correspondence No. 1509, 13 December 2018. Available at www.parlament.gv.at (accessed 26 March 2020).

⁵² FLG No. 609/1990, in the version of federal law FLG II No. 263/2019.

⁵³ FLG II No. 263/2019.

⁵⁴ Ibid.

⁵⁵ Austrian Parliament, *Nationalrat beschließt Reform der Rot-Weiß-Rot-Karte samt Regionalisierung der Mangelberufsliste*. Parliamentary Correspondence No. 1509, 13 December 2018. Available at www.parlament.gv.at (accessed 28 December 2018).

⁵⁶ FLG II No. 3/2019, in the version of federal law FLG II No. 96/2019.

⁵⁷ FLG II No. 377/2017.

⁵⁸ FLG II No. 96/2019.

⁵⁹ Austrian Parliament, *Nationalrat beschließt Reform der Rot-Weiß-Rot-Karte samt Regionalisierung der Mangelberufsliste*, Parliamentary Correspondence No. 1509, 13 December 2018. Available at www.parlament.gv.at (accessed 26 March 2020).

⁶⁰ Ibid.

Chamber welcomed the change, arguing that the labour market varies greatly from region to region in Austria.⁶¹

The amendments to the Act Governing the Employment of Foreign National also have implications for 2020. The Regulation for Skilled Workers 2020⁶² was adopted on 19 December 2019. In 2020, workers from third countries can apply for an RWR Card to work in 56 occupations throughout Austria as well as in additional occupations in specific provinces, ranging from 1 (Carinthia) to 26 (Upper Austria). To mitigate the shortage of personnel in nursing and health care,⁶³ nursing assistants and nursing professionals are listed for the first time.⁶⁴ As in 2019, the list specifies shortage occupations according to individual province as well as a maximum quota of 300 permits for such skilled workers (Art. 1 para 2 Regulation for Skilled Workers 2020).

In addition, the Council of Ministers passed a decision on 27 February 2019 to reduce the red tape involved in applying for an RWR Card and to expand its use.⁶⁵ Several bureaucratic hurdles and obstacles in the application process had been reported.⁶⁶ In March 2019 the Austrian Federal Government subsequently presented a draft amendment of the provisions regulating the RWR Card.⁶⁷ This entailed adjusting the required minimum salary and eliminating the need for proof of accommodation. Previously, an applicant had to provide a rental contract as proof of accommodation in Austria,⁶⁸ which, however, has proven impractical because many immigrants can only make housing arrangements after they have been guaranteed a job.⁶⁹ Yet due to the dissolution of the Austrian Federal Government in May 2019 no corresponding legislation has been passed and it remains uncertain whether this amendment will be enacted.

3.2.2 Seasonal workers

The Settlement Regulation 2019⁷⁰ became effective as of 1 February 2019. Among other things, the regulation defines the maximum number of work permits for temporarily employed foreigners and foreign workers employed in harvesting. In 2019, a maximum of 4,000

⁶¹ Austrian Federal Economic Chamber, *Kopf: Erweiterte Mangelberufsliste leistet wichtigen Beitrag zur Fachkräftesicherung*, 20 December 2019. Available at <https://news.wko.at> (accessed 24 March 2020).

⁶² [FLG II No. 421/2019](#).

⁶³ Chamber of Labour, *Noch immer viele Baustellen bei Pflege- und Gesundheitsberufen - Kalliauer: „Jobs attraktivieren statt über Personalmangel jammern!“* Press Release, 23 September 2019. Available at www.ots.at (accessed 30 December 2019); Austrian Federal Economic Chamber, *IHS-Kocher vor WKÖ-Wirtschaftsparlament: Reformnotwendigkeiten am Standort aktiv begegnen!* Press Release, 27 June 2019. Available at www.ots.at (accessed 30 December 2019).

⁶⁴ See [FLG II No. 207/2012](#), [FLG II No. 328/2013](#), [FLG II No. 278/2014](#), [FLG II No. 329/2015](#), [FLG II No. 423/2016](#), [FLG II No. 377/2017](#) and [FLG II No. 3/2019](#).

⁶⁵ Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, Federal Ministry for Digital and Economic Affairs and Federal Ministry of the Interior, *Vortrag an den Ministerrat: Dem Fachkräftemangel bedarfsorientiert begegnen – Entbürokratisierung und Weiterentwicklung Rot-Weiß-Rot Karte*. 26 February 2019. Available at www.bundeskanzleramt.gv.at; Federal Chancellery, *Bundeskanzler Kurz: Neue Rot-Weiß-Rot-Karte erleichtert Zuzug von hochqualifizierten Fachkräften*. Press Release, 27 February 2019. Available at www.bundeskanzleramt.gv.at (accessed 11 December 2019).

⁶⁶ Austrian Business Agency, *Reform of the Red-White-Red Card: These are the highlights*. Available at <https://investinaustria.at> (accessed 16 April 2020).

⁶⁷ Austrian Parliament, *Ministerial draft of the Federal Act, which amends the Employment of Foreign Nationals Act and the Settlement and Residence Act, Ministerial draft – Explanatory Notes (124/ME XXVI. GP)*. Available at www.parlament.gv.at (accessed 4 December 2019); Austrian Parliament, *Ausländerbeschäftigungsgesetz, Niederlassungs- und Aufenthaltsgesetz u.a., Änderung (124/ME)*. Available at www.parlament.gv.at (accessed 4 December 2019).

⁶⁸ Federation of Austrian Industries, *Verbesserungen bei Rot-Weiß-Rot Karte umgesetzt*, in: *iv positionen – Das Magazin der Industrie*, February 2019, p. 4 Available at <https://wien.iv.at/> (accessed 26 March 2020).

⁶⁹ *Ibid.*

⁷⁰ [FLG II No. 29/2019](#).

employment permits may be issued to foreign workers and no more than 600 short-term employment permits for foreigners workers employed in harvesting (Art. 2 Settlement Regulation 2019).

On 19 April 2019 the Federal Minister for Labour, Social Affairs, Health and Consumer Protection issued a regulation relating to the temporary employment of foreign nationals in tourism, agriculture and forestry in 2019.⁷¹ The regulation sets a quota of 1,263 permits for time-limited employment in the tourist industry. In agriculture and forestry, the quota was raised to 2,727 (2018: 2,610), and an additional quota of 288 was set for the short-term employment of foreign workers employed in harvesting(2018: 275).⁷² Temporary work permits may be issued with a maximum validity of six months (nine months under certain conditions) and for a maximum of six weeks in the case of short-term employment (Art. 4 para 1 and 2 *ibid.*). Preference is to be given to foreign nationals falling under the transitional provisions governing the free movement of workers in the EU as well as to seasonal workers employed in Austria in recent years (Art. 5 *ibid.*).

Based on previous experience, the Federal Minister for Labour, Social Affairs, Health and Consumer Protection stressed that the need for additional seasonal workers varies highly between seasons.⁷³ Consequently, quotas may be exceeded by a maximum of 20 per cent during seasonal spikes provided the yearly average is not above the number of permits allotted under the quotas (Art. 4 para 3 *ibid.*).⁷⁴ The increased flexibility of the seasonal quota provided by the regulation was welcomed in some quarters, including the Austrian Federal Economic Chamber and the Hoteliers Association.⁷⁵ In contrast, the Social Democratic Party of Austria as well as trade unions criticized the increased quotas, referring to factors including the high unemployment figures and the risk of social dumping.⁷⁶

On 17 December 2019, the Federal Minister for Labour, Social Affairs, Health and Consumer Protection issued the regulation relating to the temporary employment of foreign nationals in tourism, agriculture and forestry in 2020.⁷⁷

3.3 Policy and other developments

Policy and other developments related to regular migration focussed on two major aspects in 2019. Firstly, preventive measures regarding social dumping and labour exploitation were reinforced with a particular focus on the role played by intermediary agencies in care work. Secondly, cooperation with third countries was fostered, with the aim to tackle Austria's skilled labour shortage.

3.3.1 Social dumping and labour exploitation

The approach of the Austrian Federal Government to attract skilled migrants as a means of tackling labour shortages in Austria (see section 3.2.1) met with criticism from Austria's social partners and the Social Democratic Party of Austria. The Chamber of Labour, one of the social

⁷¹ [FLG II No. 100/2019](#).

⁷² *Ibid.*; for the numbers in 2018 see [FLG II No. 371/2018](#).

⁷³ Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, *Ausländische Saisoniers für den Tourismus und die Land- und Forstwirtschaft*. Press Release, 12 April 2019. Available at www.ots.at (accessed 31 December 2019).

⁷⁴ [FLG II No. 100/2019](#).

⁷⁵ *Die Presse*, Zahl der Saisoniers soll um 4,5 Prozent steigen, 16 April 2019. Available at www.diepresse.com (accessed 2 April 2020); *Der Standard*, Mehr ausländische Köche und Spargelstecher gegen Arbeitskräftemangel, 13 April 2019. Available at www.derstandard.at (accessed 2 April 2020).

⁷⁶ *Ibid.*

⁷⁷ [FLG II No. 407/2019](#).

partners, stated that this mainly boosts the low-wage sector and leads to social dumping.^{78,79} The Social Democratic Party of Austria has emphasized the risk of social dumping due to the liberalization of the labour market and demanded greater efforts to promote sector-specific skills among Austrians.⁸⁰ The Chamber of Labour has proposed providing people who are registered with the Public Employment Service with better chances of obtaining vocational qualifications through a public “qualification grant” as an alternative to attracting migrant workers.⁸¹

In general, there was wide agreement that the risk of (potential) labour exploitation needs to be addressed. Within the Task Force on Combating Human Trafficking in Austria under the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, the working group set up to address labour exploitation continued its activities in 2019, meeting on five occasions.⁸² The following points were especially relevant:

- (a) The working group focused on the role played by intermediary agencies in ensuring that personal care is given under fair conditions.⁸³ This issue had come into focus because most of the 24/7 personal caregivers in Austria are non-citizens working on a self-employed basis and placed by agencies. The Austrian quality certificate for intermediary agencies active in 24/7 personal care was presented at a working group meeting. The certificate was launched in 2019 to ensure enhanced transparency and security for clients as well as caregivers.⁸⁴
- (b) Another presentation subject was the ASAROBA project under the Austrian Trade Union Federation, with co-funding from the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection. ASAROBA serves to provide counselling on labour and social issues in the first language of clients speaking Arabic, Romanian or Bulgarian.⁸⁵
- (c) The trade union’s vidaflex programme was also presented within the working group on labour exploitation. This is aimed at helping one-person companies and the self-employed.⁸⁶

3.3.2 Cooperation with countries of origin of migrant workers

As a means of tackling skilled labour shortages, cooperation with migrant workers’ countries of origin has been expanded. The budget of the Austrian Business Agency (ABA) was increased from EUR 4.3 million to roughly EUR 7 million in 2019, with funds earmarked especially to address the shortage of skilled workers.⁸⁷ The ABA, an organization belonging to

⁷⁸ While EU legislation provides no clear definition for the concept of “social dumping”, the term is generally used to point to unfair competition due to the application of different wages and social protection rules to different categories of worker (Parliamentary questions, 27 May 2015, E-008441-15). The European Commission describes the practice as a situation ‘where foreign service providers can undercut local service providers because their labour standards are lower’ More information can be found at www.eurofound.europa.eu.

⁷⁹ Chamber of Labour, *Arbeitsmarkt: Regierung plant das Falsche*, Press Release, 2 January 2019. Available at www.arbeiterkammer.at (accessed 26 March 2020).

⁸⁰ *Der Standard*, Braucht Österreich wirklich Fachkräfte wie Bäcker aus dem Ausland?, 27 December 2019. Available at www.derstandard.at (accessed 26 March 2020).

⁸¹ Ibid.

⁸² Written Input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Written Input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020; Vidaflex, Wir leben Gewerkschaft für EPU. Available at www.vidaflex.at (accessed 28 January 2020).

⁸⁷ Austrian Business Agency, Über uns. Available at <https://investinaustria.at/en> (accessed 30 December 2019); Federal Ministry for Digital and Economic Affairs, *Udolf-Strobl: "Work in Austria gegen Fachkräftemangel"*. Press Release, 10 July 2019. Available at www.bmdw.gv.at (accessed 4 December 2019).

the Republic of Austria, is the main actor at the federal level involved in attracting international companies (Spiegelfeld, 2019:48). Expansion of the ABA's activities in 2019 was centred on programmes to encourage businesses to set up in Austria (Invest in Austria), and to attract skilled workers from other countries (Work in Austria).⁸⁸ The fields mainly targeted in the first phase of the Work in Austria programme are IT, as well as metal and electrical engineering, with skilled workers to be recruited from the EU Member States of Bulgaria, Croatia, Greece, Poland and Romania.⁸⁹ The goal is to alleviate the shortage of skilled workers and thus to maintain Austria's ability to compete internationally.⁹⁰

Another Austrian strategy to tackle skilled labour shortage is the provision of vocational training in countries with typically high emigration and/or unemployment rates. In this regard, two pilot projects have been implemented in cooperation with Spain: young people from that country are provided with German language courses in combination with apprenticeships in Carinthia and Styria.⁹¹ Furthermore, since 2017 the Austrian Development Agency (ADA) and the Austrian Federal Economic Chamber have been working together with the Serbian Federal Economic Chamber and other project partners to implement the Austrian dual-training apprenticeship system in that country.⁹²

3.3.3 Information and awareness-raising campaigns

Finally, information and awareness-raising campaigns are a way of providing information on pathways leading to legal migration and relevant prerequisites. This issue was raised at the annual conference of the National Contact Point Austria in the European Migration Network (EMN Austria). Held on 3 December 2019, this year's conference centred on the topic of "Migration and Communication – Information Campaigns in Countries of Origin and Transit". At the conference, which was attended by over 100 participants from various countries, current information campaigns were presented, along with the goals and underlying assumptions. Within the framework of the conference the importance of reliable data and critical evaluations has been discussed, for ensuring that information campaigns are geared towards results and that communication in the context of migration is effective (EMN Austria, 2019). The event reflected the increasing importance of the methodology of information campaigns as a possible effective instrument of proactive prevention work in the field of irregular migration at European and international level.⁹³

⁸⁸ Federal Ministry for Digital and Economic Affairs, *Udolf-Strobl: "Work in Austria gegen Fachkräftemangel"*. Press Release, 10 July 2019. Available at www.bmdw.gv.at (accessed 4 December 2019).

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ *orf.at*, „Talente für Kärnten“: Lehrlinge aus Spanien, 31 July 2019. Available at <https://kaernten.orf.at> (accessed 26 March 2020). *Salzburger Nachrichten*, Spanische Jugendliche kommen für Lehre in die Steiermark, 15 October 2019. Available at www.sn.at (accessed 26 March 2020).

⁹² Austrian Federal Economic Chamber, *Österreich exportiert die Lehrlingsausbildung nach Serbien*, 23 October 2020. Available at <https://news.wko.at> (accessed 24 March 2020).

⁹³ Written input by the Federal Ministry of the Interior, Department V/5 (International Migration Developments and Migration Communication), 23 January 2020.

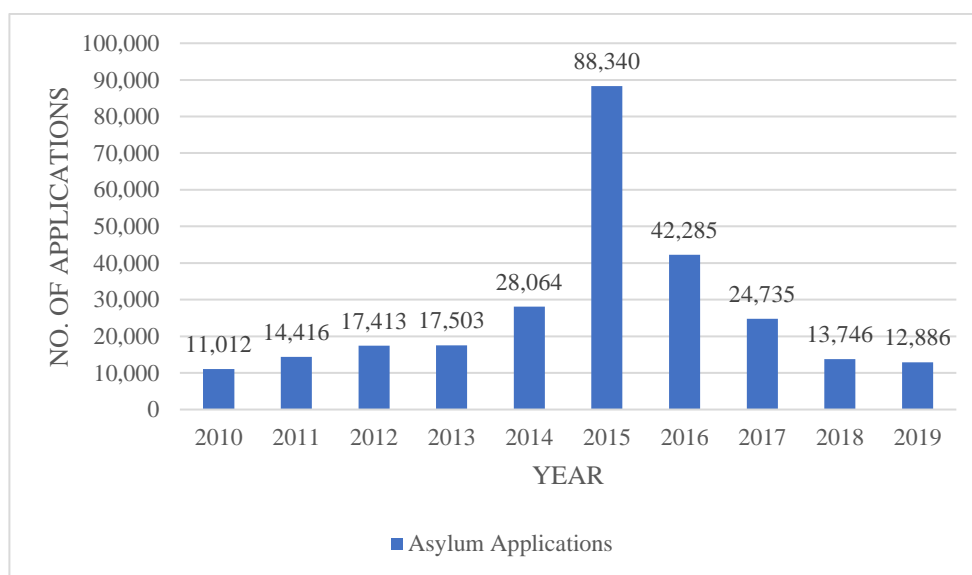
4 INTERNATIONAL PROTECTION INCLUDING ASYLUM

Developments in the area of international protection mainly related to the reception and accommodation of asylum seekers. Most importantly, the Austrian government established the legal basis for a new federal agency to take exclusive responsibility for the accommodation and care of asylum seekers. The agency will also be responsible for legal counselling in the asylum procedure and return counselling, and is expected to become fully operational as of 2021. In the area of education and employment, it was agreed to give (former) asylum seekers who are issued a return decision the opportunity to complete their apprenticeships in Austria. In a development relating to the efficiency of the asylum system, the backlog of outstanding asylum applications in recent years at first instance was resolved.

4.1 Statistical developments and trends

Over the past five years, the number of asylum applications has consistently decreased from the peak of 80,340 applications in 2015 to 12,886 in 2019. Compared with 2018, when 13,746 applications were recorded, the number has further decreased by 6 per cent and is now at the lowest level since 2011 (see figure 1).

Figure 1: Asylum applications in Austria (2010–2019)



Source: Federal Ministry of the Interior, n.d.f:8; Statistics Austria, *Asylanträge 2000–2018;2019*; representation by authors.

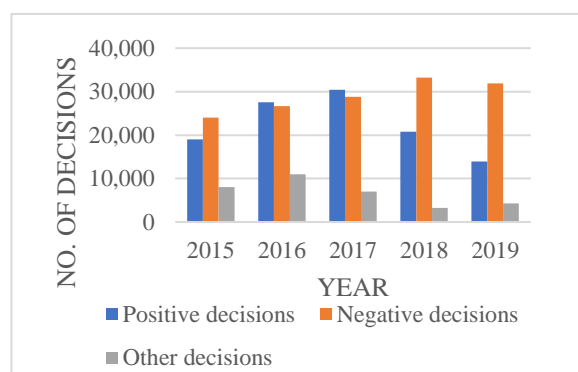
In 2019, the main country of origin of individuals submitting asylum applications in Austria was Afghanistan with a total of 2,976 applications, followed by citizens of the Syrian Arab Republic with 2,708 applications.⁹⁴ In contrast to 2017 and 2018, Afghanistan has thus replaced the Syrian Arab Republic as applicants' main country of origin. These two countries accounted for 44 per cent of all asylum applications in 2019. Further main countries of origin were Somalia (740 applications), the Republic of Iraq (729 applications), the Islamic Republic of

⁹⁴ Federal Ministry of the Interior, *Asylstatistik 2019*. Available at www.bmi.gv.at (accessed 17 March 2020).

Iran (727 applications) and the Russian Federation (723 applications), each accounting for approximately 6 per cent of the total number of applications.⁹⁵

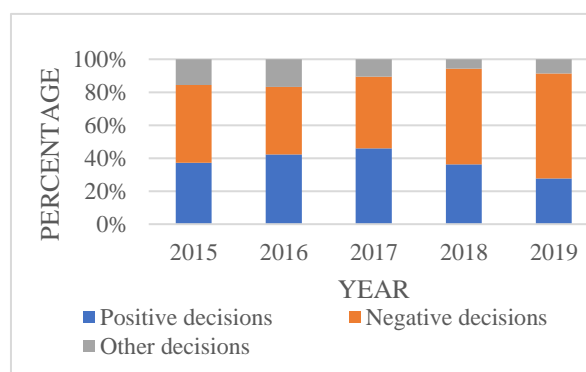
The share of final positive decisions of applications for international protection– granting asylum, subsidiary protection or humanitarian residence titles – was a mere 28 per cent in 2019. Hence, the majority of cases had a negative outcome (64%), widening the gap between positive and negative decisions that has been growing since 2017 (see figures 2 and 3).

