RESETTLEMENT AND THE HUMANITARIAN ADMISSION PROGRAMME IN AUSTRIA

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International Organization for Migration (IOM)

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

EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2002 by the European Commission by order of the European Council in order to satisfy the need of a regular exchange of reliable information in the field of migration and asylum at the 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) plus Norway.

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

The NCP for Austria is located in the Research and Migration Law Department of the Country Office Austria of the International Organization for Migration (IOM) in Vienna, which was established in 1952 when Austria became one of the first members 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 respective national projects and programmes.

The main task of the NCPs is to implement the annual work programme of the EMN including the drafting of the annual policy report and topic-specific focussed and main studies, answering Ad Hoc Queries launched by other NCPs, carrying out visibility activities and networking in several forums. Furthermore, the NCPs in each country set up national networks consisting 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. Exceptions might occur when existing data and information is not sufficient. EMN studies are elaborated in accordance with uniform specifications valid for all EU Member States plus Norway in order to achieve comparable EU-wide results. Since the comparability of the results is frequently challenging, the EMN has produced a Glossary,

which assures the application of similar definitions and terminology in all national reports.

Upon completion of national reports, the European Commission with the support of a service provider drafts a synthesis report, which summarizes the most significant results of the individual national reports. In addition, topic-based policy briefs, so called EMN Informs, are produced in order to present and compare selected topics in a concise manner. All national studies, synthesis reports, informs and the Glossary are available on the website of the European Commission Directorate-General Migration and Home Affairs.

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EXECUTIVE SUMMARY

Since 2013 Austria has been implementing a Humanitarian Admission Programme benefiting a total of 1,900 especially vulnerable Syrian refugees. This study presents details of the programme up until June 2016. At national and international levels, Austria has previously referred to the programme as a "Humanitarian Admission Programme" (HAP; *Humanitäres Aufnahmeprogramm*) or "Humanitarian Action", even though parts of the programme are in fact identical to conventional resettlement. The term "Humanitarian Admission Programme" or the acronym "HAP" is consequently used below in the study.

Late August 2013, the Austrian Federal Government originally expressed its willingness, in addition to current asylum procedures, to admit 500 Syrian refugees from the crisis region (HAP I). The reception process was broken down into two parts. The first part, comprising the admission of 250 individuals, took place in the form of family reunification and with the assistance of religious and civil organizations. The second part, which was implemented jointly with the United Nations High Commissioner for Refugees (UNHCR), admitted 250 individuals from Jordan to Austria.

In view of the continued crisis in the Syrian Arab Republic, the Federal Government subsequently resolved in mid-April 2014 to admit an additional 1,000 Syrian refugees from the crisis region (HAP II). The first part involving 400 individuals was again dedicated to reunifying families, in which case two groups were each entitled to propose half of the individuals to be accepted overall: churches and Christian organizations under the auspices of the Archdiocese of Vienna; and private citizens, who could propose their family members using a form available on the web. Upon completion of the first admission programme, the proven joint procedures with UNHCR were also used for the second part involving 600 refugees.

The third part of the Humanitarian Admission Programme (HAP III) is currently being planned to include another 400 especially vulnerable persons selected by UNHCR.

The procedures involved the entitled groups firstly submitting proposals of individuals for the programme, which were subsequently assessed based

on protection needs and security criteria by the Austrian Federal Ministry of the Interior.

Upon the final reception decision by the Federal Ministry of the Interior, the responsible Austrian representation authority in the foreign country was notified and the International Organization for Migration (IOM) made travel arrangements. This involved obtaining (in collaboration with UNHCR) the necessary documents and permits to leave the current country, as well as medical examinations, cultural orientation training courses to prepare individuals for life in Austria, and other details related to logistics.

Upon arrival in Austria, following registration, an abbreviated procedure and a mandatory health examination, every person entering Austria within the framework of the HAP was granted asylum ex officio in accordance with Art. 3a of the Asylum Act: "A foreigner shall be granted asylum status or subsidiary protection status ex officio and without any additional procedure where Austria has undertaken to do so under international law."