Figure 2: Final decisions on asylum applications in Austria, total (2015–2019)



Source: Federal Ministry of the Interior, n.d.b:14; n.d.c:32; n.d.d:30; n.d.e:28; n.d.f:28; representation by authors.

Figure 3: Final decisions on asylum applications in Austria, percentage (2015–2019)



Source: Federal Ministry of the Interior, n.d.b:14; n.d.c:32; n.d.d:30; n.d.e:28; n.d.f:28; representation by authors.

4.2 Legislative and policy developments

4.2.1 Reception and accommodation of asylum applicants

On 25 February 2019, the Federal Ministry of the Interior put forth a package of five measures aimed at accelerating asylum procedures,⁹⁶ partially implemented from March 2019 onwards. The package included: (a) accommodation at so-called “departure centres” (*Ausreisezentren*); (b) compulsory presence of asylum seekers during night hours; (c) additional action to accelerate asylum procedures; (d) steps at European level relating to withdrawal of asylum status after specified criminal offences; and (e) preventive detention.⁹⁷ The measure listed under (a) involved expanding reception centres for asylum seekers to become “departure centres”.⁹⁸ According to the Federal Minister of the Interior, this would help accelerate asylum procedures while reducing appeals against first-instance decisions.⁹⁹ Opposition parties questioned the introduction of the new term “departure centre” to designate such facilities. NEOS – The New Austria, for example, criticized that no amendment to the asylum act had

⁹⁵ Ibid.

⁹⁶ Federal Ministry of the Interior, *Kickl präsentiert Neuerungen im Asylbereich*. Press Release, 25 February 2019. Available at www.ots.at (accessed 15 November 2019).

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid.

been passed to justify the change in designation.¹⁰⁰ The term was revoked in May 2019 by the next Federal Minister of the Interior.^{101,102}

The Federal Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company¹⁰³ was issued on 19 June 2019. Accordingly, a new Federal Agency for Care and Support Services was established, which will assume exclusive responsibility for the accommodation and care of asylum seekers. The Federal Agency will take on further tasks, including legal counselling in the asylum procedure, return counselling and assistance, as well as making available human rights observers, interpreters and translators (Art. 2 Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company). The starting dates for the above-mentioned activities are laid down in Art. 2 para 3 of the Act. Consequently, the Federal Agency would start providing accommodation and care as of 1 July 2020 and perform its additional tasks as of 1 January 2021. However, the Federal Minister of the Interior may, by regulation, postpone the beginning of the activities by up to 12 months. Such a regulation has been issued on 14 May 2020,¹⁰⁴ rescheduling the starting date for providing accommodation and care services to 1 December 2020.

The goal in setting up a state-owned entity is to reduce the previous dependency on external service providers in the fields that have now been transferred to the Federal Agency.¹⁰⁵ Other goals include enhanced cost-effectiveness, increased numbers of voluntary returnees as a result of qualitative return counselling, and a high level of quality assurance.¹⁰⁶

Legal counselling was previously provided by ARGE Rechtsberatung, which is run by the organizations Diakonie and Volkshilfe, and by the Verein Menschenrechte Österreich.¹⁰⁷ On 27 December 2019, these non-governmental organizations previously responsible for care agreed to a shortened notice period for terminating their contracts which gave the new Federal Government time to adequately review the implications.¹⁰⁸ Thus, a decision on termination by 31 December 2020 would have been possible until 29 February 2020.¹⁰⁹ The new Federal Government terminated the contracts within this timeframe.¹¹⁰ Hence, as of 2021, the agency will take on the tasks that were originally enumerated in the act.

The opposition parties voted against the Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company, pointing out the negative consequences of

¹⁰⁰ *Die Presse*, Neos vermuten Rechtsbruch hinter Umbenennung der Erstaufnahmestellen, 2 March 2019. Available at www.diepresse.com (accessed 11 March 2019).

¹⁰¹ E. Ratz, Federal Minister of the Interior in the federal government of S. Kurz after the dismissal of FPÖ nominated members of the government, between 22 May – 28 May 2019; see also: Federal Chancellery, *Regierungen seit 1945*. Available at www.bundeskanzleramt.gv.at (accessed 14 January 2020).

¹⁰² *Kurier*, "Ausreisezentrum"-Schild in Traiskirchen ist Geschichte, 29 May 2019. Available at <https://kurier.at> (accessed 8 May 2020).

¹⁰³ [FLG I No. 53/2019](#).

¹⁰⁴ [FLG II No. 211/2020](#).

¹⁰⁵ Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020.

¹⁰⁶ Written input by the Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 14 January 2020; Written inputs by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020 and 21 February 2020; Federal Ministry of the Interior, *Asyl- und Fremdenwesen: Nationalrat beschließt Bundesagentur für Betreuungs- und Unterstützungsleistungen*. Press Release, 16 May 2019. Available at www.bmi.gv.at (accessed 11 December 2019).

¹⁰⁷ Federal Ministry of the Interior, *Beantwortung der parlamentarische Anfrage zu „Rechtsberatung im Asylverfahren“ 2567/AB vom 8. März 2019 zu 2565/J (XXVI. GP)*, p. 1. Available at www.parlament.gv.at (accessed 18 December 2019).

¹⁰⁸ The Federal Minister of the Interior could, however, issue a regulation postponing the deadlines for implementing the items specified in the legislation for a maximum of 12 months, taking into account the respective technical, personnel and organizational requirements to be created.

¹⁰⁹ Austrian Press Agency (APA), *Asyl-Betreuung durch BBU könnte doch nicht kommen*. Press release, 30 December 2019. Available at www.apa.at (accessed 30 December 2019).

¹¹⁰ *orf.at*, *Asyl: Beratungsverträge mit NGOs gekündigt*, 28 February 2020. Available at <https://orf.at> (accessed 7 April 2020).

excluding non-governmental organizations from the asylum procedures.¹¹¹ The Social Democratic Party of Austria raised concerns about detrimental impact on the overall quality of asylum procedures.¹¹² NEOS – The New Austria expressed doubts as to whether the new system would in fact help increase cost-effectiveness, considering the bureaucracy involved in implementing a new agency.¹¹³ The United Nation’s High Commissioner for Refugees (UNHCR) cautioned that establishing the agency within the organizational structure of the Federal Ministry of the Interior might undermine the principle of independent legal counselling and threaten access to refugee protection under the rule of law.¹¹⁴ In a similar vein, Diakonie objected that giving the agency exclusive competence would constitute a barrier to fair asylum procedures and limit external control mechanisms.¹¹⁵

In relation to the accommodation of asylum seekers, seven care facilities run by the Federal State were shut down as of 31 December 2018 due to reduced numbers of asylum applications.¹¹⁶ One additional facility and five other federal care facilities were closed in the course of 2019.¹¹⁷ Since then, the Federal Ministry of the Interior has maintained the decommissioned care facilities as reserve capacities.¹¹⁸

4.2.2 Detention of asylum seekers

In relation to the detention of asylum seekers, the Federal Government held a “security summit” on 6 March 2019, at which the principles for introducing “preventive detention for dangerous asylum seekers” were agreed upon.¹¹⁹ The planned changes call for the Federal Office for Immigration and Asylum to be empowered to impose preventive detention on potentially dangerous asylum seekers. A court review is to take place to determine whether it would be legitimate for that authority to exercise such a power.¹²⁰ Moreover, corresponding legislation has not yet been passed.¹²¹ However, merely announcing the intention to introduce preventive detention led to debates as to whether the measure was justified and in accordance with the Austrian constitution. The governing parties, the Austrian People’s Party and the

¹¹¹ Austrian Parliament, *Nationalrat: Regierungsmehrheit gibt grünes Licht für Bundesasylagentur*, Parliamentary Correspondence No. 451, 16 May 2019. Available at www.parlament.gv.at (accessed 28 March 2020).

¹¹² Ibid.

¹¹³ Austrian Parliament, *Nationalrat: Regierungsmehrheit gibt grünes Licht für Bundesasylagentur*, Parliamentary Correspondence No. 451, 16 May 2019. Available at www.parlament.gv.at (accessed 28 March 2020).

¹¹⁴ UNHCR, *UNHCR-Analyse des Entwurfs für ein BBU-Errichtungsgesetz*. Available at www.refworld.org (accessed 18 March 2020).

¹¹⁵ Diakonie Österreich, *Stellungnahme der Diakonie Österreich zum Bundesgesetz, mit dem die Bundesagentur für Betreuungs- und Unterstützungsleistungen Gesellschaft mit beschränkter Haftung errichtet und das BFA-Verfahrensgesetz, das Asylgesetz 2005 und das Grundversorgungsgesetz – Bund 2005 geändert werden (BBU-Errichtungsgesetz– BBU-G)*. Available at <https://fluechtlingsdienst.diakonie.at> (accessed 17 March 2020).

¹¹⁶ Written input by the Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 14 January 2020; Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage zu „Stilllegung und Nachnutzung der Häuser, in denen AsylwerberInnen untergebracht waren“ 2912/AB vom 25. April 2019 zu 2964/J (XXVI.GP)*, p. 3. Available at www.parlament.gv.at (accessed 18 December 2019).

¹¹⁷ Written input by the Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 14 January 2020.

¹¹⁸ Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage zu „Stilllegung und Nachnutzung der Häuser, in denen AsylwerberInnen untergebracht waren“ 2912/AB vom 25. April 2019 zu 2964/J (XXVI.GP)*, p. 3. Available at www.parlament.gv.at (accessed 18 December 2019).

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

¹²⁰ Ibid.; Federal Ministry of the Interior, *Kickl: Sicherungshaft für Gefährder statt Sicherheit vor Haft für Gefährder*. Press Release, 6 March 2019. Available at www.bmi.gv.at (accessed 12 December 2019); Federal Chancellery, *Bundeskanzler Sebastian Kurz: Sicherungshaft mit richterlicher Genehmigung soll Österreich wieder sicherer machen*. Press Release, 6 March 2019. Available at www.bundeskanzleramt.gv.at (accessed 12 December 2019).

¹²¹ Due to the dissolution of the Austrian federal government in May 2019, no corresponding law has yet been passed. A discussion is currently underway on how preventive detention can be introduced in the light of the Austrian Federal Constitution.

Austrian Freedom Party, argued in favour of the measure, asserting that EU law¹²² allowed such measures in the event of a threat to national security and that only asylum seekers awaiting removal would be affected.¹²³ The opposition parties questioned the proposed detention measure, specifically the Social Democratic Party of Austria, NEOS – The New Austria and JETZT – Liste Pilz. One opposition critic cited Austria’s commitment to higher standards than those stipulated in EU law, in particular in relation to human rights.¹²⁴ In a press statement, NEOS – The New Austria announced that it would not vote for any such measure unless the government provided solid grounds for preventive detention. SOS Mitmensch claimed that the existing legal framework already provided sufficient options for detaining people who posed a threat to national security.¹²⁵ The topic of preventive detention also received wide coverage in Austrian media. In addition to the varying positions held by the political parties, the media also cited the opinions of experts who viewed preventive detention as a dangerous development in Austria.¹²⁶

4.2.3 Asylum procedure

The Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company¹²⁷ (see section 2.1.1), resulted in the need to adapt specific provisions of legislation governing asylum and aliens’ affairs to reflect the new organizational structure. The related amendments affected the Federal Office for Immigration and Asylum Procedures Act,¹²⁸ the Asylum Act 2005,¹²⁹ and the Federal Basic Care Act 2005.¹³⁰ In compliance with EU law, the Federal Office for Immigration and Asylum Procedures Act was modified to provide for non-payable legal counselling in asylum procedures, subject to available resources (Art. 49 Federal Office for Immigration and Asylum Procedures Act; see also section above). In certain cases, however, such as with unaccompanied minors, applicants for asylum are legally entitled to legal counselling (Art. 49 Federal Office for Immigration and Asylum Procedures Act). Where no legal counselling is provided, the asylum applicant is in any case to be informed on request about legal and procedural aspects. The amendments become effective in each case as of the date when the Federal Agency takes over provision of the corresponding service.¹³¹

The Regulation on Countries of Origin¹³² was amended on two occasions in 2019. Asylum application cases involving individuals from a country listed as a safe country of origin can be accelerated through a special “fast-track procedure”. The Federal Government issued a regulation on 8 May 2019 adding Namibia, the Republic of Korea and Uruguay to this list.¹³³ A later regulation issued by the Federal Government on 5 June 2019 delisted Sri Lanka as a

¹²² Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ 2013 L 180/96.

¹²³ Der Standard, *Koalition stellt klar: Sicherungshaft nur für Asylwerber*, 27 February 2019. Available at www.derstandard.at (accessed 26 March 2020).

¹²⁴ Austrian Parliament, *Menschenrechtsausschuss: Edtstadler verteidigt Sicherungshaft für gefährliche AsylwerberInnen*, Parliamentary Correspondence No. 274 vom 19.03.2019. Available at www.parlament.gv.at (accessed 25 March 2020).

¹²⁵ SOS Mitmensch, Herr Kickl, Hände weg von unserer Verfassung!, 27 February 2019. Available at www.sosmitmensch.at (accessed on 27 March 2020).

¹²⁶ Der Standard, Kickl und Co: Rechtsanwälte sehen „brandgefährliche“ Entwicklungen, 1 March 2019. Available at www.derstandard.at (accessed 10 April 2020); *orf.at*, FPÖ will Beauftragten für Rechtsschutz, 2 March 2019. Available at <https://orf.at> (accessed 10 April 2020).

¹²⁷ [FLG I No. 53/2019](http://www.rgbl.gv.at).

¹²⁸ [FLG I No. 87/2012](http://www.rgbl.gv.at), in the version of federal law [FLG I No. 53/2019](http://www.rgbl.gv.at).

¹²⁹ [FLG I No. 100/2005](http://www.rgbl.gv.at), in the version of federal law [FLG I No. 53/2019](http://www.rgbl.gv.at).

¹³⁰ [FLG No. 405/1991](http://www.rgbl.gv.at), in the version of federal law [FLG I No. 53/2019](http://www.rgbl.gv.at).

¹³¹ Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020.

¹³² [FLG II No. 177/2009](http://www.rgbl.gv.at), in the version of federal law [FLG II No. 145/2019](http://www.rgbl.gv.at).

¹³³ [FLG II No. 113/2019](http://www.rgbl.gv.at).

safe country of origin.¹³⁴ A review disclosed that Sri Lanka had announced the reintroduction of capital punishment, which subsequently disqualified the country as a safe country of origin.¹³⁵

With respect to quality assurance in asylum procedures, the Bridge project by the United Nations High Commissioner for Refugees (UNHCR) was implemented in Austria with co-funding from the European Commission and the Federal Ministry of the Interior. Its objective is to foster the quality of first-instance asylum procedures.¹³⁶ As part of the project, the 2019 Asylum Day was held on 14 November 2019 to discuss current challenges regarding refugee protection in Europe as well as legal issues especially relevant in the Austrian context.¹³⁷

4.2.4 Access to employment

On 21 May 2019, the Federal Minister of the Interior¹³⁸ issued a regulation specifying terms for the deployment of asylum seekers and other defined foreigners at unskilled community service jobs as well as the corresponding honorarium to be paid.¹³⁹ One of the provisions of the regulation sets a maximum hourly rate of EUR 1.50 for the honorarium paid to asylum seekers working at minor tasks in community service (Art. 3 *ibid.*). Non-governmental organizations, the opposition parties and some governments of Austria's regional provinces called for withdrawal of the regulation setting the maximum hourly rate.¹⁴⁰ In a formal question raised in parliament, the Social Democratic Party of Austria criticized the set maximum rate as undermining both the autonomy of municipalities and integration efforts at local level.¹⁴¹ After the coalition between the Austrian People's Party and the Austrian Freedom Party had been terminated, the newly appointed Federal Minister for the Interior of the new government¹⁴² revoked the provision.¹⁴³ According to the media, several regional politicians and representatives of civil society organizations referred to the withdrawal decision as "reasonable" and "fair".¹⁴⁴

A temporary amendment to the Aliens Police Act 2005¹⁴⁵ was issued on 27 December 2019, relating to postponement of the period granted for voluntary departure to asylum seekers training in an apprenticeship who are issued a return decision or have not yet been issued a final return decision (Art. 55a Aliens Police Act 2005).¹⁴⁶ It further applies to a postponement

¹³⁴ FLG II No. 145/2019.

¹³⁵ FLG II No. 130/2018; Federal Chancellery, *Erster Ministerrat der Regierung Bierlein*. Press Release, 5 June 2019. Available at www.bundeskanzleramt.gv.at (accessed 4 December 2019).

¹³⁶ UNHCR Austria, Projekt Bridge. Available at www.unhcr.org (accessed 30 December 2019).

¹³⁷ Constitutional Court, *Hochkarätiger Besuch am Asyltag 2019 im VfGH*. Press Release, 14 November 2019. Available at www.vfgh.gv.at (accessed 30 December 2019).

¹³⁸ Herbert Kickl, Federal Minister of the Interior in the federal government of the Austrian People's Party and the Austrian Freedom Party, between 18 December 2017 – 22 May 2019; See Federal Chancellery, *Regierungen seit 1945*. Available at www.bundeskanzleramt.gv.at (accessed 14 January 2020).

¹³⁹ FLG II No. 123/2019.

¹⁴⁰ *orf.at*, Ratz kippt letzte Kickl-Entscheidungen, 23 May 2019. Available at <https://orf.at> (accessed 25 March 2020).

¹⁴¹ Austrian Parliament, *Parlamentarische Anfrage betreffend unmenschliche Kürzung des Anerkennungsbeitrages bei AsylwerberInnen für gemeinnützige Tätigkeiten, 3317/J XXVI. GP*. Available at www.parlament.gv.at (accessed 24 March 2020).

¹⁴² Eckart Ratz, Federal Minister of the Interior in the federal government of the Austrian People's Party after the dismissal of members of the government nominated by the Austrian Freedom Party, between 22 May – 28 May 2019. See Federal Chancellery, *Regierungen seit 1945*. Available at www.bundeskanzleramt.gv.at (accessed 14 January 2020).

¹⁴³ FLG II No. 131/2019.

¹⁴⁴ See, for example, *Der Standard*, Kritik an Kickls Plan, Asylwerber-Stundenlohn auf 1,50 zu senken, 24 March 2019. Available at www.derstandard.at (accessed 18 March 2020); *orf.at*, Neuer Innenminister Ratz kippte letzte Kickl-Entscheidungen, 24 May 2020. Available at <https://orf.at> (accessed 18 March 2020).

¹⁴⁵ FLG I No. 100/2005, in the version of federal law FLG I No. 110/2019.

¹⁴⁶ FLG I No. 110/2019.

of removal of former asylum seekers who have (already) received a final negative decision and who have been in an apprenticeship relationship that ended ex lege before this amendment came into force (Art. 125 para 31 to 34 Aliens Police Act 2005). The arrangement is intended to give (former) asylum seekers the opportunity to complete their apprenticeships in Austria, once begun, as long as specified conditions are met.¹⁴⁷ The amendment was passed in parliament with a majority vote of the Austrian People's Party, the Social Democratic Party of Austria, the Austrian Green Party and NEOS – The New Austria. It was perceived as a compromise to address the situation of about 800 asylum seekers in apprenticeships who would potentially fall under the new rule.¹⁴⁸ The Austrian Freedom Party voted against the law, arguing that it would circumvent the individual right to asylum and challenge the rule of law.¹⁴⁹ The Austrian Federal Economic Chamber welcomed the amendment as a “humane solution” that would provide legal security to the asylum seekers concerned and their employers.¹⁵⁰ Overall, this positive view was shared by civil society organizations. Asylkoordination nonetheless criticized the government's failure to use the opportunity to define a more durable solution that would also benefit employers more effectively in the long run.¹⁵¹ SOS Children's Villages Austria, while generally in favour of the introduced changes, referred to the continued discrimination that young asylum seekers who wish to access education and apprenticeships face as a violation of children's rights.¹⁵²

4.2.5 Other developments

As its ongoing priority in 2019, the Federal Office for Immigration and Asylum reported the withdrawal of international protection status, particularly of individuals convicted of certain criminal offences, and subsequent removal of such persons from Austria (MoI, 2019).¹⁵³ According to a response to a question raised by parliament in February 2019, the number of first-instance withdrawal procedures increased from 161 in 2015 to more than 5,438 in 2018.¹⁵⁴ Based on annual statistics for 2019, there were a total of 2,994 withdrawals in the first instance.¹⁵⁵

Regarding cooperation with third countries, Austria supported regional development in North Africa through participation in the project entitled “Migration Management for Libyan authorities to identify and register migrants”, with an emphasis on “protection in the region”.¹⁵⁶

¹⁴⁷ Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020.

¹⁴⁸ *orf.at*, Abschiebestopp für Asylwerber in Lehre fix, 11 December 2019. Available at <https://orf.at> (accessed 15 April 2020); Federal Ministry of the Interior, *Vom Parlament geforderte "pragmatische Lösung" bei Asylwerber in Lehre bedarf einer Gesetzesänderung*. Press Release, 5 November 2019. Available at www.bmi.gv.at (accessed 12 December 2019).

¹⁴⁹ Austrian Parliament, *AsylwerberInnen in Lehre: Vier-Fraktionen-Einigung im Nationalrat*, Parliamentary Correspondence No. 1183, 11 December 2019. Available at www.ots.at (accessed 18 March 2020).

¹⁵⁰ Austrian Federal Economic Chamber, *Kopf zu Asylwerbern in Lehre: „Zutiefst humane Lösung erreicht“*. Available at <https://news.wko.at> (accessed on 18 March 2020).

¹⁵¹ Asylkoordination, *Lehrlingsentscheidung: Kafkaesker Pfusch*. Press Release, n.d. Available at www.asyl.at (accessed 11 March 2020).

¹⁵² SOS Kinderdorf, *Zwergenschritt in die richtige Richtung*, 6 November 2019. Available at www.sos-kinderdorf.at (accessed 11 March 2020).

¹⁵³ See also: Federal Office for Immigration and Asylum, *Rückstandsabbau erledigt, Verfahrensdauer unter drei Monaten, Abschiebungen gesteigert*. Press Release, 24 January 2019. Available at www.bfa.gv.at (accessed 20 November 2019).

¹⁵⁴ Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage betreffend „Aberkennungsverfahren nach dem Asylgesetz 2479/AB vom 20.02.2019 zu 2497/J (XXVI.GP)“*. Available at www.parlament.gv.at (accessed 18 March 2020).

¹⁵⁵ Federal Office for Immigration and Asylum, *BFA-Jahresbilanz 2019*. Available at www.bfa.gv.at (accessed 18 March 2020).

¹⁵⁶ Written input by the Federal Ministry of the Interior, Department III/1 (Legislation), 23 January 2020.

At the first Global Refugee Forum, held on 17 and 18 December 2019 in Geneva,¹⁵⁷ the Federal Ministry of the Interior pledged funding towards resolving conflicts, financing programmes in third countries, and for return and reintegration.¹⁵⁸

An amendment to the Weapons Act 1996¹⁵⁹ was adopted in December 2018. One of the changes was to expand the scope of the previous ban on firearms to include weapons of all kinds; the ban applies to asylum seekers, persons staying in Austria irregularly and other third-country nationals not having long-term residence status (Art. 11a Weapons Act).¹⁶⁰ The amendment became effective as of 1 January 2019.

4.3 Quality and efficiency of the national asylum system

Two evaluations relating to the quality of the Austrian asylum system were published in the period under review, one by the Austrian Court of Audit and a second by the Office of the United Nations High Commissioner for Human Rights (OHCHR).

- (a) From February to June 2018, the Austrian Court of Audit performed an audit of the Federal Office for Immigration and Asylum, examining organization, strategies, procedures involving asylum and aliens law, quality management, and internal control systems.¹⁶¹ With regard to asylum and procedures under aliens law, the Court of Audit made recommendations relating to reviews of individual cases involving asylum seekers convicted of criminal offences, specifically to stress accelerated procedures and to harmonize the system used to handle procedures in the provinces.¹⁶²
- (b) In 2019, OHCHR (2019) published a report on the human rights of migrants in Austria, including asylum seekers. The report welcomed the range of human rights protection measures enshrined in Austrian legislation that are available to migrants in the context of return. OHCHR nonetheless recommended more consistent application of those measures. Further recommendations included: establishing a human rights, gender- and age-responsive vulnerability assessment mechanism within asylum and returns processes (OHCHR, 2019:16-17). In response, the government announced it would take the report seriously, while nonetheless highlighting the superior human rights standards in Austria as well as the country's efforts in the field of asylum in recent years.¹⁶³

In general, ensuring quality standards in asylum and procedures under aliens law continued to be a priority of the Federal Ministry of the Interior and the Federal Office for Immigration and Asylum in 2019. Core elements of the annual quality framework plan are the implementation of quality controls, such as the evaluation of decisions, and the implementation of quality assurance measures.¹⁶⁴ A focus was also placed on specialist training and ongoing further training of all staff at the Federal Office for Immigration and Asylum. To ensure a uniform standard of training, a new training model for procedural case officer and special training for

¹⁵⁷ UNHCR, Global Refugee Forum. Available at www.unhcr.org (accessed 28 January 2020).

¹⁵⁸ Ibid.

¹⁵⁹ [FLG I No. 12/1997](#), in the version of federal law [FLG I No. 97/2018](#).

¹⁶⁰ [FLG I No. 97/2018](#).

¹⁶¹ Austrian Court of Audit, Bundesamt für Fremdenwesen und Asyl: Bericht des Rechnungshofes, *Reihe BUND* 2019(46). Available at www.rechnungshof.gv.at (accessed 17 December 2019).

¹⁶² Ibid., pp. 126–128.

¹⁶³ *Der Standard*, Kurz zu UN-Kritik: "Lasse es nicht zu, Österreich schlecht zu reden", 9 May 2019. Available at www.derstandard.at (accessed 18 March 2020); *Der Standard*, Uno rügt Österreich wegen Umgangs mit Asylwerbern, 9 May 2019. Available at www.derstandard.at (accessed 18 March 2020).

¹⁶⁴ The various organizational units of the Federal Office for Immigration and Asylum are also working on regional quality plans with specific regional focuses and objectives. Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

staff working on quality assurance was developed in line with the Court of Auditors' recommendation.¹⁶⁵

Regarding the efficiency of the asylum system, the Federal Office for Immigration and Asylum announced that the backlog of outstanding asylum applications in recent years had been resolved.¹⁶⁶ From an initial backlog of 73,444 first-instance procedures pending in 2015, the number had been reduced to 3,744 by 2019.¹⁶⁷ In the case of procedures involving asylum applications received since 1 June 2018, procedures took on average three months in 2019.¹⁶⁸ In addition to a significant increase in staff, this figure is related to the decline in asylum applications-(see section 4.1).¹⁶⁹

¹⁶⁵ Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

¹⁶⁶ Federal Ministry of the Interior, *BFA: Rückstandsabbau erledigt, Verfahrensdauer unter drei Monaten, Abschiebungen gesteigert*. Press Release, 24 January 2019. Available at www.bmi.gv.at (accessed 20 November 2019).

¹⁶⁷ Federal Office for Immigration and Asylum, BFA-Jahresbilanz 2019. Available at www.bfa.gv.at (accessed 18 March 2020).

¹⁶⁸ Written input by the Federal Office for Immigration and Asylum, 26 February 2020; Federal Office for Immigration and Asylum, *BFA-Bilanz: Fremdenrechtlicher Schwerpunkt im 1. Halbjahr 2019*. Press Release, 30 July 2019. Available at www.bfa.gv.at (accessed 20 November 2019); Federal Office for Immigration and Asylum, *BFA-Halbjahresbilanz 2019 (Stand 30. Juli 2019)*. Available at www.bfa.gv.at (accessed 4 December 2019).

¹⁶⁹ Written input by the Federal Office for Immigration and Asylum, 26 February 2020.

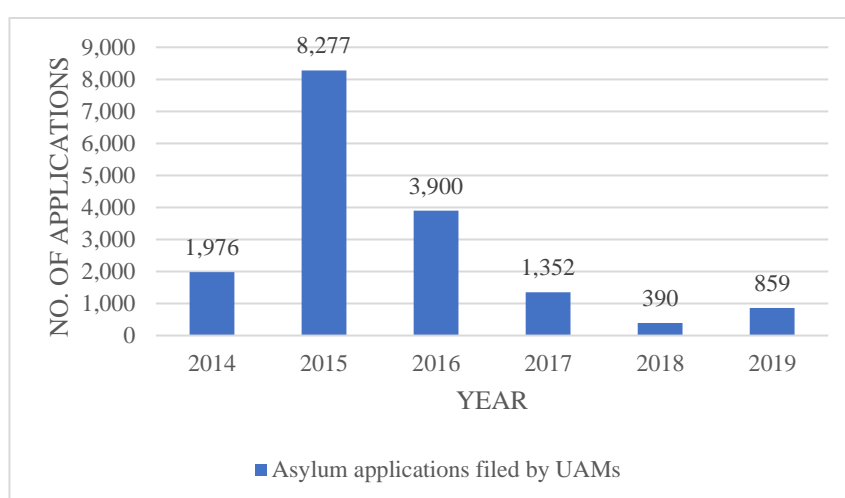
5 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS¹⁷⁰

In 2019, national developments relating to unaccompanied minors (UAMs) and other vulnerable groups were mainly in the areas of child and youth welfare as well as protection needs of UAMs. An agreement was signed between the Federal State and the provinces on matters including the harmonization of child and youth welfare, which affects the care and support responsibilities for unaccompanied minors.

5.1 Statistical developments and trends

Over the past years, the number of applications for international protection filed by UAMs decreased from a peak at 8,277 in 2015 to 390 in 2018. In 2019 the number of applications increased to 859 (see figure 4).

Figure 4: Asylum applications filed by unaccompanied minors (UAMs) in Austria (2014–2019)



Source: Federal Ministry of the Interior, n.d.a:10; n.d.b:10; n.d.c:25; n.d.d:24; n.d.e:24; n.d.f:24; representation by authors.

The number of UAMs admitted to the asylum procedure in 2019 was much lower than the number of applications, according to the response to a question raised in parliament. Between January and October 2019, 845 applications were filed while only 170 UAMs were admitted to the asylum procedure.¹⁷¹ The reasons for not admitting UAMs to procedures vary, however, and include cases in which applicants are determined to have reached majority age. In view of the discrepancy between applications and procedures, Asylkoordination pointed out the risk of UAMs going missing in the process.¹⁷²

Additionally, the Red-White-Red (RWR) Card Plus is available to UAMs not seeking asylum (Settlement and Residence Act Art. 41a para 10).¹⁷³ Hence, the number of UAMs staying in Austria with a residence permit is represented by the number of Red-White-Red (RWR) Cards

¹⁷⁰ Other vulnerable groups include (accompanied) minors, disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

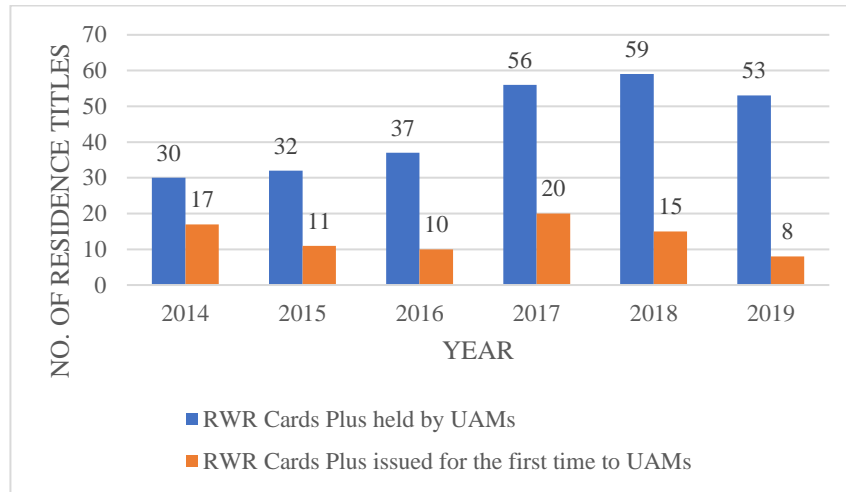
¹⁷¹ Federal Ministry of the Interior, *Anfragebeantwortung der parlamentarischen Anfrage betreffend „Asylverfahren minderjähriger Asylsuchender in Österreich“*, 38 AB vom 19.12.2019 zu 42/J (XXVII. GP), p. 3. Available at www.parlament.gv.at (accessed 18 March 2020).

¹⁷² Asylkoordination, *asylkoordination fordert Maßnahmen und hofft auf Ankündigung im Regierungsprogramm*. Press Release, n.d. Available at www.asyl.at (accessed 11 March 2020).

¹⁷³ [FLG I No. 100/2005](http://www.rtr.at), in the version of federal law [FLG I No. 104/2019](http://www.rtr.at).

Plus held by UAMs. This number increased to more than 50 in 2017 and has remained at this level since then. However, in 2019 only eight RWR Cards Plus were issued for the first time to UAMs, which constitutes the lowest number since 2014 (see figure 5).

Figure 5: Number of Red-White-Red Cards Plus (RWR Cards Plus) held by and issued for the first time to unaccompanied minors (UAMs) in Austria (2014—2019)



Source: Federal Ministry of the Interior, 2015:16,28; 2016:16,28; 2017:16,28; 2018:17,28; 2019:17,29; 2020: 19,32; representation by authors.

5.2 Legislative developments

In December 2018 a constitutional amendment¹⁷⁴ was passed that redistributed child and youth welfare responsibilities between the Federal State and the provinces (Heilemann, 2019:33). The provinces, meaning the provincial governments and child and youth welfare services, had previously assisted in the tasks of the Federal Ministry of the Interior by playing a key role in the care and accommodation of unaccompanied minors (Bassermann and Spiegelfeld, 2018:9). As a consequence of the amendment, the provinces are solely responsible for legislation in the area of child and youth welfare as of 2020.

To ensure continued quality standards throughout Austria subsequent to this change, an agreement based on Art. 15a of the Federal Constitutional Act¹⁷⁵ concerning child and youth welfare was signed between the Federal State and the provinces on 3 December 2019.¹⁷⁶ The agreement became effective as of 1 January 2020 and is aimed at harmonizing the child and youth welfare system in Austria as well as defining and continually developing common standards (Art. 1 *ibid.*). Accordingly, the agreement stipulates the provinces' responsibility in future for implementing the mechanisms, minimum standards and services relating to child and youth welfare that are enumerated in Art. 2 of the Federal Children and Youth Service Act 2013.¹⁷⁷ These responsibilities also include care and support of unaccompanied foreign minors (Bassermann and Spiegelfeld, 2018:9). Several of the provisions of the Federal Children and Youth Service Act 2013 are to be detailed in a future federal act (Art. 3 *ibid.*).¹⁷⁸ The new division of responsibilities and the resulting implications for the quality of child and youth welfare were subject to ongoing discussions. Before the agreement was signed, 19 non-

¹⁷⁴ FLG No. 14/2019.

¹⁷⁵ FLG No. 1/1930, in the version of federal law FLG I No. 100/2003.

¹⁷⁶ FLG I No. 106/2019.

¹⁷⁷ FLG I No. 69/2013, in the version of federal law FLG I Nr. 105/2019.

¹⁷⁸ FLG I No. 106/2019.

governmental organizations had criticized the lack of harmonized quality measures in child and youth welfare at federal level.¹⁷⁹ In a question raised in parliament in July 2019 on developments in child and youth welfare, doubts were expressed as to whether giving more powers to the provinces would improve the overall quality of the measures in place.¹⁸⁰ While the discussions surrounding these legislative amendments refer to the state of child and youth welfare as a whole, it is important to note here that the situation of UAMs and other groups of migrant children is also affected.

With respect to possible future developments, the government programme of the Austrian People's Party and the Austrian Green Party highlights the protection needs of refugee children. Particular mention is made of the importance of timely appointment of guardians for UAMs by the child and youth welfare authorities, as well as of considering the child's best interests in asylum procedures.¹⁸¹

5.3 Other developments

Providing accommodation in remote and isolated areas has repeatedly been criticized as inadequate and as a violation of children's rights.¹⁸² A relevant development in this regard in 2019 related to access to schooling for children against whom a return decision had been issued. Based on an evaluation of the human rights standards at return counselling facilities (see chapter 11), it was recommended that neither children nor families with children required to attend school, against whom a final return decision has been issued, should be housed at the Schwechat and Fieberbrunn facilities in future.¹⁸³ The reason given was the lack of adequate access to schooling.¹⁸⁴ Since 21 November 2019 the affected individuals are housed at the federal care facility Bad Kreuzen in Upper Austria, where a pilot project is being conducted with the local school.¹⁸⁵

In regard to alternative forms of care and reception of UAMs, the International Organization for Migration (IOM) organized a conference on "Foster Families for UAMs" in January 2019 within the Fostering Across Borders (FAB) project. The event, which was held in cooperation with FICE Austria in the framework of the project "FORUM project for unaccompanied minors," allowed for information exchange and reflection on current practices and needs. Within the project, a training handbook for foster carers was developed, expert exchange meetings were held in Vienna and Innsbruck and workshops and supervision sessions were offered to (foster) carers. The project was concluded in September 2019 with a conference at European level to present key findings and recommendations (IOM, 2019).

In relation to other vulnerable groups, training on LGBTQI¹⁸⁶ and asylum was provided. As a result of the cooperation between the Federal Ministry of the Interior and UNHCR, a training course on LGBTQI issues was held for the first time in 2019 for procedural case officers of the

¹⁷⁹ Austrian Parliament, *Anfrage zu „Entwicklungen in der Kinder- und Jugendhilfe“ 4058/J vom 26.07.2019 (XXVI.GP)*. Available at www.parlament.gv.at (accessed 19 March 2020).

¹⁸⁰ Ibid.

¹⁸¹ Federal Government, *Aus Verantwortung für Österreich: Regierungsprogramm 2020–2024*, p. 197. Available at www.bundeskanzleramt.gv.at (accessed 29 May 2020).

¹⁸² Austrian Parliament, *Anfrage betreffend Rückkehrberatungseinrichtung Fieberbrunn, 2829/J vom 2. Juli 2017*, p. 1. Available at www.parlament.gv.at (accessed 20 March 2020).

¹⁸³ Federal Ministry of the Interior, *Menschenrechtliche Prüfung der Rückkehrberatungseinrichtungen (RÜBE)*. Available at www.bmi.gv.at (accessed 17 December 2019).

¹⁸⁴ Federal Ministry of the Interior, *Menschenrechtliche Überprüfung der Rückkehrberatungseinrichtungen durch Innenminister Peschorn*. Press Release, 21 November 2019. Available at www.bmi.gv.at (accessed 17 December 2019).

¹⁸⁵ Ibid.

¹⁸⁶ Lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people.

Federal Office for Foreign Affairs and Asylum.¹⁸⁷ Two further training events on the topic of “vulnerability and flight” were also offered in 2019 in cooperation with UNHCR.¹⁸⁸

On the occasion of the International Day of Zero Tolerance for Female Genital Mutilation, the Ministry of the Interior presented future measures of the criminal law task force that has been appointed by the Federal Government. Where indications exist that genital mutilation is planned in another country, child and youth welfare authorities will in future be authorized to have travel documents confiscated.¹⁸⁹ As part of a project calling for “measures to address female genital mutilation and violence against women in the context of integration”, the Austrian Integration Fund is subsidizing seven projects with a total budget of EUR 1 million in the period of 2019 to 2021.¹⁹⁰ These projects, targeting women and girls with a migration background, provide information on therapy options as well as professional counselling, and are active in education and prevention.¹⁹¹

¹⁸⁷ Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

¹⁸⁸ Ibid.

¹⁸⁹ Federal Ministry of the Interior, *Edtstadler: Task Force Strafrecht plant Maßnahmen gegen weibliche Genitalverstümmelung*. Press Release, 17 February 2019. Available at <https://bmi.gv.at> (accessed 18 November 2019).