To provide a legal basis for granting status, corresponding declarations of international law were issued to UNHCR (in cases involving UNHCR) and to IOM (in cases of family reunification).

Within four months of arriving in Austria, all individuals in the Humanitarian Admission Programme were able to receive the level of benefits from the national system of basic welfare support as prescribed by law. In HAP I, individuals reaching Austria under family reunification measures were usually accommodated with members of their families. Several individuals arriving as part of family reunification were provided with living quarters under basic welfare support in one of the provinces, in the event that relatives already residing here did not have sufficient space to provide initial accommodation. On the other hand, individuals coming to Austria through collaboration with UNHCR were at first usually accommodated in quarters provided under basic welfare support in the provinces.

Under HAP II, the mode of accommodation was maintained in family cases. Yet, in response to the drastic increase in asylum-seekers in Austria beginning in the autumn of 2015, new procedures were developed for accommodating the UNHCR cases. Here the process was changed, so that now refugees were brought to intermediary accommodation or directly to

their long-term dwellings, provided by ARGE Resettlement under a mandate by the Austrian Federal Ministry for Europe, Integration and Foreign Affairs. ARGE Resettlement is a consortium whose members include institutions belonging to the non-governmental organizations Caritas, Diakonie and Red Cross.

In addition to benefits accorded under the regular system, participants received support to aid in integration in the form of measures provided in response to a special call to tender. In addition to support from their own families, individuals arriving in Austria as part of family reunification received benefits from the regular support system, while also obtaining other assistance, for instance through integration programmes under the Austrian Integration Fund, training programmes offered by the Austrian Public Employment Service or benefits from non-governmental organizations. Those coming to Austria as part of the collaborative effort with UNHCR additionally received special integration benefits administered through ARGE Resettlement, the organization mentioned above. Such measures included specific initial counselling and advice, literacy and language acquisition, care for school-age children, educational and vocational counselling, childcare, housing advice and support for women travelling alone with enhanced childcare needs. In HAP II a similar spectrum of benefits was provided in cases of those arriving under the UNHCR; as in HAP I, these measures were co-funded by the European Commission.

The procedures developed within HAP I and HAP II will probably be maintained as HAP III is implemented.

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1. INTRODUCTION

1.1 Background to the Study and Objectives

This study presents Austria's current procedures in relation to resettlement and humanitarian admission with a view to policies, legal aspects and practice. The main focus of the study is the Humanitarian Admission Programme (HAP) benefiting a total of 1,900 especially vulnerable Syrian refugees, which Austria has been conducting since 2013.

The objective of the study is to make information on Austria's HAP available to researchers and the general public in Austria, as well as to other European countries and policymakers, so that others may profit from these experiences when defining the strategy of resettlement programmes, humanitarian admission and similar kinds of programmes and during the implementation of such action in the European Union (EU) in future. Measures aimed at relocation within the EU have been expressly excluded from the study.

The study has been structured in eight chapters as outlined in the following. Chapter 1 explains the underlying definitions and the methodology applied, while Chapter 2 introduces resettlement as a tool in the global, European and Austrian context. Chapter 3 discusses the current policies and legal framework of humanitarian admission in Austria, including international and bilateral agreements, residence permits, entitlement to family reunification and procedures for obtaining citizenship. Chapter 4 introduces the actors responsible for the practical implementation of Austria's Humanitarian Admission Programme, while Chapter 5 details the process involved in the programme and the funding. In this context, the four phases of the humanitarian admission process are described in detail: identification and selection, pre-departure and departure, the post-arrival phase and the integration phase. Since the programme was the first of its kind in Austria, it will become clearly evident how the programme continued to be developed as it progressed and as the participating actors gathered experience. Chapter 6 provides statistics on the categories and citizenship of the resettled individuals, while Chapter 7 presents the results of an already completed evaluation of the programme as well as a summary of the experiences gained

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and challenges faced by individuals belonging to the target group and by participating actors. Conclusions and an outlook are provided at the close.