¹⁹⁰ Austrian Integration Fund, *Geförderte Projekte - Sonderaufruf „Maßnahmen gegen weibliche Genitalverstümmelung (FGM) sowie gegen Gewalt an Frauen im Kontext von Integration“*. Available at www.integrationsfonds.at (accessed 5 December 2019).

¹⁹¹ Austrian Integration Fund, *Maßnahmen gegen weibliche Genitalverstümmelung (FGM) sowie gegen Gewalt an Frauen im Kontext von Integration*. Available at www.integrationsfonds.at (accessed 5 December 2019).

6 INTEGRATION

Developments in the field of integration in 2019 included measures to help migrants improve their German language skills. In particular, individuals aged 15 and older holding asylum or subsidiary protection status were given expanded access to German courses to now also include B1-level courses. Separate remedial German courses or classes were introduced for pupils with limited language proficiency as of the 2018/19 school year. It was further announced that access to social security would be linked to the level of German proficiency, through an “employment qualification bonus”, however the measure was revoked in December 2019. In addition, Austrian integration policies targeted the specific priorities of labour market inclusion of migrants and refugees as well as integration of migrant women.

6.1 Statistical developments and trends

In early September 2019, the annual Integration Report was published, presenting recent trends and indicators of integration in Austria. This year’s report, drafted by the Expert Council for Integration (2019), featured the topics of gender, integration of young people, family reunification and marriage migration, religious diversity and secularism. The report presents a summary of official data and statistics relating to integration, covering asylum and stay/residence, education, social benefits, labour market, German courses, values and orientation courses, and research (integration monitoring under Art. 21 Integration Act). This provides a robust statistical basis for understanding structural integration among migrants and holders of asylum or subsidiary protection status in Austria. Additionally, it depicts changes over time, which is a potential source of information for evidence-based integration policy measures.¹⁹² This information is supplemented by the Migration & Integration statistical yearbook, also presented in early September 2019 (Statistics Austria, 2019a).

Two additional studies on specific integration topics were published in 2019. The study Integration Barometer 2019, commissioned by the Austrian Integration Fund, was presented on 21 October 2019. The study surveyed a representative sample of 1,000 Austrian citizens aged 16 and over on perceptions of how Austrians, migrants and refugees live in communities. According to the findings, as of mid-2019, 42 per cent of respondents positively how well Austrians and immigrants were living in the same communities (Hajek, 2019:11). A total of 27 per cent had a positive perception of the way Muslims and non-Muslims coexist (Hajek, 2019:12). The majority of respondents referred to the integration of migrants from Bosnia and Herzegovina, Croatia, Germany, Hungary and Poland as “successful”, while the integration of people belonging to the Chechen ethnic minority and of individuals from Afghanistan and Somalia was termed “less successful” or “unsuccessful” (Ibid.:14). According to the study, 90 per cent of those surveyed were in favour of compulsory integration measures, along with sanctions in response to non-compliance (Ibid.:19). A study by the Austrian Integration Fund focused on young people in Vienna with a Muslim background, specifically looking at identities as well as discriminatory attitudes and others. In summary, basic democratic attitudes became stronger the longer a person lives in Austria (ÖIF, 2019a). Anti-democratic and devaluing attitudes towards basic and liberal rights were associated with family background and socialization, any violence experienced, authoritarian structures in countries of origin, and individual attitudes towards religion.¹⁹³ The details reported by young Muslims show that low

¹⁹² Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020.

¹⁹³ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020; see also: Austrian Integration Fund, *Neue ÖIF-Befragung zu Einstellungen von muslimischen Jugendlichen in Wien*. Press Release, 30 November 2019. Available at www.ots.at (accessed 17 December 2019).

social status, a lack of economic opportunities and social contacts have negative impacts on democratic attitudes (ÖIF, 2019a:104).

6.2 Legislative developments: language acquisition and access to social assistance

With respect to enhancing language skills, an amendment to the Integration Act¹⁹⁴ was promulgated on 22 May 2019. As a result, the Federal Ministry for Europe, Integration and Foreign Affairs is required to make German courses available to individuals aged 15 and over holding asylum or subsidiary protection status as of 1 January 2020. This will allow individuals holding asylum or subsidiary protection to achieve as a minimum the B1 level instead of the previous A2 level (Art. 4 para 1 Integration Act).¹⁹⁵ In addition, as of 1 June 2019, the Federal Ministry for Europe, Integration and Foreign Affairs is required to make values and orientation courses available to third-country citizens who receive benefits under the General Social Assistance Act. The courses are managed by the Austrian Integration Fund (Art. 16a Integration Act).¹⁹⁶

With the aim of reorganizing and harmonizing social assistance across Austria,¹⁹⁷ the Federal Act concerning principles of social assistance (General Social Assistance Act)¹⁹⁸ was issued on 22 May 2019.¹⁹⁹ The act is particularly relevant for migrants legally residing in Austria, providing for objectives related to integration and aliens' issues to be considered in deciding eligibility for social assistance (Art. 1 para 2 General Social Assistance Act). More specifically, the act enumerates the categories of individuals entitled to social services, while excluding persons who do not actually reside in Austria, asylum seekers and foreign nationals who are obliged to leave Austria (Art. 4 para 2 General Social Assistance Act). Consequently, the Federal Act for the integration of persons without Austrian citizenship lawfully staying in Austria (Integration Act)²⁰⁰ was amended in 2019. The intention was to bring the act into harmony with relevant provisions set out in the General Social Assistance Act. As a result of this package of measures, a minimum of 35 per cent of the benefit to be paid out to adult-age recipients of social assistance was contingent on the individual's employability in the Austrian labour market (Art. 5 para 6 to 9 General Social Assistance Act); this portion was referred to as the "employment qualification bonus". Employability as defined in the General Social Assistance Act was given where individuals:

- Achieved the B1 level in German or C1 in English;
- met obligations under integration law (as defined in Art. 16c para 1 Integration Act);
- or optionally had completed an appropriate vocational training programme.

The General Social Assistance Act and its implications for migrants and refugees were widely discussed in Austrian media²⁰¹ and commented on by many relevant stakeholders. A legal

¹⁹⁴ [FLG I No. 68/2017](#), in the version of federal law [FLG I No. 41/2019](#).

¹⁹⁵ [FLG I No. 41/2019](#).

¹⁹⁶ Ibid.

¹⁹⁷ Austrian Parliament, *Ministerialentwurf betreffend Bundesgesetze, mit dem ein Bundesgesetz betreffend Grundsätze für die Sozialhilfe (Sozialhilfe-Grundsatzgesetz) und ein Bundesgesetz über die bundesweite Gesamtstatistik über Leistungen der Sozialhilfe (Sozialhilfe-Statistikgesetz) erlassen werden*, 104/ME. Available at www.parlament.gv.at (accessed on 24 March 2020).

¹⁹⁸ [FLG I No. 41/2019](#).

¹⁹⁹ Austrian Parliament, *Ministerialentwurf betreffend Bundesgesetze, mit dem ein Bundesgesetz betreffend Grundsätze für die Sozialhilfe (Sozialhilfe-Grundsatzgesetz) und ein Bundesgesetz über die bundesweite Gesamtstatistik über Leistungen der Sozialhilfe (Sozialhilfe-Statistikgesetz) erlassen werden*, 104/ME. Available at www.parlament.gv.at (accessed on 24 March 2020).

²⁰⁰ [FLG I No. 68/2017](#), in the version of federal law [FLG I No. 41/2019](#).

²⁰¹ *Salzburger Nachrichten*, Gesetzesentwurf zu Mindestsicherung passiert Sozialausschuss, 15 April 2019. Available at www.sn.at (accessed 19 March 2020); *Die Presse*, Integration: "Man hat in Österreich 2015 einiges richtig

opinion published by the Ludwig Boltzmann Institute pointed to some problematic aspects of the act, including making social benefits contingent on language proficiency.²⁰² The United Nations High Commissioner for Refugees (UNHCR) concurred with this opinion. UNHCR also cautioned that reducing social benefits for refugees and excluding beneficiaries of subsidiary protection from general social assistance would have negative impacts on the integration of both groups (UNHCR, 2019).²⁰³ The exclusion of beneficiaries of subsidiary protection was also criticized by SOS Mitmensch.²⁰⁴

The Austrian Constitutional Court reviewed the General Social Assistance Act to determine whether it was constitutional. In a ruling handed down on 12 December 2019, the court found certain provisions, including the one on the “employment qualification bonus”, to be unconstitutional and revoked them.²⁰⁵ The justification given was the lack of any clear reason why an individual’s employability in the labour market necessarily followed from such a high level of proficiency in German and English. Additionally, it was noted, legislators had not taken into account the manifold reasons potentially preventing individuals from achieving such a high level of language proficiency.²⁰⁶ The “employment qualification bonus” in the General Social Assistance Act was ruled to be unconstitutional. However, the obligations for beneficiaries of social assistance, set out in the Integration Act, continue to apply.²⁰⁷

The Regulation Implementing the Integration Agreement²⁰⁸ entered into force on 1 October 2019, replacing the Regulation on the Integration Agreement 2017.²⁰⁹ The legislation specifies in detail items in the Integration Act relating to organization. This includes the criteria to be met by institutions seeking to offer German courses, along with the requirements applying to teaching staff and examinees. Quality standards as well as course and exam content are also defined in the regulation.²¹⁰

6.3 Integration through socio-economic participation

Several policy developments took place in 2019 with the objective of enhancing the socio-economic integration of migrants and refugees. These developments can be distinguished based on actions to enhance language skills and those to promote employment.

As of the 2018/2019 school year, pupils at general compulsory schools and lower and upper secondary schools who are unable to follow regular classes due to inadequate language skills are instructed in separate remedial German courses or classes (Art. 8h School Organization Act).²¹¹ Pupils who have a poor knowledge of German are assigned to remedial German

gemacht“, 8 January 2019. Available at www.diepresse.com (accessed 19 March 2020); *orf.at*, Forscherin warnt vor Rückbau bei Sprachkursen, 8 January 2019. Available at <https://volksgruppen.orf.at> (accessed 19 March 2020).

²⁰² Ludwig Boltzmann Institute, Stellungnahme zum Ministerialentwurf betreffend Bundesgesetze, mit dem ein Bundesgesetz betreffend Grundsätze für die Sozialhilfe (Sozialhilfe-Grundsatzgesetz) und ein Bundesgesetz über die bundesweite Gesamtstatistik über Leistungen der Sozialhilfe (Sozialhilfe-Statistikgesetz) erlassen werden (104/ME XXVI.GP), n.d. Available at <https://bim.lbg.ac.at> (accessed 14 April 2020).

²⁰³ UNHCR, *UNHCR bedauert Ministerratsbeschluss zu Mindestsicherung*. Press Release, 13 March 2019. Available at www.unhcr.org (accessed 10 March 2020).

²⁰⁴ SOS Mitmensch, „Mindestsicherung neu“ entrechtet und kriminalisiert Schutzberechtigte. Available at www.sosmitmensch.at (accessed 10 March 2020).

²⁰⁵ Constitutional Court, 12 December 2019, *G 164/2019-25, G 171/2019-24*, p. 102.

²⁰⁶ *Ibid.*

²⁰⁷ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020.

²⁰⁸ *FLG II No. 286/2019*.

²⁰⁹ *FLG II No. 242/2017*.

²¹⁰ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020.

²¹¹ *FLG No. 242/1962*, in the version of federal law *FLG I No. 35/2018*.

courses, while those with little or no proficiency are assigned to remedial German classes. Pupils can attend the programmes, normally spanning one semester, for a maximum of four semesters.²¹² According to a report from February 2019, after the 2018/2019 winter semester, 800 pupils in Vienna successfully transferred from a remedial German class to regular instruction, and over 1000 pupils successfully completed remedial German courses.²¹³ In March 2019, the Austrian Parliament passed an amendment to the School Education Act,²¹⁴ providing for standardized tests after each semester to assess whether pupils in remedial German courses have acquired the requisite language skills (Art. 18 para 15 School Education Act). During the discussion of the measure in the Austrian Parliament, the Austrian People's Party and the Austrian Freedom Party as coalition government parties highlighted the positive impact of remedial German courses and classes for integration. Accordingly, the demand for remedial German courses was higher than expected and the standardized tests would be an important means of improving the quality of the remedial classes, they argued. The opposition parties objected, expressing fundamental concerns about the effectiveness of remedial teaching while stressing the benefits of regular teaching for the integration process and arguing for more autonomy for schools and/or teachers in this matter.²¹⁵

Labour market policy instruments that had proven effective for targeting migrants in earlier years continued to be deployed in 2019. These instruments specifically include: developing language skills, retraining in line with labour demands, diversity management as part of counselling provided by the Public Employment Service, as well as collaboration between the latter and institutions for migrant care and counselling.²¹⁶ In relation to individuals with asylum or subsidiary protection status, particular focus areas were additionally defined for 2019. These include language courses and retraining and, especially, skills checks.²¹⁷ These advancement measures seek primarily to determine the qualifications, skills and occupational experience of recognized refugees who are registered as unemployed with the Public Employment Service.²¹⁸ The United Nations recognized the Skills Check for Women with the 2019 Public Service Award.²¹⁹

To tackle the relatively high unemployment rate among foreign nationals, the next stage of the Mentoring for Migrants programme was launched in November 2019. The project was started in 2008 with the goal of helping individuals with a migration or refugee background to connect with mentors from the business world, as a way of gaining a foothold in the Austrian labour market.²²⁰ 96 mentor–mentee pairs are participating in the 2019/2020 course in Vienna, Lower Austria and Burgenland.²²¹ 97 per cent of the group of mentees is made up of university graduates, and 52 per cent of highly qualified women with a migration

²¹² Federal Ministry of Education, Science and Research, Deutschförderklassen und Deutschförderkurse. Available at www.bmbwf.gv.at (accessed 4 December 2019).

²¹³ Austrian People's Party, *Blümel/Wölbitsch: Deutschförderklassen zeigen erste Erfolge*. Press Release, 22 February 2019. Available at www.ots.at (accessed 28 November 2019).

²¹⁴ www.parlament.gv.at, [FLG I No. 35/2019](http://www.parlament.gv.at/FLG1/No.35/2019).

²¹⁵ Austrian Parliament, *Nationalrat beschließt Änderungen bei Deutschförderklassen und Zentralmatura*. Parliamentary Correspondence No. 310 from 27 March 2019. Available at www.parlament.gv.at (accessed 18 March 2020).

²¹⁶ Written input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

²¹⁷ Skills checks are implemented throughout Austria by the Public Employment Service (AMS). From 2015–2018, more than 21,000 recognized refugees completed skills checks.

²¹⁸ Written input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

²¹⁹ *Ibid.*

²²⁰ Public Employment Service, *Mentoring unterstützt MigrantInnen beim Einstieg in den Arbeitsmarkt*. Press Release, 11 November 2019. Available at www.ams.at (accessed 9 December 2019).

²²¹ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020. See also: Austrian Integration Fund, Bundesministerin Dr. Susanne Raab bei "Mentoring für MigrantInnen" Auftaktveranstaltung. Available at www.integrationsfonds.at (accessed 28 January 2020).

background.²²² According to the Austrian Federal Economic Chamber, one of the co-organizing partners, the programme creates a “win-win situation” by both supporting migrants and contributing to the internationalization of the Austrian economy through an enlarged skilled labour force.²²³

Regarding the labour market integration of refugees, the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection and the Vienna Executive City Councillor for Social Affairs agreed to promote employment opportunities for individuals granted asylum or subsidiary protection status. Efforts were to be focused on areas including: expanding German courses for specific occupational groups in cooperation with businesses; encouraging completion of compulsory schooling; women’s German courses; and a joint project, run by the Vienna Youth Support department, aimed at labour market integration for 15- to 25-year-olds.²²⁴ Based on statistics published in 2019, the unemployment rate among young people from Afghanistan, Iraq and the Syrian Arab Republic fell to 27 per cent in 2018, from 37.2 per cent the year before (Statistics Austria, 2018:12, 2019a:11).

Furthermore, a job fair for unemployed persons granted asylum was initiated in 2019 through a cooperative effort by the Public Employment Service Austria, the Austrian Integration Fund, the Austrian Federal Economic Chamber, the Federation of Austrian Industries and the Federal Government. About 1,100 persons granted asylum took advantage of the opportunity to reach out to some 40 local businesses.²²⁵ The initiative was controversially discussed in the media, when it became known that only one-fifth of the participants who had been invited to a job interview were in employment two months after the event.²²⁶

With respect to measures aiming at improving the access to education, the Liese Prokop Stipendium, a scholarship, was awarded in October 2019 to 17 students with refugee background.²²⁷ To date, grants have been awarded to more than 300 students not eligible for student aid who either attend a university preparation course or have had their previous studies recognized by an Austrian university.²²⁸ The scholarship recipients are supported in various ways, for instance in finishing their courses of studies and when entering the Austrian labour market. Cultural and social training is also an important part of the programme.²²⁹

In addition, several other initiatives are worth mentioning that have been recognized because of their contributions to promote social inclusion and participation. Firstly, the Counselling

²²² Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020. See also: Austrian Integration Fund, Bundesministerin Dr. Susanne Raab bei "Mentoring für MigrantInnen" Auftaktveranstaltung. Available at www.integrationsfonds.at (accessed 28 January 2020).

²²³ Austrian Federal Economic Chamber, Mentoring unterstützt MigrantInnen beim Einstieg in den Arbeitsmarkt: Programm von WKO, ÖIF und AMS startet in neue Bewerbungsrunde, 11 November 2019. Available at <https://news.wko.at> (accessed 23 March 2020).

²²⁴ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020. See also: Austrian Integration Fund, Bundesministerin Dr. Susanne Raab bei "Mentoring für MigrantInnen" Auftaktveranstaltung. Available at www.integrationsfonds.at (accessed 28 January 2020).

²²⁵ Public Employment Service, *Rund 1.100 Asylberechtigte bei Job-Börse der Regierung*. Press Release, 23 January 2019. Available at www.ams.at (accessed 12 December 2019); Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, *Hartinger-Klein/Hacker: Müssen Asylberechtigte in Beschäftigung bringen*. Press Release, 23 March 2019. Available at www.ots.at (accessed 15 November 2019).

²²⁶ *Wiener Zeitung*, Nur jeder fünfte Asylberechtigte bekam Job, 6 June 2019. Available at www.wienerzeitung.at (accessed 5 May 2020).

²²⁷ Austrian Integration Fund, Verleihung des Liese Prokop Stipendiums an asylberechtigte Studierende. Available at www.integrationsfonds.at (accessed 24 January 2020).

²²⁸ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2020.

²²⁹ Ibid.

Centre for Migrants in Vienna²³⁰ was awarded the Europe-wide VINCE Validation Prize 2019 for its achievements in supporting migrants in having their qualifications assessed and recognized.²³¹ The centre is one of four project contractors that have been established to provide counselling services under the Recognition and Assessment Act.²³² More than 8,000 individuals benefited from counselling in 2018 alone, with the number reaching almost 4,700 in the first six months of 2019.²³³ Secondly, the Austrian Integration Fund awarded its Integration Prize for Sports to 12 projects that promote the integration of migrants and refugees in Austria through sports.²³⁴ The award-winning project by the Austrian Alpine Association, for example, is devoted to sparking enthusiasm for climbing and introducing individuals with and without a migration background to Austria's alpine world.²³⁵ Thirdly, with its Intercultural Achievement Awards, the Federal Ministry for Europe, Integration and Foreign Affairs recognized seven interreligious and intercultural dialogue initiatives in 2019.²³⁶ The special prize in the Austrian Integration Fund category of integration went to FEM Süd, a centre for women's and men's health in Vienna. FEM Süd provides counselling to girls and women threatened by violence, particularly in cases involving female genital mutilation.²³⁷

6.4 Promoting the integration of women with a migrant background

Promoting the integration of women with a migration background was a main focus topic of the Federal Ministry for Europe, Integration and Foreign Affairs.²³⁸ Funding for the integration of women was increased to EUR 2.3 million in 2019, from EUR 1.4 million in the previous year.²³⁹ This focus topic was also addressed in the annual Integration Report for 2019.²⁴⁰ This year's report emphasised the cultural aspects of gender roles in countries of origin and their implications for the integration process (Expert Council for Integration, 2019:70). The Austrian Integration Fund published a leaflet entitled "Women & Integration", which includes recent figures on education, employment and health, and specifically addresses the opportunities and challenges facing the integration of women with a migration background (ÖIF, 2019). According to the Austrian Integration Fund, 24 per cent of the female population in Austria falls into this category. While these individuals are more likely to obtain a secondary diploma

²³⁰ Beratungszentrum für Migranten und Migrantinnen. Available at www.migrant.at (accessed 27 January 2020).

²³¹ VINCE Validierungspreis 2019. Available at <https://vince.eucen.eu> (accessed am 27 January 2020).

²³² Written Input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

²³³ Ibid.

²³⁴ Austrian Integration Fund, Integrationspreis Sport. Available at www.integrationsfonds.at (accessed 5 December 2019).

²³⁵ Austrian Integration Fund, ÖIF-, Integrationspreis Sport: Hauptpreise an „Miteinander am Berg“ und „Sportvereint in Raaba-Grambach“. Press Release, 27 March 2019. Available at www.ots.at (accessed 5 December 2019).

²³⁶ Federal Ministry for Europe, Integration and Foreign Affairs, *Verleihung des Intercultural Achievement Awards 2019*. Press Release, 28 October 2019. Available at www.bmeia.gv.at (accessed 20 December 2019).

²³⁷ Austrian Integration Fund, Intercultural Achievement Award 2019: ÖIF-Integrationspreis an Frauengesundheitszentrum FEM Süd. Available at www.integrationsfonds.at (accessed 17 January 2020).

²³⁸ Federal Ministry for Europe, Integration and Foreign Affairs, Karin Kneissl: „Umsetzung des Integrationsgesetzes und die Förderung der Integration von Frauen mit Migrationshintergrund sind Prioritäten der Integrationsarbeit“. Press Release, 14 September 2018. Available at www.bmeia.gv.at (accessed 12 December 2019).

²³⁹ Federal Ministry for Europe, Integration and Foreign Affairs, Karin Kneissl: „Eigenverantwortung ist ein zentrales Element von Integrationsarbeit“. Press Release, 16 May 2019. Available at www.ots.at (accessed 12 December 2019).

²⁴⁰ Austrian Integration Fund, ÖIF-Förderaufruf für Maßnahmen gegen Gewalt an Frauen im Kontext von Integration. Press Release, 17 January 2019. Available at www.ots.at (accessed 13 December 2019); Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsbericht 2019 – Österreich ist im Integrationsbereich auf einem guten Weg*. Press Release, 4 September 2019. Available at www.bmeia.gv.at (accessed 13 December 2019); Federal Ministry for Europe, Integration and Foreign Affairs, *Bundesminister Alexander Schallenberg eröffnet 19. Sitzung des Integrationsbeirats*. Press Release, 7 November 2019. Available at www.bmeia.gv.at (accessed 13 December 2019).

or higher degree than women lacking a migration background (44% vs. 36%), a greater percentage of the latter participate in the labour force (72%) than women who themselves or whose parents have immigrated to Austria (60%).²⁴¹ Overall, the publication highlights education and labour market participation as important factors in the empowerment of migrant women.²⁴²

6.5 Promoting integration at the local level and cooperation, consultation and coordination of local actors

Promoting integration at local level is a priority of the Austrian integration measures. Two provincial governments have initiated policy developments supporting integration at local level. A regional Advisory Board on Integration was set up for Lower Austria in 2019. The focus here is the overarching organization of the integration agenda, in cooperation with representatives of NGOs, provincial chambers, the Municipal Association of Lower Austria, the Austrian Integration Fund, district authorities, parties providing housing, and the specialist department of the Lower Austrian government.²⁴³ In 2019 the province of Tyrol published a revised master plan for integration, originally adopted in 2006.²⁴⁴ The new master plan for living in communities in Tyrol is devoted to strengthening public interest and regional identity. Serving as a guide for policymakers, administrators and local actors, the plan sets out a practical strategy for fostering community living among the population as a whole and within the context of growing diversity.²⁴⁵

In addition, the project WIR II - Workshops for Integration and Prevention of Radicalization continued to be implemented in 2019. The project is funded by the Federal Ministry for Europe, Integration and Foreign Affairs under the National Action Plan for Integration (NAP.I) and is being implemented by the International Organization for Migration (IOM) Country Office for Austria in cooperation with local stakeholders. The aim is to support young people with Chechen roots in developing their identity and integrating into Austrian society, by offering them a space in which to acquire media skills and thereby enabling them to shape the discourse on Austrian residents with Chechen roots.²⁴⁶ Similarly, in phase II of the ADMIn4ALL project, the inclusion of disadvantaged migrants is being supported through the development of social and economic structures at local level. This international project is being implemented by IOM country offices in Austria, Greece, Italy (project leader), Malta, Poland, Romania and Spain. It seeks to support actors at local and community levels in their activities and interactions with migrants and to foster exchange and mutual learning among local actors in multiple Member States of the European Union.²⁴⁷

6.6 Non-discrimination and responses to hate crimes

The government is planning to target hate speech and hate crimes emerging online through a novel approach to combating cybercrime that includes pooling resources and providing training

²⁴¹ Austrian Integration Fund, *ÖIF-Förderauftrag für Maßnahmen gegen Gewalt an Frauen im Kontext von Integration*. Press Release, 17 January 2019. Available at www.ots.at (accessed 13 December 2019), pp. 34–38.

²⁴² *Ibid.*, pp. 10–24.

²⁴³ Freiheitlicher Klub im NÖ Landtag, *Landesrat Waldhäusl hebt „NÖ Integrationsbeirat“ aus der Taufe!* Press Release, 4 April 2019. Available at www.ots.at (accessed 28 November 2019).

²⁴⁴ Provincial Government Tyrol, *Gemeinwohl und Zugehörigkeit stärken: Leitbild zum Zusammenleben in Tirol*. Available at www.tirol.gv.at (accessed 31 December 2019).

²⁴⁵ Provincial Government Tyrol, *Gemeinwohl und Zugehörigkeit stärken: Umsetzungsstrategien zum Zusammenleben in Tirol ExpertInnenpositionen*, p. 4. Available at www.tirol.gv.at (accessed 31 December 2019).

²⁴⁶ IOM Country Office for Austria, WIR. Available at <https://austria.iom.int> (accessed 13 December 2019).

²⁴⁷ IOM Country Office for Austria, ADMIn4ALL. Available at <https://austria.iom.int> (accessed 13 December 2019).

for civil servants at the Federal Ministry for Justice.²⁴⁸ In March 2020, the Austrian Parliament published the response to a question, raised in parliament, on right-wing extremist, racist or xenophobic, and antisemitic offences in 2019.²⁴⁹ It stated that a total of 797 right-wing extremist criminal offences (239 online), 89 racist or xenophobic criminal offences (53 online), 30 antisemitic criminal offences (13 online) and 6 Islamophobic criminal offences (5 online) were perpetrated in 2019.²⁵⁰

The artistic project “Lest we forget” was on display in Vienna in May 2019. More than 200 portraits of Holocaust survivors were on display in Vienna’s inner city, in the form of larger-than-life photos printed on canvas.²⁵¹ The public exhibition only gained larger public attention after dozens of portraits had been repeatedly vandalized during night hours.²⁵² Youth organizations such as the Muslim Youth of Austria, the youngCaritas and artist collective Nesterval spontaneously responded by organizing guard duty of the exhibition during the night.²⁵³

²⁴⁸ Federal Government, *Aus Verantwortung für Österreich: Regierungsprogramm 2020–2024*, pp. 38–39. Available at www.bundeskanzleramt.gv.at (accessed 29 May 2020).

²⁴⁹ Austrian Parliament, *Rechtsextreme, rassistische/fremdenfeindliche und antisemitische Straftaten im Jahr 2019*, Parliamentary Correspondence No. 513/AB, 6 March 2020. Available at www.parlament.gv.at (accessed 7 April 2020); Austrian Parliament, *Rechtsextremer Straftaten in Österreich im Jahr 2019*, Parliamentary Correspondence No. 737/AB, 31 March 2020. Available at www.parlament.gv.at (accessed 7 April 2020).

²⁵⁰ Ibid.

²⁵¹ Lest We Forget: A Project by Luigi Toscano. Available at <http://gegen-das-vergessen.gdv-2015.de> (accessed 3 April 2020).

²⁵² *Der Standard*, Porträts NS-Überlebender am Wiener Burgring mit Messern zerfetzt, 27 May 2019. Available at www.derstandard.at (accessed 3 April 2020).

²⁵³ *Kleine Zeitung Online*, Nach Schädigung von Holocaust-Porträts: Mahnwache für zerstörte Erinnerungsbilder, 28 May 2019. Available at www.kleinezeitung.at (accessed 3 April 2020).

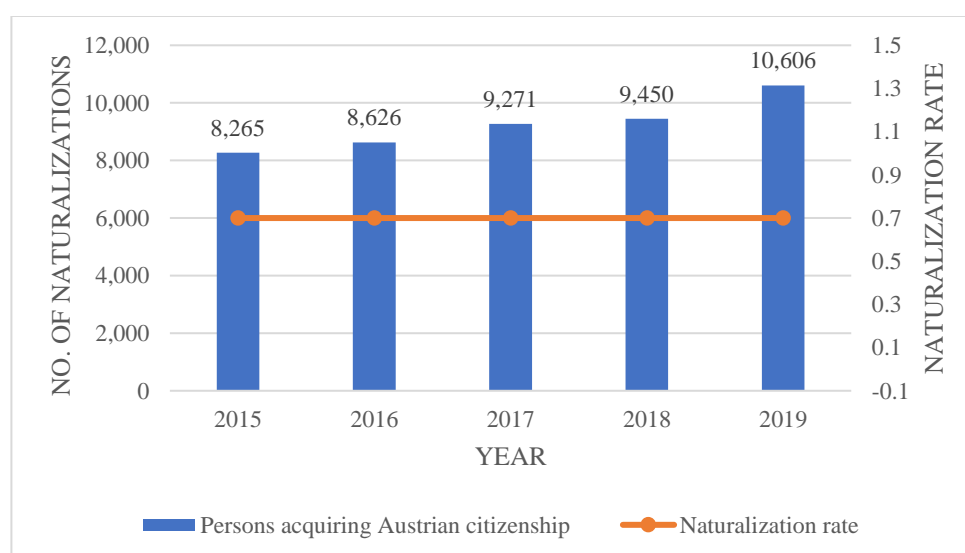
7 CITIZENSHIP AND STATELESSNESS

Similar to 2018,²⁵⁴ the trend towards increased cases of naturalization, in other words the process through which a foreign person becomes an Austrian citizen, continued in 2019. In relation to citizenship acquisition, there were two significant developments of historical relevance: on the one hand, the Citizenship Act of 1985 was amended to enable victims of persecution under Austrofacism and National Socialism to acquire citizenship with greater ease. On the other hand, discussions were held over dual citizenship for residents of the Autonomous Province Bolzano (South Tyrol), with a definitive outcome expected in 2020.

7.1 Statistical developments and trends

Over the past five years, the naturalization rate, which represents the number of naturalizations per 100 non-Austrian citizens residing in Austria, has been stable at 0.7 per cent. In 2019, a total of 10,606 persons acquired Austrian citizenship, an increase of 12 per cent from 2018. Over the past years, naturalizations have increased moderately from 8,265 in 2015 to 10,606 in 2019 (see figure 6).

Figure 6: Number of naturalizations in Austria (2015–2019)



Source: Statistics Austria n.d.; representation by authors.

Thirty-five per cent of those who became Austrian citizens had been born in Austria to parents with a non-Austrian citizenship and subsequently acquired citizenship (Statistics Austria, 2020a). Regarding previous citizenship, 81 per cent of the foreign citizens who acquired Austrian citizenship had previously been third-country nationals while 18 per cent were former EU citizens (Statistics Austria, 2020b). Disaggregated by gender, 54 per cent were female and 46 per cent male. Most of those acquiring Austrian citizenship were between 30 and 44 years old (3,781 or 35.6%) (Statistics Austria, 2020a, 2020b). Among naturalized persons, 12 per cent (1,276) had refugee status (Statistics Austria, 2020b).

²⁵⁴ *Die Presse*, Einbürgerungen: Deutlichste Zuwächse in Niederösterreich, 21 February 2019. Available at www.diepresse.com (accessed March 17 2020).

7.2 Legislative developments

A legal change of historical relevance was seen in 2019. On 22 October, a federal act amending the Citizenship Act 1985 was issued.²⁵⁵ Based on the amendment, direct descendants of individuals persecuted under Austrofacism and National Socialism are now able to acquire Austrian citizenship more easily (Art. 58c para 1a Citizenship Act 1985). The provision enters into force as of 1 September 2020. Under previous legal provisions, the generation of immediate victims had already been able to acquire Austrian citizenship under defined, simplified terms. One change was to extend the cut-off date by which individuals had to have fled the country (previously “prior to 9 May 1945” and now “prior to 15 May 1955”). The group of individuals eligible under these terms was also expanded. The new provisions now also apply to citizens of one of the successor states of the former Austro-Hungarian monarchy as well as to stateless individuals whose main residence was in Austria (Art. 58c para 1 Citizenship Act 1985). This provision entered into force on 23 October 2019.²⁵⁶

The legislative change found agreement across all political parties. Initially proposed by the Social Democratic Party of Austria, the amendment was welcomed by the Austrian People’s Party and NEOS – The New Austria, who issued similar statements underscoring the historical importance and emphasizing the significance of the step as a long overdue symbolic gesture towards victims of persecution under National Socialism.²⁵⁷

In 2019, dual citizenship rooted in the Citizenship Act 1895 was debated on three occasions in view of three categories of individuals: (a) in the context the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union, for Austrian citizens residing in the United Kingdom; (b) for dual citizens of Austria and Turkey; and (c) for residents of the Autonomous Province Bolzano (South Tyrol).²⁵⁸ With regard to the latter, the former Austrian government of the Austrian People’s Party and the Austrian Freedom Party advocated dual citizenship for residents of the Autonomous Province Bolzano (South Tyrol) with a knowledge of German or Ladin,²⁵⁹ under certain circumstances (Stiller, 2020). Concrete legislative changes did not result, with the proposal ultimately receiving only little support. In September 2019, however, the Austrian Parliament subsequently adopted a motion for a resolution calling upon the relevant federal ministers to begin bilateral discussions on the issue.²⁶⁰

²⁵⁵ FLG No. 311/1985, in the version of federal law FLG I No. 96/2019.

²⁵⁶ FLG I No. 96/2019.

²⁵⁷ Austrian Parliament, *Auch Nachkommen von NS-Opfern erhalten in Zukunft erleichtert Zugang zur Staatsbürgerschaft*, Parliamentary Correspondence No. 918. Available at www.parlament.gv.at (accessed 18 March 2020).

²⁵⁸ For further information on dual citizenship in Austria see also: Martin Stiller, *Pathways to Citizenship for Foreigners in Austria*, IOM Country Office for Austria, Vienna (forthcoming, May 2020).

²⁵⁹ Ladin is a Rhaeto-Romance language, which is still spoken by a language minority of about 30,000 people, for example in the Val Badia and Val Gardena valleys. For further information see www.suedtirolerland.it, Ladin language and culture. Available at www.suedtirolerland.it (accessed 5 May 2020).

²⁶⁰ Austrian Parliament, *Close bilateral discussions on dual citizenship for South-Tyrolean (287/UEA)*. Available at www.parlament.gv.at (accessed 17 March 2020).

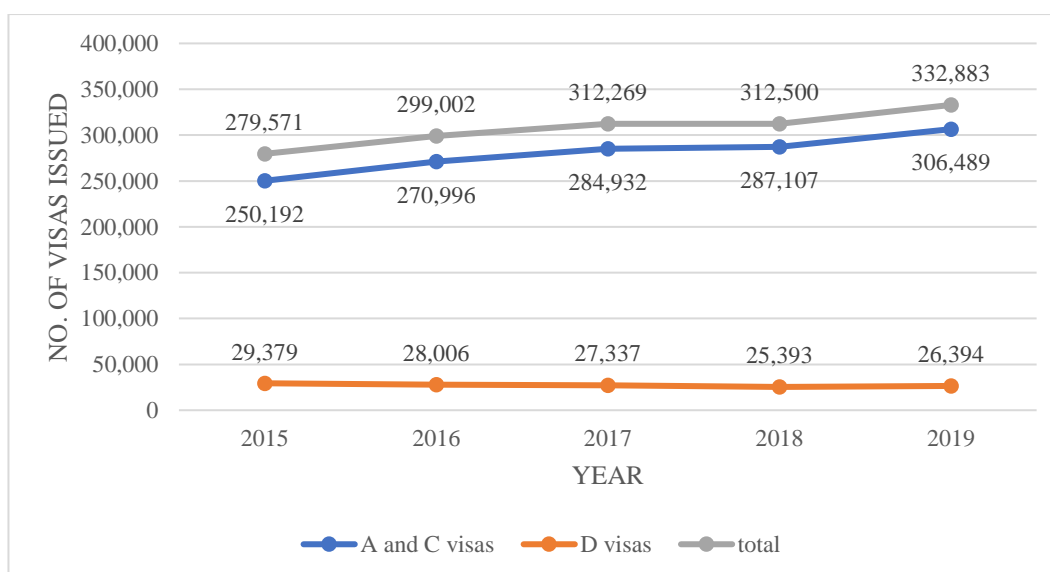
8 BORDERS, SCHENGEN AND VISA

Austrian border and visa policy saw several legislative changes in 2019 affecting visa and consular agreements. Overall, there was an increase in the number of visas issued, especially in the case of short-stay visas. Austria also continued its cooperative efforts with other EU Member States in managing cross-border migration, for instance by improving means of data collection, reinforcing law enforcement capacities on the ground as well as strengthening international cooperation in border management.

8.1 Statistical overview

A total of 332,883 visas were issued by Austrian authorities in 2019, including 25,458 national visas (referred to as D visas), which in general entitle to a stay of between 91 days and six months. The other 306,489 visas issued were (Schengen) short-stay visas for periods up to 90 days (referred to as A and C visas, the latter including limited territorial visas). Visas were issued mostly to third-country nationals (TCNs) coming directly from a third country. Only 4 per cent of the national visas and 2 per cent of the short-stay visas were issued to TCNs residing in another EU Member State.²⁶¹ Compared with 2018, when a total of 312,500 visas were issued (Heilemann, 2019:42), the number increased by 3 per cent. Over the past five years, the total number of visas issued has increased by 20 per cent, in particular due to an increase in (Schengen) short-stay visas (see figure 7).

Figure 7: Number of visas issued (2015–2019)



Source: EMN Statistical Annex 2015–2016:16; 2017:18; 2018:22; 2019:23; Data provided by the Federal Ministry for Europe and International Affairs on 3 April 2020; representation by authors.

²⁶¹ Data provided by the Federal Ministry of the Interior, 2 April 2020.

8.2 Legislative developments

Several legislative changes were implemented in the areas of visa policy and consular affairs. Regarding the former, annexes to agreements stipulating mutual representation in procedures for granting visas were amended as follows:

- (a) Supplements were added on 30 April and 8 October 2019 to the current agreement with Germany stipulating the procedure for granting Schengen visas. Representation of Austria by Germany in this type of procedure was restricted to individuals holding a diplomatic or official passport from their country, in Tashkent, Uzbekistan as of 1 April 2019 and in Kampala, Uganda as of 1 October 2019.
- (b) The current agreement between Czechia and Austria to represent each other through their diplomatic and consular representations in procedures for granting visas was amended, with Dakar, Senegal being removed from the annex effective as of 1 January 2019.
- (c) The current agreement between Slovakia and Austria over mutual diplomatic and consular representation in procedures for granting visas was amended, with Abu Dhabi, United Arab Emirates being removed from the annex effective as of 1 April 2019.
- (d) Effective as of 1 March 2019, Austria is represented in Tripoli, Libya by Hungary. This provision applies only to third-country citizens holding a diplomatic pass of their country and is subject to conferral with the Austrian embassy in Tunis.
- (e) As of 1 June 2019, the Schengen representation by Finland in Saint Petersburg (Russian Federation) and by Austria in Beirut (Lebanon) was suspended.

In the area of consular affairs, a new Consular Regulation entered into force as of 13 November 2019, specifically the Regulation by the Federal Minister for Europe, Integration and Foreign Affairs on the responsibility of Austrian representation authorities in other countries for consular duties. The annexes to this regulation set out the responsibilities at local level of embassies/professional representation authorities and of consulates under honorary consuls.

8.3 Institutional changes and practical measures

Parallel to legal developments, several steps to improve border control measures and management were taken at national and provincial levels. On the national plane, substantial efforts were made to improve interoperability as well as collection of data on persons entering and exiting Austria. On the one hand, Austria took steps to implement two EU regulations relating to the interoperability of EU information systems, on the one hand in the field of borders and visas (PE-CONS 30/19),²⁶² and, on the other, in police and judicial cooperation, asylum and migration (PE-CONS 31/19)²⁶³. For the five-year implementation phase in Austria, improvements are planned in biometric identification methods, fingerprinting and photos, with

²⁶² European Parliament, Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems in the field of borders and visa (PE-CONS 30/19). Brussels, 2 May 2019. Available at www.parlament.gv.at (accessed 7 February 2020).

²⁶³ European Parliament, Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration (PE-CONS 31/19). Brussels, 2 May 2019. Available at www.parlament.gv.at (accessed 7 February 2020).

new identification systems for external border protection being put in place.²⁶⁴ Current efforts are focused on implementing the European Entry/Exit System (EES) in Austria, which is planned to become operational in 2022. This system is used to record the entry and exit data of third-country nationals at the external Schengen borders.²⁶⁵ Implementing the EES is regarded as the first important step towards future interoperability of European information systems.²⁶⁶ Relating to data collection, Austria set up a new Passenger Information Unit under the Criminal Intelligence Service Austria in March 2019²⁶⁷ for the purpose of implementing Directive (EU) 2016/681 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.²⁶⁸ The new unit evaluates the personal data of air travellers arriving in and departing from Austria and reports the data to the central office in Brussels.²⁶⁹

As a result of an amendment to the Border Control Act effective as of 23 December 2018,²⁷⁰ the director of a provincial police administration can empower employees not belonging to the public security service to issue orders and exercise force at Austria's international borders (Art. 12b para 1 Border Control Act). Training of such employees began on 1 March 2019, at the Security Academy of the Federal Ministry of the Interior.²⁷¹ Candidates are required to complete a five-month course and pass a service exam.²⁷² The first 24 border police assistants completed the course on 9 August 2019.²⁷³ This measure became necessary to assist police officers who are facing an increased number of passengers when carrying out border checks at Vienna-Schwechat International Airport.²⁷⁴

Meanwhile, measures were also taken to expand the provincial authorities' capacities in the field of border control. In 2018, the border protection unit referred to as "Puma" was established in each of the provinces' police administration offices. In March 2019, the respective units were placed under the new Aliens and Border Police Unit since, according to the Federal Ministry of the Interior, the challenges faced in recent years had grown considerably.²⁷⁵ The unit's tasks include verifying whether foreigners are residing and being employed lawfully in Austria, processing asylum applications, and carrying out border checks

²⁶⁴ Criminal Intelligence Service Austria, *EU-Ratspräsidentschaft 2018: Identitätsmissbrauch: Kickl feiert Erfolg auf EU-Ebene*. Press Release, 6 February 2019. Available at www.bundeskriminalamt.at (accessed 28 November 2019).

²⁶⁵ EMN Glossary, Entry/Exit System (EES). Available at <https://ec.europa.eu> (accessed 28 January 2020).

²⁶⁶ Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2020; Federal Ministry of the Interior, *Terrorismusbekämpfung: Kickl besichtigt neues Security-System am Flughafen Wien-Schwechat*. Press Release, 30 April 2019. Available at www.bmi.gv.at (accessed 5 December 2019).

²⁶⁷ Criminal Intelligence Service Austria, *Kriminalitätsbekämpfung: Fluggastdatencentralstelle: Das neue Büro im Bundeskriminalamt nimmt operative Arbeit auf*. Press Release, 8 March 2019. Available at www.bundeskriminalamt.at (accessed 28 November 2019).

²⁶⁸ Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. OJ L 199, pp. 132–149.

²⁶⁹ Ibid.

²⁷⁰ [FLG No. 435/1996](http://www.rgk.gv.at), in the version of federal law [FLG I No. 93/2018](http://www.rgk.gv.at).

²⁷¹ Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2020; Federal Ministry of the Interior, *Grenzkontrollen: 25 Grenzpolizei-Assistentinnen und Assistenten angelobt*. Press Release, 28 March 2019. Available at www.bmi.gv.at (accessed 28 November 2019).

²⁷² Ibid.

²⁷³ Federal Ministry of the Interior, *Landespolizeidirektion Niederösterreich: 24 neue Grenzpolizeiassistentinnen und -assistenten für den Flughafen Wien-Schwechat*. Press Release, 13 August 2019. Available at www.bmi.gv.at (accessed 28 November 2019).

²⁷⁴ Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2020.

²⁷⁵ Federal Ministry of the Interior, *Neue Struktur und Aufgaben für Einsatz-, Grenz- und Fremdenpolizeiliche Abteilungen (EGFA)*. Press Release, 1 March 2019. Available at www.bmi.gv.at (accessed 15 November 2019).

(MoI, 2019a:29). A total of 1,785 law enforcement agents were employed to guard the Austrian border in 2019.²⁷⁶

8.4 Schengen governance

Through a regulation issued by the Federal Minister of the Interior in accordance with Art. 10 para 2 of the Border Control Act, temporary controls at the EU internal borders with Hungary and Slovenia were introduced, initially until 13 November 2019²⁷⁷ and then until 14 May 2020.²⁷⁸ Among the reasons given for reintroducing border controls were developments in Greece, the Syrian Arab Republic and Turkey, as well as secondary movements of migrants and risks related to terrorism, organized crime and inadequate protection of external borders.²⁷⁹ The decision to prolong the temporary border controls was met with varied responses.²⁸⁰ The opposition party NEOS – The New Austria, for instance, submitted a complaint to the European Commission against temporary internal border controls by several EU Member States,²⁸¹ stating that the justification lacked “factual grounds”.²⁸² The damaging effect on the economy and the tourism sector,²⁸³ the cost of increased traffic,²⁸⁴ as well as challenges for key transit routes were cited as further concerns.

In the EU negotiations over the Visa Code, Austria advocated introducing the use of “visa leverage” in 2019. The notion here involves defining stricter conditions for visa applications from citizens of third countries that do not cooperate sufficiently with EU Member States in the context of readmission.

8.5 International cooperation on border management

8.5.1 Salzburg Forum

In the first six months of 2019 Austria chaired the Salzburg Forum and held a ministers’ conference in Vienna on 6–7 November 2019. At the conference, the Salzburg Forum Member States,²⁸⁵ the “Group of Friends”²⁸⁶ and guests²⁸⁷ all participated while border police chiefs also

²⁷⁶ Austrian Parliament, *Beantwortung der parlamentarischen Anfrage betreffend „Bedrohungslage an der österreichischen Grenze No. 563/AB, 10 March 2020*. Available at www.parlament.gv.at (accessed 2 April 2020).

²⁷⁷ *FLG II No. 114/2019*.

²⁷⁸ *FLG II No. 316/2019*.

²⁷⁹ Federal Ministry of the Interior, *Kickl: EU-Initiativen zum Schutz der Menschen in Österreich*. Press Release, 10 April 2019. Available at www.bmi.gv.at (accessed 30 December 2019); European Commission, *Member States’ notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 et seq. of the Schengen Borders Code*. Available at <https://ec.europa.eu> (accessed 13 December 2019).

²⁸⁰ *orf.at*, Die Positionen der Parteien, 19 September 2019. Available at <https://orf.at> (accessed 17 March 2020).

²⁸¹ These countries included Austria, Germany, France, Denmark, Sweden and Norway at the time.

²⁸² *orf.at*, NEOS fordert Stopp der Grenzkontrollen, 27 August 2019. Available at <https://tirol.orf.at> (accessed 17 March 2020).

²⁸³ Austrian Parliament, *Neu im Innenausschuss: Staatsbürgerschaft für Nachkommen von NS-Opfern, Polizei-Einheit für Staatsanwaltschaft, Ende der Grenzkontrollen*, Parliamentary Correspondence No. 804, 10 July 2019. Available at www.parlament.gv.at (accessed 18 March 2020).

²⁸⁴ *Die Presse*, Neos rufen EU-Kommission wegen Grenzkontrollen an, 27 August 2019. Available at www.diepresse.com (accessed 17 March 2020).

²⁸⁵ Members of the Central European Security Partnership Forum Salzburg are: Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia and Slovenia.

²⁸⁶ The “group of friends” consists of: Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Republic of Moldova and Serbia.

²⁸⁷ As guests, Denmark, Finland (Presidency of the Council of the EU at the time), Germany, Greece, Italy, Kosovo and Switzerland were present. References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

met.²⁸⁸ The main purpose of the conference was to assess the current situation along the “Balkan route” and to discuss and detail proposals for a future common European asylum and migration system.²⁸⁹ The following actions were agreed: continuous border controls along the Western Balkan route, support at high-activity locations, and coordinated action through the Joint Operational Office in Vienna to combat migrant smuggling and human trafficking.²⁹⁰

8.5.2 *Police Cooperation Convention for Southeastern Europe (PCC SEE)*

A working meeting was held in Vienna in June 2019 to implement the Police Cooperation Convention (PCC) Prüm Agreement,²⁹¹ signed in 2018. The goal here is rapid and automated exchange of DNA data, dactyloscopic data and vehicle registration data among and with the partner States in the Western Balkans. Implementing the agreement results in highly facilitated operations, allowing thousands of crimes to be solved. The agreement entered into force on 11 August 2019, when the first two States deposited ratification documents.²⁹²

²⁸⁸ Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

²⁸⁹ Ibid.

²⁹⁰ Ibid.; Federal Ministry of the Interior, *Peschorn: Neue Migrationskrise mit Notfallplänen verhindern*. Press release, 7 November 2019. Available at www.bmi.gv.at (accessed 13 December 2019); Federal Ministry of the Interior, *Hochrangiges Treffen zu Migration und Grenzen in Wien*. Press release, 18 September 2019. Available at www.bmi.gv.at (accessed 13 December 2019).

²⁹¹ Police Cooperation Convention for Southeast Europe (PCC SEE), *Agreement between the parties to the Police Cooperation Convention for Southeast Europe on the automated exchange of DNA data, dactyloscopic data and vehicle registration data*. Available at www.eu2018.at (accessed 13 December 2019); PCC SEE, *Memorandum of Understanding on the automated exchange of DNA, dactyloscopic and vehicle registration data*. Available at www.eu2018.at (accessed 13 December 2019).

²⁹² Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

9 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

Despite the trend towards fewer irregular migrants residing in Austria, based on the number apprehended, the issue remained a political priority in 2019. International cooperation, particularly with Western Balkan countries, was fostered with the aim to combat migrant smuggling. Apart from activities at national level such as monitoring and training, high-level talks with countries of origin were held to discuss preventive measures and enhance cooperation.

9.1 Statistical developments and trends

In August 2019 the Criminal Intelligence Service Austria published the status report on migrant smuggling in 2018. The report, based on records of authorities' activities, reveals a renewed decrease in the number of persons apprehended in 2018 (27,753 in 2017 compared with 21,236 in 2018). This figure can be further broken down into smugglers apprehended, persons smuggled and (other) persons who were apprehended while staying irregularly. In 2018, 223 smugglers were apprehended, thus practically the same number as in the previous year (2017: 222). The number of persons smuggled, however, decreased by 68 per cent from 8,994 in 2017 to 2,843 in 2018. A total of 18,170 individuals were apprehended while staying irregularly (2017:18,537) (Criminal Intelligence Service Austria, 2019:10).

According to the Federal Minister of Interior, responding to a question raised by parliament, the number of smugglers apprehended in Austria decreased to 32 in 2019 while 19,162 irregular migrants were apprehended.²⁹³ More recent data, from 2019, on the number of persons smuggled and irregularly staying persons apprehended are not available. As in previous years, the recent changes align with the overall decrease in the number of smugglers and persons smuggled observed since 2015 (Heilemann, 2019:45). According to the Criminal Intelligence Service Austria, changing migration routes was one of the reasons for the decline in 2018.²⁹⁴

9.2 International cooperation in combating irregular migration including migrant smuggling

A report on the Work Programme of the European Union (EU), presented by the Federal Minister for Europe, Integration and Foreign Affairs to the Austrian Parliament in March 2019, highlights the management of irregular migration as one of the EU's most important challenges.²⁹⁵ The report attaches particular importance to Austria's external migration policy in the eastern Mediterranean and the Western Balkans, with strengthened international cooperation in combating migrant smuggling being seen as a key to success.²⁹⁶

Examples for such cooperation include the Joint Action Days, in which twelve EU Member States, Europol and Interpol join efforts to combat irregular migration.²⁹⁷ Twelve migrant

²⁹³ Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage betreffend „Bedrohungslage an der österreichischen Grenze“ 563/AB vom 10. März 2020 zu 514/J (XXVII. GP)*, p. 4. Available at www.parlament.gv.at (accessed 1 April 2020).

²⁹⁴ *Orf.at*, Schlepperbericht zeigt Rücklauf bei illegalen Grenzübertritten, 23 August 2019. Available at <https://orf.at> (accessed 1 April 2020).

²⁹⁵ Federal Ministry for Europe, Integration and Foreign Affairs, *EU-Arbeitsprogramm 2019: Bericht der Bundesministerin für Europa, Integration und Äußeres an das österreichische Parlament (III-671-BR/2019)*, 6 March 2019, p. 11. Available at www.parlament.gv.at (accessed 1 April 2020).

²⁹⁶ *Ibid.*, pp. 11–12.

²⁹⁷ *Kleine Zeitung*, Joint Action Days: Zwölf Schlepper und 95 Geschleppte in Österreich aufgegriffen, 18 July 2019. Available at www.kleinezeitung.at (accessed 1 April 2020).

smugglers and 95 individuals attempting to enter Austria irregularly were apprehended during the Joint Action Days Danube, taking place under the leadership of Frontex and with the Joint Operational Office (JOO) in Vienna as the centre of operations (see section 9.2.1). During the operation, checks were done on about 1,700 individuals and 1,200 vehicles as well as 15 freight trains.²⁹⁸

9.2.1 International cooperation with countries from the Western Balkans

In 2016 the Joint Operational Office (JOO) of the Criminal Intelligence Service Austria and in 2018 a task force for the Western Balkans were set up to help combat migrant smuggling along the Balkan routes.²⁹⁹ This group met in February and December 2019. In the interests of counteracting illegal people smuggling and human trafficking, the group seeks to strengthen cooperation among Member States through sharing real-time information, through early warning systems, multilateral investigations and smart identification techniques, for example the analysis of mobile phone data.³⁰⁰ To enhance effectiveness in tackling the smuggling of migrants, Turkey was accepted into the task force group at the meeting in December 2019, held in Ankara.³⁰¹

For several years Austria has been dedicated to working with the Western Balkan States, foremost on the issues of border protection and irregular migration (see chapter 8). In 2019 efforts included:

- (a) Diplomatic talks over visa liberalization between Kosovo²⁶⁵ and Austria in January 2019, the subjects included bilateral cooperation, EU cooperation and combating organized crime.³⁰²
- (b) A meeting with the Albanian Minister of the Interior in Vienna in May 2019, discussions centred on bilateral cooperation, migration and police cooperation.³⁰³ A follow-up meeting with authorities of that country was held in Albania in November 2019.³⁰⁴
- (c) Activities with Serbia included a discussion on border protection in May 2019 and a working meeting in August to discuss the migration situation in Serbia.³⁰⁵
- (d) Another working meeting in July 2019, with representatives from North Macedonia, centred on the “Balkan route” and regional cooperation in migration affairs.³⁰⁶

²⁹⁸ Criminal Intelligence Service Austria, *Erfolge gegen Schlepperei*. Press Release, 18 July 2019. Available at <https://bundeskriminalamt.at> (accessed 13 January 2020).

²⁹⁹ Federal Ministry of the Interior, *Drittes Treffen der Task Force zur Bekämpfung der Schlepperkriminalität in Wien*. Press Release, 22 February 2019. Available at www.bmi.gv.at (accessed 13 December 2019); Criminal Intelligence Service Austria, *Schleppereibekämpfung: Treffen der “Task Force Western Balkan” in Ankara*. Press Release, 16 December 2019. Available at www.bundeskriminalamt.at (accessed 30 December 2019).

³⁰⁰ Federal Ministry of the Interior, *Drittes Treffen der Task Force zur Bekämpfung der Schlepperkriminalität in Wien*. Press Release, 22 February 2019. Available at www.bmi.gv.at (accessed 13 December 2019); Criminal Intelligence Service Austria, *Drei Jahre Schleppereibekämpfung durch das “Joint Operational Office”*. Press Release, 10 May 2019. Available at www.bundeskriminalamt.at (accessed 13 December 2019).

³⁰¹ Criminal Intelligence Service Austria, *Schleppereibekämpfung: Treffen der „Task Force Western Balkan“ in Ankara*. Press Release, 16 December 2019. Available at www.bundeskriminalamt.at (accessed 30 December 2019).

³⁰² Federal Ministry of the Interior, *Goldgruber: „Ehrlicher Makler“ für Kosovos Anliegen*. Press Release, 29 January 2019. Available at www.bmi.gv.at (accessed 13 December 2019).

³⁰³ Federal Ministry of the Interior, *Goldgruber: Neue Massenmigration durch gemeinsames Handeln verhindern*. Press Release, 2 May 2019. Available at <https://bmi.gv.at> (accessed 13 December 2019).

³⁰⁴ Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

³⁰⁵ Federal Ministry of the Interior, *Peschorn: Migrationslage am Westbalkan weiterhin unter Beobachtung*. Press Release, 23 August 2019. Available at www.bmi.gv.at (accessed 13 December 2019); Federal Ministry of the Interior, *Bezdeka: Verstärkte Kooperation mit Serbien im Grenzschutz*. Press Release, 28 May 2019. Available at www.bmi.gv.at (accessed 13 December 2019).

³⁰⁶ Federal Ministry of the Interior, *Peschorn: Entwicklungen entlang der Westbalkanroute genau beobachten*. Press Release, 26 July 2019 Available at www.bmi.gv.at (accessed 13 December 2019).

- (e) A working meeting also took place with representatives from Bosnia and Herzegovina in July 2019 to talk about bilateral cooperation on migration.³⁰⁷
- (f) An international ministers' conference on the Balkan route was held in Vienna in May 2019, while meetings took place in September and November 2019 with members and partners of the Salzburg Forum.³⁰⁸
- (g) At regional level, the governor of the Province of Burgenland visited the president of Slovenia to discuss border patrols and joint solutions.³⁰⁹

9.3 Prevention of irregular migration including migrant smuggling

9.3.1 Prevention efforts in Austria

The situation at the Austrian borders is continuously monitored and assessed by the Federal Ministry of the Interior (Heilemann, 2019:46). If necessary Austria is prepared to deploy additional personnel to internal borders and international airports (see chapter 8).³¹⁰ To help improve the detection of document fraud at points of entry, advanced training was held in May for document advisors from Austria who are frequently posted on short or long-term duty to other countries. The topic here was the redesigned programme for training officers in verifying personal identity. Other training courses were held on the topics of visas and forensics.³¹¹

A workshop, aimed at helping participants to better appreciate the complexities surrounding irregular migration and migrant smuggling, took place in Vienna in June 2019. At the event, representatives of EU organizations, third countries and competent national authorities participated in a simulation on irregular migration. The aim in staging the simulation was to learn more about flows of funding and the financing models used in migrant smuggling, and to better understand migration routes in order to prevent their use.³¹²

In addition, two multi-year investigations, namely VISA.XIN and RANSCHO, were successfully carried out to thwart networks engaged in falsifying documents for migrants.³¹³

9.3.2 Cooperation with third countries to prevent irregular migration

In the context of cooperation with countries in the region of northern Africa, talks were held with representatives from Egypt and Tunisia. In May 2019, Austrian officials held a working meeting with the Director General for International Relations in Tunisia, at which a draft police cooperation agreement was presented. The agreement relates to bilateral cooperation on

³⁰⁷ Federal Ministry of the Interior, *Peschorn: Südosteuropa ein Schwerpunkt unserer Außen- und Sicherheitspolitik*. Press Release, 26 July 2019. Available at www.bmi.gv.at (accessed 13 December 2019).

³⁰⁸ Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

³⁰⁹ *Salzburger Nachrichten*, Migration Thema bei Besuch von LH Doskozil in Slowenien, 23 July 2019. Available at www.sn.at (accessed 1 April 2020); *orf.at*, Slowenien schlägt Österreich gemeinsame Grenzpatrouillen vor, 13 September 2019. Available at <https://orf.at> (accessed 1 April 2020).

³¹⁰ Federal Ministry of the Interior, Beantwortung der parlamentarischen Anfrage betreffend „Bedrohungslage an der österreichischen Grenze“ 563/AB vom 10. März 2020 zu 514/J (XXVII. GP). Available at www.parlament.gv.at (accessed 1 April 2020).

³¹¹ Federal Ministry of the Interior, *Gefälschte Dokumente erkennen*. Press Release, 14 May 2019. Available at www.bmi.gv.at (accessed 10 December 2019).

³¹² Criminal Intelligence Service Austria, *Planspiel Illegale Einwanderung über die östliche Mittelmeerroute*. Press Release, 8 June 2019. Available at www.bundeskriminalamt.at (accessed 13 December 2019).

³¹³ Federal Ministry of the Interior, *Schleppereibekämpfung bleibt kriminalpolizeiliche Herausforderung*. Press Release, 23 August 2019 Available at www.bmi.gv.at (accessed 10 December 2019).

irregular migration, people smuggling and return activities.³¹⁴ In October 2019, the Federal Minister of the Interior met the Egyptian Ambassador to discuss further cooperation in the area of return.³¹⁵

Talks were also held with representatives from Central Asian countries. The Federal Ministry of the Interior and representatives of Georgia discussed visa liberalization and police cooperation in February 2019.³¹⁶ In addition, in March 2019, a meeting was held in Vienna with representatives from Afghanistan as part of SILK ROAD, an EU-sponsored project dedicated to combating the smuggling of migrants along the Silk Road. The aims are enhanced detection of networks and improved border controls, through collaboration among criminal police forces and through training programmes.³¹⁷

A project funded by Austria with the goal of supporting voluntary return from Western Balkan States was launched by the International Organization for Migration (IOM) on 15 June 2019. The regional focus of the project, entitled “Strengthening the delivery of information provision and counselling within the scope of AVRR in the Western Balkans”, is Albania and Bosnia and Herzegovina. A campaign (including brochures, information materials and return counselling by IOM) has been designed to provide migrants with information about the possibility of voluntary return and the risks of irregular migration.³¹⁸

³¹⁴ Federal Ministry of the Interior, *Goldgruber: Verstärkte Kooperation mit Tunesien gegen illegale Migration*. Press Release, 17 May 2019. Available at www.bmi.gv.at (accessed 20 November 2019).

³¹⁵ Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 26 February 2020.

³¹⁶ Federal Ministry of the Interior, *Goldgruber: Georgien wichtiger bilateraler Partner für Österreich*. Press Release, 26 February 2019. Available at <https://bmi.gv.at> (accessed 10 April 2020).

³¹⁷ Federal Ministry of the Interior, *Kickl: Schleppereibekämpfung und Rückführungen auf gemeinsamer Agenda mit Afghanistan*. Press Release, 19 March 2019. Available at www.bmi.gv.at (accessed 13 December 2019).

³¹⁸ Written input by the Federal Ministry of the Interior, Department V/5 (International Migration Developments and Migration Communication), 23 January 2020.

10 TRAFFICKING IN HUMAN BEINGS

Preventing and combating trafficking in human beings continued to be a national priority in 2019. Anti-trafficking activities included the implementation of the National Action Plan on Combating Human Trafficking, programmes to more effectively identify and provide information to victims of human trafficking, as well as strengthened cooperation among key actors in third countries.

10.1 National strategic policy developments

Many of Austria's activities aimed at countering trafficking in human beings are based on the fifth National Action Plan (NAP) on Combating Human Trafficking (2018–2020).³¹⁹ The current NAP, adopted by the Council of Ministers on 10 October 2018, is designed to reflect the changed migration patterns since 2015. The NAP devotes specific attention to the category of children. Within this policy framework, unaccompanied minors are identified as a group potentially at risk of being trafficked, and programmes aimed at identifying and caring for trafficked children have been expanded (Heilemann, 2019:48).

In March 2019, the Austrian Parliament passed a motion urging the government to resolutely maintain efforts at national and European levels to combat trafficking in human beings.³²⁰ The parliamentary debate centered, on the one hand, on the issues of trafficking networks as lucrative industries, border management and combating irregular migration. Other topics explicitly discussed were human rights violations, the number of unidentified victims, and the need for standardized, specialized care facilities for child victims of trafficking, regardless of their place of residence in Austria.³²¹ In efforts targeting human trafficking, the Federal Ministry for Women, Families and Youth concentrated on three main fields in 2019: the identification and protection of victims, prosecution of perpetrators and penalties for crimes, and the prevention of future exploitation.³²²

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

In order to help more effectively identify (potential) victims of human trafficking, targeted training sessions were held for specific groups of public servants and other stakeholders who are regularly in contact with migrants from third countries. Training for labour inspectors on the topic of human trafficking and labour exploitation continued in 2019, at a basic level for new entrants and through advanced workshops for all staff members. The goal is to enable labour inspectors to recognize specific indicators during inspections that point to potential cases of human trafficking and labour exploitation, and to report suspicions in detail to the appropriate police units (Criminal Intelligence Service Austria).³²³

³¹⁹ Austrian Parliament, *III-216 der Beilagen XXVI. GP – Bericht – 03 Nationaler Aktionsplan 2018–2020*, p. 2. Available at www.parlament.gv.at (accessed 16 March 2020).

³²⁰ Austrian Parliament, *Entschließung des Nationalrates vom 27. März 2019 betreffend entschlossene Bekämpfung von Schlepperei und Menschenhandel* (58/E XXVI. GP). Available at www.parlament.gv.at (accessed 18 March 2020).

³²¹ Austrian Parliament, *Nationalrat setzt Zeichen gegen Parallelgesellschaften und Menschenhandel*, Parliamentary Correspondence No. 311, 27 March 2019. Available at www.parlament.gv.at (accessed 18 March 2020).

³²² Federal Chancellery, *Bundesministerin Stilling: „Schutz für Betroffene von Menschenhandel“*. Press Release, 18 October 2019. Available at www.bundeskanzleramt.gv.at (accessed 17 December 2019).

³²³ Written input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 24 January 2020.

Under the Asyl-Train project, training was provided to improve skills in identifying victims of human trafficking and to foster intercultural competencies in asylum procedures. In 2019, participants included staff members of the Federal Office for Immigration and Asylum, Directorate General V of the Federal Ministry of the Interior, ARGE Rechtsberatung, ORS Service GmbH (responsible for the care of asylum seekers at federal reception facilities), Diakonie and Caritas.³²⁴ Participants from victim protection organizations report that, as a result of the training, more cases of suspicion were registered and, subsequently, more individuals affected by human trafficking could be identified.³²⁵ The project was implemented by the International Organization for Migration (IOM) Country Office for Austria, with co-funding provided by the Federal Ministry of the Interior and the European Union.³²⁶

Besides training, information and awareness-raising campaigns represent a major pillar in combating human trafficking. Within the framework of prevention in Austria, posters against human trafficking, which had been developed jointly with EUROPOL, were published several times.³²⁷ An important aspect continues to be coordination of and cooperation among key national actors. The Austrian victim protection organizations (LEFÖ-IBF and MEN VIA) were involved in all investigations of human trafficking.³²⁸

The Task Force on Combating Human Trafficking in Austria³²⁹ hosted its annual conference on 16 October 2019, on the occasion of the European Union Anti-Trafficking Day. The topic of this year's conference was "Technology and Combating Human Trafficking – Challenge or Opportunity?"³³⁰ The conference was organized in collaboration with the Federal Ministry of the Interior, the Faculty of Law of the University of Vienna, the Vienna Institute for International Dialogue and Cooperation (VIDC), the IOM, the Ludwig Boltzmann Institute of Human Rights, the network of organizations working to end the sexual exploitation of children (ECPAT), and the victim protection organizations LEFÖ-IBF and MEN VIA. During this event, participants were able to visit six information booths on technological issues related to human trafficking. The IOM Country Office for Austria - together with LEFÖ-IBF und MEN VIA - organized a booth on the topic "Trafficking and the role of YouTube".³³¹

10.3 Cooperation with third countries

In the Austrian Parliament's commitment to resolutely combat trafficking in human beings, promulgated in March 2019, the need to take preventive measures in the countries of origin was emphasized.³³² The Criminal Intelligence Service Austria has, among other things, intensified its cooperation with the main countries of origin of the victims of human trafficking, such as Bulgaria, Hungary and Romania. Operational priority measures against sexual

³²⁴ Written input by IOM Country Office for Austria, Counter-Trafficking Unit, 6 January 2020; IOM Country Office for Austria, ASYL-Train. Available at www.iomvienna.at (accessed 15 December 2019).

³²⁵ Written input by IOM Country Office for Austria, Counter-Trafficking Unit, 6 January 2020.

³²⁶ IOM Country Office for Austria, ASYL-Train. Available at www.iomvienna.at (accessed 15 December 2019).

³²⁷ Written input by the Criminal Intelligence Service Austria, Sub-Department 3.4 (Trafficking in Human Beings and Human Smuggling), 26 February 2020.

³²⁸ Ibid.

³²⁹ In 2004, the federal government established a Task Force on Combating Human Trafficking in order to coordinate and intensify the Austrian measures against human trafficking. Its main task is to develop National Action Plans and monitor their implementation.

³³⁰ Federal Ministry for Europe, Integration and Foreign Affairs, *Konferenz "Technologie und die Bekämpfung des Menschenhandels- Chance oder Herausforderung?" - 16 October 2019*. Available at www.bmeia.gv.at (accessed 14 February 2020).

³³¹ Written input by IOM Country Office for Austria, Counter-Trafficking Unit, 12 February 2020.

³³² Austrian Parliament, *Entscheidung des Nationalrates vom 27. März 2019 betreffend entschlossene Bekämpfung von Schlepperei und Menschenhandel (58/E XXVI. GP)*. Available at www.parlament.gv.at (accessed 18 March 2020).

exploitation and exploitation through forced begging were carried out by the criminal intelligence forces together with these states and non-governmental organizations.³³³

In addition, the anti-human trafficking project, Twinning Serbia, is being carried out between September 2018 and September 2020 under Austrian leadership and in cooperation with Slovenia. The project involves training stakeholders from Serbia in various fields and identifying effective strategies. The goal is to implement Serbia's National Action Plan to combat human trafficking.³³⁴ Other measures include broadening the mandate of institutions involved in combating human trafficking, developing a National Referral Mechanism and providing assistance to (potential) victims of human trafficking (Heilemann, 2019:50). To facilitate cross-border investigations, a task force for the Western Balkans was set up in June 2018 under Austrian leadership. The task force enables joint international investigations in EU Member States and Western Balkan States.³³⁵

³³³ Written input by the Criminal Intelligence Service Austria, Sub-Department 3.4 (Trafficking in Human Beings and Human Smuggling), 26 February 2020.

³³⁴ Written input by the Criminal Intelligence Service Austria, 27 January 2020.

³³⁵ Ibid.

11 RETURN AND READMISSION

Similar to 2018, one of the Federal Ministry of the Interior's priorities in 2019 was return.³³⁶ As of 1 January 2019, a Department for Return and Reintegration was established within the new Directorate General V for Aliens Issues of the Federal Ministry of the Interior. This institutional change was accompanied by the strengthening of bilateral and multilateral relations with third countries and intensified exchange with other Member States and EU institutions on return and readmission.³³⁷ Developments in Austria, meanwhile, included a debate over living conditions at return counselling facilities³³⁸ and support for projects devoted assisted voluntary return and reintegration (see section 11.3.1).

11.1 Main national developments in the field of return

In the area of return, the high level of 2018 was maintained in 2019. By the end of December 2019, a total of 12,245 departures had taken place, of which 5,568 were voluntary departures (45%) and 6,677 forced departures (55%).³³⁹ Compared with the previous year, there was a slight decline of 4.6 per cent in total departures in 2019. This can be attributed in particular to the sharp drop in Dublin transfers (-41%), which is a consequence of the lower number of EU-wide asylum applications.

A look at the returns excluding Dublin transfers shows an increase of about 3 per cent compared to 2018. The number of removals increased by 13 per cent compared to the previous year and concerned mainly persons who have been convicted of criminal offences (46.1%). Compared with 2018, the number of decisions terminating legal stay increased by 79 per cent and the number of return decisions with entry or residence bans by 29 per cent.³⁴⁰ In the period January to August 2019, the majority of removals were to Slovakia (595), Serbia (418) and Hungary (409). In that period, these three countries together were the destination of 39 per cent of all forced removals from Austria excluding Dublin transfers.³⁴¹

By the end of 2019, 58 charter operations (thereof 54 to third countries) had been carried out in 17 destination countries. New charter destinations were developed with Guinea, Mongolia and Uzbekistan.³⁴² In the period 1 January to 11 September 2019, 430 persons were removed in charter operations (total in 2018: 737), in addition to ongoing individual removals by aircraft. The expenditure for those removals amounted to EUR 7.9 million in the first three quarters of 2019.³⁴³

³³⁶ Federal Office for Immigration and Asylum, *Rückstandsabbau erledigt, Verfahrensdauer unter drei Monaten, Abschiebungen gesteigert*. Press Release, 24 January 2019. Available at www.bmi.gv.at (accessed 28 November 2019).

³³⁷ Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

³³⁸ *Der Standard*, Tiroler Politiker fordern nach Besuch Schließung eines Rückkehrzentrums, 25 May 2019. Available at www.derstandard.at (accessed 17 March 2019).

³³⁹ Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020 and 26 February 2020.

³⁴⁰ Ibid.

³⁴¹ Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage betreffend „Aberkennungen von Asyl und subsidiärem Schutz sowie Abschiebungen in den Jahren 2018 und 2019“*, 4105/AB vom 31. Oktober 2019 zu 4117/J (XXVI. GP), p. 5. Available at www.parlament.gv.at (accessed 19 March 2020).

³⁴² Ibid.

³⁴³ Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage betreffend „Aberkennungen von Asyl und subsidiärem Schutz sowie Abschiebungen in den Jahren 2018 und 2019“*, 4105/AB vom 31. Oktober 2019 zu 4117/J (XXVI. GP), p. 7. Available at www.parlament.gv.at (accessed 19 March 2020).

The Federal Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company³⁴⁴ was issued on 19 June 2019 (see chapter 4). In addition to accommodation and care of asylum seekers, the Federal Agency will take on tasks such as legal counselling, return counselling and assistance as of 1 January 2021. This includes ensuring availability of human rights observers, interpreters and translators (Art. 2 Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company). Concerns were raised as to whether independent counselling and fair asylum procedures would still be ensured (see section 4.2.1).³⁴⁵

The removal of former asylum seekers in apprenticeships as well as removals to Afghanistan in general were heavily debated in 2019. Removals to Afghanistan had been a main focus of Austrian return policy in 2018 (Heilemann, 2019:52). Concerned about an overall deterioration of security standards, civil society stakeholders launched #sichersein, a campaign to underscore the threat to the personal security of individuals being removed to Afghanistan.³⁴⁶ Furthermore, the halt to removal of rejected asylum seekers in apprenticeships was heavily debated,³⁴⁷ ultimately leading to legislative change (see chapter 4).

11.2 Return of rejected asylum seekers

Measures targeting individuals staying irregularly in Austria continued to be a focus of the Federal Office for Immigration and Asylum. In coordinated efforts with police administrations in the provinces, targeted activities were carried out at public gathering places, among other things to identify asylum seekers who had absconded after rejection and to take security measures (MoI, 2019). In 2019, the Federal Office for Immigration and Asylum participated in 808 targeted activities, which is twice the number recorded in 2018. During these actions, 26,138 identity checks were carried out, around 670 persons were arrested and in 297 cases detention pending removal was imposed.³⁴⁸

Civil society and human rights organizations voiced criticism regarding conditions in return counselling facilities. Since 2017, asylum seekers whose applications are rejected and who are “undecided about voluntary return” to their country of origin have been accommodated in such facilities, one located at Bürgelkopf/Fieberbrunn (Tyrol) and one at Schwechat (Lower Austria).³⁴⁹ In 2019, a debate arose over the living conditions in these facilities. Civil society organizations criticized the isolated locations, the lack of perspectives offered and the limited

³⁴⁴ FLG I No. 53/2019.

³⁴⁵ Agenda Asyl, Agenda Asyl Stellungnahme zum Bundesgesetz, mit dem die Bundesagentur für Betreuungs- und Unterstützungsleistungen Gesellschaft mit beschränkter Haftung errichtet und das BFA-Verfahrensgesetz, das Asylgesetz 2005 und das Grundversorgungsgesetz – Bund 2005 geändert werden (BBU Errichtungsgesetz–BBU-G), 12. April 2019. Available at www.asyl.at (accessed 19 March 2020).

³⁴⁶ #sichersein. Available at www.sichersein.at (accessed 20 March 2020).

³⁴⁷ *Der Standard*, Trotz Fachkräftemangels Abschiebewelle bei Lehrlingen, 27 February 2019, www.derstandard.at (accessed 19 March 2020); *Salzburger Nachrichten*, Lehre in Mangelberuf laut VwGH kein Grund für Abschiebestopp, 27 March 2019, www.sn.at (accessed 19 March 2020); *Die Kronen Zeitung*, Kampf um Lehrling: „In Afghanistan erwartet Hossein der sichere Tod“, 8 November 2019. Available at www.krone.at (Accessed 19 March 2020).

³⁴⁸ Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

³⁴⁹ Federal Ministry of the Interior, *Asyl- und Fremdenwesen, Innenministerium: Richtigstellung zur Berichterstattung in "Der Standard"*, Press Release 31 October 2017. Available at www.bmi.gv.at (accessed 19 March 2020); *Der Standard*, Tiroler Politiker fordern nach Besuch Schließung eines Rückkehrzentrums, 25 May 2019. Available at www.derstandard.at (accessed 17 March 2019).

infrastructure.³⁵⁰ In a protest against the conditions, 17 rejected asylum seekers initiated a hunger strike in June 2019.³⁵¹ A joint online petition demanding immediate closure was launched by civil society actors and signed by more than 4,000 people.³⁵² After extensive media coverage and inspection by local politicians, members of the Provincial Parliament of Tyrol also demanded closure.³⁵³ On 30 July 2019, the Minister of the Interior commissioned the Department for Fundamental Rights and Human Rights Affairs (III/10) within the Ministry of the Interior to conduct a comprehensive review of compliance with human rights standards at the return counselling facilities at Fieberbrunn and Schwechat.³⁵⁴ After the inspection of these return counselling facilities, plans were detailed for improving medical and psychological support, expanding the shuttle service, and for a regular review after a maximum of six months of residents' periods of stay (see also chapter 5).³⁵⁵

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

The establishment of the Department for “Return, Reintegration and Quality Development” in the Federal Ministry of the Interior was accompanied by increased efforts on the part of the ministry to intensify cooperation with third countries in the area of return.³⁵⁶ In 2019 the Federal Ministry of the Interior was jointly involved with the Federal Ministry for Europe, Integration and Foreign Affairs in bilateral activities relating to readmission or alternative agreements. Talks, consultations or negotiations were held with Afghanistan, China, Colombia, India, the Islamic Republic of Iran, Mongolia and Morocco.³⁵⁷

Furthermore, the Federal Ministry of the Interior is in ongoing exchange with other EU Member States in order to develop pan-European approaches to return cooperation and to benefit from best practices. To improve cooperation with non-cooperative third countries, Austria advocated “visa leverage” within the framework of the EU negotiations over the Visa Code 2019 (see chapter 8).³⁵⁸ To improve return cooperation, numerous talks with representatives of other countries and visits with high-ranking delegations, both in Austria and abroad, took place:

³⁵⁰ Asylkoordination Österreich, asylkoordination fordert Veröffentlichung der Prüfberichte. Available at www.asyl.at (accessed 17 March 2019).

³⁵¹ *Der Standard*, Hungerstreik im Rückkehrzentrum des Innenministeriums in Tirol, 5 June 2019. Available at www.derstandard.at (accessed 19 March 2020); *Kleine Zeitung*, Asylunterkunft Bürglkopf: Immer noch drei Menschen im Hungerstreik, 28 June 2019. Available at www.kleinezeitung.at (accessed 20 March 2020).

³⁵² Plattform Bleiberecht, Mehr als 3.000 Menschen fordern die sofortige Schließung der Rückkehrzentren Fieberbrunn/Bürglkopf und Schwechat!, 12 June 2019. Available at <https://plattform-bleiberecht.at/> (accessed 19 March 2020).

³⁵³ *Der Standard*, Tiroler Politiker fordern nach Besuch Schließung eines Rückkehrzentrums, 25 May 2019. Available at www.derstandard.at (accessed 17 March 2019).

³⁵⁴ Federal Ministry of the Interior, *Menschenrechtliche Überprüfung der Rückkehrberatungseinrichtungen durch Innenminister Peschorn*. Press Release, 21 November 2019. Available at www.bmi.gv.at (accessed 17 December 2019); Federal Ministry of the Interior, *Menschenrechtliche Prüfung der Rückkehrberatungseinrichtungen (RÜBE)*. Available at www.bmi.gv.at (accessed 17 December 2019).

³⁵⁵ *Ibid.*

³⁵⁶ Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

³⁵⁷ Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage betreffend „Rückübernahmeabkommen“ 2916/AB vom 25. April 2019 zu Nr 2969/J (XXVI.GP)*, p. 1. Available at www.parlament.gv.at (accessed 18 December 2019).

³⁵⁸ Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

- Representatives from Austria and the Islamic Republic of Iran discussed irregular migration and return of migrants at talks in February 2019. A main issue was cooperation with the Iranian embassy in Vienna when issuing return travel certificates.³⁵⁹
- Bilateral talks were held with Afghanistan in March 2019 concerning readmission of rejected asylum seekers. According to the Federal Ministry of the Interior, this was a priority issue due to the high number of asylum applications from Afghan nationals.³⁶⁰
- A round table was held in October 2019 with embassy representatives from African countries (including Burkina Faso, Cameroon, the Democratic Republic of Congo, Côte d'Ivoire, Gabon, Mali and Togo), to discuss intensified cooperation on return and integration activities.³⁶¹
- Diplomatic talks took place with India in October 2019, with the topics including visa liberalization and readmission.³⁶²

Austria is also a member of EURINT (European Integrated Return Management Initiative), EURLO (European Return Liaison Officer) and ERRIN (European Return and Reintegration Network).³⁶³ Austria's contribution to ERRIN in 2018–2019 was EUR 62,000.³⁶⁴ The participation in international and EU bodies were actively fostered in 2019.³⁶⁵ In September 2019, for example, a meeting of the Return Expert Group of the European Migration Network (EMN-REG) was held in Vienna. The topics discussed included current developments relating to return and asylum, statistics on return cases, and the main changes in strategy and operations affecting return. An exchange of ideas also took place between international organizations and non-governmental organizations.³⁶⁶

Finally, Austria also supported the implementation of EU Readmission Agreements with third countries to ensure full effect. Diplomatic negotiations on visa liberalization and cooperation were held with Georgia in February 2019 to address irregular migration.³⁶⁷ In April 2019, Austria signed an agreement with Serbia on the readmission of third country nationals who were issued a final return decision and are irregularly residing in Austria, cannot be removed to their country of origin and have ties to Serbia.³⁶⁸

11.3.1 Assisted voluntary return and reintegration measures

Assisted voluntary return and reintegration (AVRR) is an important aspect of Austria's overall focus on return.³⁶⁹ It can be defined as an "indispensable part of a comprehensive approach to migration management aiming at orderly and humane return and reintegration of migrants who

³⁵⁹ Federal Ministry of the Interior, *Bezdeka: Gute Kooperation mit Iran besonderes Anliegen*. Press Release, 8 February 2019. Available at www.bmi.gv.at (accessed 13 December 2019).

³⁶⁰ Federal Ministry of the Interior, *Kickl: Schleppereibekämpfung und Rückführungen auf gemeinsamer Agenda mit Afghanistan*. Press Release, 19 March 2019. Available at www.bmi.gv.at (accessed 19 November 2019).

³⁶¹ Federal Ministry of the Interior, *Round-Table mit Vertretern von afrikanischen Botschaften im BMI*. Press Release, 25 October 2019. Available at www.bmi.gv.at (accessed 13 December 2019).

³⁶² Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2020.

³⁶³ Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage betreffend „Rückübernahmeabkommen“ 2916/AB vom 25. April 2019 zu Nr. 2969/J (XXVI.GP)*, p. 3. Available at www.parlament.gv.at (accessed 18 December 2019).

³⁶⁴ *Ibid.*, p. 4.

³⁶⁵ Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

³⁶⁶ Federal Ministry of the Interior, *Treffen von Rückkehr-Experten des Europäischen Migrationsnetzwerks*. Press Release, 2 October 2019. Available at <https://bmi.gv.at> (accessed 13 December 2019).

³⁶⁷ Federal Ministry of the Interior, *Goldgruber: Georgien wichtiger bilateraler Partner für Österreich*. Press Release, 26 February 2019. Available at www.bmi.gv.at (accessed 13 December 2019).

³⁶⁸ Federal Ministry of the Interior, *Beantwortung der parlamentarische Anfrage zu „Abschiebezentrums in Serbien“ 923/AB vom 14. Februar 2020 zu 866/J (XXVII. GP)*. Available at www.parlament.gv.at (accessed 5 May 2020).

³⁶⁹ Federal Ministry of the Interior, *Freiwillige Rückkehr*. Available at www.bmi.gv.at (accessed 23 March 2020).

are unable or unwilling to remain in host or transit countries and wish to return voluntarily to their countries of origin”.³⁷⁰

In 2019 the International Organization for Migration (IOM) Country Office for Austria supported 2,840 people in returning voluntarily to their countries of origin.³⁷¹ The most frequent countries of return were Serbia, Iraq and China. Voluntary returnees to Afghanistan and Iran received support for reintegration to regain a foothold in those countries. From 1 January 2017 to 31 December 2019, the IOM Country Office for Austria implemented the project RESTART II – Reintegration Assistance for Voluntary Returnees to Afghanistan and Iran. The project was co-funded by the Asylum, Migration and Integration Fund (AMIF) of the European Union and the Austrian Federal Ministry of the Interior. In 2019 the project enabled assistance for 152 third-country nationals from Afghanistan and the Islamic Republic of Iran to support them in their voluntary return and sustainable reintegration in their countries of return.³⁷² During the project implementation period from 2017 to 2019, a total of 500 voluntary returnees received support for reintegration. The vast majority were male (93%) and between 18 and 35 years of age (79%).³⁷³

In 2019, the reintegration programme of the Federal Ministry of the Interior was extended to include Somalia. In summer 2019, bilateral cooperation with the French Office for Immigration and Integration was extended, resulting in a continuation of the reintegration programme in 13 African countries.³⁷⁴ In addition, Caritas Austria implemented the project “IRMA plus – Integrated Return Management plus” (2017–2019). In 2019 participants in IRMA plus included returnees from Austria to Armenia, The Gambia, Ghana, Kyrgyzstan, Mongolia, Russian Federation and Tajikistan.³⁷⁵ The project targets vulnerable migrants for whom return difficulties are exacerbated by circumstances such as challenging family situations, physical or mental illness, or a long absence from their countries of origin.³⁷⁶ Another example of return assistance is the pilot project (2018–2019) “Reverse Migration: Supporting Sustainable Return of Migrants through Private-Public Multi-Stakeholder Partnerships” implemented by the International Centre for Migration Policy Development (ICMPD).³⁷⁷ The project, targeting voluntary returnees from Austria to Nigeria, aims to foster sustainable and dignified return and reintegration through vocational training, skills development and employment opportunities.³⁷⁸

³⁷⁰ IOM, Assisted voluntary return and reintegration. Available at www.iom.int (accessed 19 March 2020).

³⁷¹ Ibid.

³⁷² IOM Country Office for Austria, RESTART II. Available at <https://austria.iom.int> (accessed 13 December 2019). IOM Country Office for Austria, *Freiwillige Rückkehr aus Österreich 2019: IOM unterstützte knapp 3.000 Menschen*. Press Release, 24 January 2020. Available at <https://austria.iom.int> (accessed 29 January 2020).

³⁷³ IOM Country Office for Austria, *AVRR Newsletter: Freiwillige Rückkehr und Reintegration aus Österreich 1/2020*; Written input by IOM CO Austria, Assisted Voluntary Return and Reintegration Unit, 24 March 2020.

³⁷⁴ Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 31 January 2020.

³⁷⁵ Written input by IOM CO Austria, Assisted Voluntary Return and Reintegration Unit, 24 March 2020.

³⁷⁶ Caritas Austria, IRMA plus Caritas Austria’s Reintegration Project. Available at www.caritas.at (accessed 19 March 2020).

³⁷⁷ International Centre for Migration Policy Development (ICMPD), Supporting Sustainable Return of Migrants through Private-Public Multi-Stakeholder Partnerships. Available at www.icmpd.org (accessed 19 March 2020).

³⁷⁸ Ibid.

12 MIGRATION AND DEVELOPMENT

Austria has a clear interest in development cooperation as a means of alleviating the causes of irregular migration and forced displacement (Spiegelfeld, 2018:45; OECD, 2020:29). In the Three-Year Program for Austria’s Development Policy (2019–2021), two main focus areas were set: equal rights and support for women, and international development cooperation and migration.³⁷⁹ The latter goal is in response to the need for providing more assistance on the ground, in countries of origin of (potential) migrants and refugees as well as in host communities. By supporting political, economic and social development, perspectives and opportunities are to be created for the local population. The policy is subsequently expected to help enable orderly, safe, regular and responsible migration and movements of people.³⁸⁰

12.1 National actions to support migration and development

Based on a triangular approach in the thematic area “migration and development”, Austrian development cooperation seeks to promote:³⁸¹

- (1) Rule of law institutions and good governance;
- (2) (Dual-)vocational training and capacity development, particularly in the youth sector; and
- (3) Private sector development, including business partnerships, industrialisation and technological development.

Similar to previous years (ADA, 2019:1), the official development assistance (ODA) of Austria in 2019 amounted to 0.27 per cent of gross national income (GNI) (OECD, 2020a:6). The low trend was criticized by Austrian civil society representatives,³⁸² while also contrasting with the EU collective commitment to dedicate 0.7 per cent of GNI towards ODA during the timeframe of the 2030 Agenda.³⁸³

In 2019, Austria contributed more than EUR 50 million as humanitarian assistance to support refugees and internally displaced people in hosting countries. The amount can be broken down as follows:³⁸⁴

- EUR 24 million in bilateral assistance, thereof
 - EUR 9.25 million for the Syrian Arab Republic and neighbouring countries,
 - EUR 7.25 million for Sub-Saharan Africa,
 - EUR 5 million for the MENA region,

³⁷⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *Gemeinsam. Für unsere Welt. Dreijahresprogramm der österreichischen Entwicklungspolitik 2019 bis 2021 (III-204 der Beilagen XXVI. GP)*, pp. 9–10. Available at www.parlament.gv.at (accessed 19 March 2020).

³⁸⁰ Ibid.; Sustainable Development Goals 10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies. Available at <https://sustainabledevelopment.un.org/sdg10> (accessed 19 March 2020).

³⁸¹ Federal Ministry for Europe, Integration and Foreign Affairs, *Gemeinsam. Für unsere Welt. Dreijahresprogramm der österreichischen Entwicklungspolitik 2019 bis 2021 (III-204 der Beilagen XXVI. GP)*, p. 10. Available at www.parlament.gv.at (accessed 19 March 2020).

³⁸² Globale Verantwortung, *Österreichs Entwicklungshilfe sinkt erneut*, Press Release, 10 April 2019. Available at www.ots.at (accessed 3 April 2020).

³⁸³ Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission, *The new European Consensus on Development: “Our World, our dignity, our future”* (2017/C 210/01), Official Journal of the European Union, 30 June 2017, para 103. Available at <https://eur-lex.europa.eu> (accessed 3 April 2020).

³⁸⁴ Written input by the Federal Ministry of the Interior, Department V/5 (International Migration Developments and Migration Communication), 10 June 2020.

- EUR 1 million for Ukraine,
- EUR 1 million for the Bolivarian Republic of Venezuela, and
- EUR 500,000 for Bangladesh.
- EUR 20.2 million in contributions to the International Development Association;
- EUR 1.9 million for the EU Facility for Refugees in Turkey; and
- EUR 4 million for the EU Regional Trust Fund in Response to the Syrian Crisis.

ANNEXES

Annex A: List of Translations and Abbreviations

English term	English abbreviation	German term	German abbreviation
Act Accompanying Brexit 2019	–	Brexit-Begleitgesetz 2019	BreBeG 2019
Act Governing the Employment of Foreign Nationals	–	Ausländerbeschäftigungsgesetz	AuslBG
Aliens Police Act 2005	–	Fremdenpolizeigesetz 2005	FPG
Assisted voluntary return and reintegration	AVRR	Unterstützte Freiwillige Rückkehr und Reintegration	–
Asylum Act 2005	–	Asylgesetz 2005	AsylG 2005
Asylum Procedures Act	–	BFA-Verfahrensgesetz	BFA-VG
Asylum, Migration and Integration Fund	AMIF	Asyl-, Migrations- und Integrationsfonds	AMIF
Austrian Business Agency	ABA	Austrian Business Agency	ABA
Austrian Development Agency	ADA	Austrian Development Agency	ADA
Austrian Federal Economic Chamber	–	Wirtschaftskammer Österreich	WKO
Austrian Freedom Party	–	Freiheitliche Partei Österreich	FPÖ
Austrian Green Party	–	Die Grünen	–
Austrian Hotelier Association	–	Österreichische Hoteliervereinigung	ÖHV
Austrian Integration Fund	–	Österreichischer Integrationsfonds	ÖIF
Austrian People's Party	–	Österreichische Volkspartei (auch Neue Volkspartei)	ÖVP
Austrian Trade Union Federation	–	Österreichischer Gewerkschaftsbund	ÖGB
Border Control Act	–	Grenzkontrollgesetzes	–
Brexit-Regulation: Integration	–	Brexit-Verordnung Integration	–
Chamber of Labour	–	Arbeiterkammer	AK
Citizenship Act 1985	–	Staatsbürgerschaftsgesetz 1985	StbG
Criminal Intelligence Service Austria	–	Bundeskriminalamt	BK
European Asylum Support Office	EASO	Europäisches Unterstützungsbüro für Asylfragen	EASO
European Entry/Exit System	EES	Europäische Einreise-/Ausreisensystem	EES
European Integrated Return Management Initiative	EURINT		EURINT
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Return and Reintegration Network	ERRIN	Gemeinsames europäisches Rückkehr- und Reintegrationsprogramm	ERRIN
European Union	EU	Europäische Union	EU
Federal Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company	–	BBU-Errichtungsgesetz	BBU-G
Federal Basic Care Act 2005	–	Grundversorgungsgesetz - Bund 2005	GVG-B 2005
Federal Chancellery	–	Bundeskanzleramt	BKA
Federal Children and Youth Service Act 2013	–	Bundes-Kinder- und Jugendhilfegesetz 2013	B-KJHG 2013
Federal Ministry for Europe, Integration and Foreign Affairs	–	Bundesministerium für Europa, Integration und Äußeres	BMEIA
Federal Ministry of Labour, Social Affairs and Consumer Protection	–	Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumentenschutz	BMSGPK

Federal Ministry of the Interior	MoI	Bundesministerium für Inneres	BMI
Federal Office for Immigration and Asylum	–	Bundesamt für Fremdwesen und Asyl	BFA
Federal Office for Immigration and Asylum Procedures Act	–	BFA-Verfahrensgesetz	BFA-VG
Federation of Austrian Industries	–	Industriellenvereinigung	IV
Integration Act	–	Integrationsgesetz	IntG
International Centre for Migration Policy Development	ICMPD	Internationales Zentrum für die Entwicklung von Migrationspolitik	ICMPD
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
Intervention Center for Trafficked Women	LEFÖ-IBF	Interventionsstelle für Betroffene von Frauenhandel	LEFÖ-IBF
JETZT – Liste Pilz	–	JETZT – Liste Pilz	JETZT
Joint Operational Office	JOO	Joint Operational Office	JOO
Ludwig Boltzmann Institute of Human Rights	–	Ludwig Boltzmann Institut für Menschenrechte	BIM
National Action Plan	NAP	Nationaler Aktionsplan	NAP
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
NEOS – The New Austria	–	NEOS – Das Neue Österreich	NEOS
Office of the United Nations High Commissioner for Human Rights	OHCHR	Hoher Kommissar der Vereinten Nationen für Menschenrechte	OHCHR
Official Development Assistance	ODA	Öffentliche Entwicklungszusammenarbeit	ODA
Organization for Economic Co-operation and Development	OECD	Organisation für wirtschaftliche Zusammenarbeit und Entwicklung	OWZE
Police Cooperation Convention for Southeastern Europe	PCC SEE	Police Cooperation Convention for Southeastern Europe	PCC SEE
Public Employment Service	–	Arbeitsmarktservice	AMS
Red-White-Red Card	RWR Card	Rot-Weiß-Rot – Karte	RWR – Karte
Regulation for Skilled Workers	–	Fachkräfteverordnung	–
Regulation Implementing the Integration Agreement	–	Integrationsgesetz-Durchführungsverordnung	IntG-DV
Regulation on Countries of Origin	–	Herkunftsstaaten-Verordnung	HStV
Regulation on the Employment of Foreigners	–	Ausländerbeschäftigungsverordnung	AusIBVO
Regulation on the Integration Agreement 2017	–	Integrationsvereinbarungsverordnung	IV-V 2017
Regulation: Admission of very highly skilled workers	–	Verordnung über die Zulassung von Besonders Hochqualifizierten	–
Regulation: Temporary employment of foreign nationals in tourism, agriculture and forestry	–	Verordnung über die befristete Beschäftigung von Ausländerinnen und Ausländern im Tourismus und in der Land- und Forstwirtschaft	–
Regulation: Temporary reintroduction of border control at internal borders	–	Verordnung über die Vorübergehende Wiedereinführung von Grenzkontrollen an den Binnengrenzen	–
Return Expert Group of the European Migration Network	REG-EMN	Return Expert Group of the European Migration Network	REG-EMN
Salzburg Forum	–	Forum Salzburg	–
School Organization Act	–	Schulorganisationsgesetz	SchOG
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz	NAG
Settlement Regulation	–	Niederlassungsverordnung	NLV 2019
Social Democratic Party of Austria	–	Sozialdemokratische Partei Österreichs	SPÖ
Support for Trafficked Men	MEN VIA	Unterstützung für Männer, die von Menschenhandel betroffen sind	MEN VIA

third-country nationals	TCN	Drittstaatsangehörige	–
unaccompanied minors	UAM	unbegleitete Minderjährige	–
United Nation’s High Commissioner for Refugees	UNHCR	Hoher Flüchtlingskommissar der Vereinten Nationen	UNHCR
United Nations	UN	Vereinte Nationen	VN
Vienna Institute for International Dialogue and Cooperation	VIDC	Wiener Institut für Internationalen Dialog und Zusammenarbeit	VIDC
Weapons Act 1996	–	Waffengesetz 1996	WaffG

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