The study represents the Austrian Country Report within a EU-wide study of the specified topic conducted by the European Migration Network (EMN); the findings are subsequently to be incorporated into what is referred to as a Synthesis Report to be prepared by the European Commission. By providing a strategic summary of currently practised solutions in the area of resettlement and humanitarian admission of refugees in the EU, the Synthesis Report will potentially increase awareness of the challenges and opportunities posed by existing programmes and provide impetus for discussions of the utility of these programmes.

This is particularly of benefit inasmuch as "old" resettlement countries exist alongside "new" ones, enabling them to not only share experiences and subsequently collect practical information but also the factors leading to success, and in this way allow resettlement capacities within the EU to be increased in the long term.

Overall, the study contributes to moving forward and further developing both national programmes and common European initiatives in pursuit of objectives that include helping to solve the challenges arising from current and future refugee movements.

1.2 Definitions

The key terms listed below are used in the study. The definitions are largely derived from the *European Migration Network (EMN) Glossary 3.0* (EMN, 2014), which is available only in English. Other terminology sources are cited in the footnotes.

Application for asylum: An application made by a foreigner or a stateless person which can be understood as a request for protection under the Geneva Convention of 1951 or national refugee law.

Asylum: A form of protection given by a State on its territory, based on the principle of non-refoulement and internationally or nationally recognized refugee rights and which is granted to a person who is unable to seek protection in their country of citizenship and/or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

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Asylum-seeker: In the global context, a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments. In the EU context, a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.

International protection: In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries. In the EU context, protection that encompasses refugee status and subsidiary protection status.

Refugee: In the global context, either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it.

In the EU context, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Art. 12 (Exclusion) of Directive 2011/95/EU does not apply.

Refugee status: The recognition by a Member State of a third-country national or stateless person as a refugee.

Residence permit (title): Any authorization issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory.

Third-country national: Any person who is not a citizen of the European Union within the meaning of Art. 20 para 1 of the Treaty on European Union and the Treaty on the Functioning of the European

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Union[1] and who is not a person enjoying the European Union right to free movement, as defined in Art. 2 para 5 of the Schengen Borders Code.[2]

The study additionally refers to the terms and definitions below, which were given in the specifications for the study.

Humanitarian admission: In the context of this study, humanitarian admission refers to schemes which are similar to resettlement but for varying reasons do not fully match the definition of resettlement. For example, resettlement may be a permanent solution for the people benefiting from it, while humanitarian admission may be temporary. Also, whilst a precondition for resettlement is the eligibility to international protection, (determined by the UNHCR), humanitarian admission could be available to a wider range of potential beneficiaries. Humanitarian admission is therefore intended as the transfer from a third country to a Member State of a third-country national for humanitarian reasons under national law concerning international protection by administrative or judicial bodies.

Resettled person: In the context of this study, a third-country national or stateless person transferred from a third country to a Member State under a resettlement scheme.

Resettlement: In the global context, the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them as refugees with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and their family or dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country (UNHCR, 2011:3).[3]

In the EU context, the transfer, on a request from UNHCR and based on the need for international protection of a third-country national or

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1 Treaty on the Functioning of the European Union (consolidated version), OJ C 326/47.
2 Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 105/1.
3 Although there is a legal basis for resettlement in the international framework, the application of the legal instrument is subject to different interpretations (UNHCR, 2013a:15). For this reason, an explicit definition of the term resides with the host country.

stateless person, from a third country to a Member State, where they are permitted to reside with one of the following statuses:

i. Refugee status within the meaning of Art. 2 (d) of Directive 2011/95/EU; or

ii. A status which offers the same rights and benefits under national and EU law as refugee status.

1.3 Methodology

The present study was conducted by the National Contact Point (NCP) Austria in the European Migration Network (EMN) within the framework of the EMN's 2015–2016 Work Programme. In order to facilitate comparability of the findings across all National Reports, which will be later included in the Synthesis Report, the study follows a common study template, applying to all EU Member States and Norway.

The study, which covers the period between 2013 and 2016, does not claim to provide complete information. It is based on information that was available at national, European and international levels on the topic of resettlement in general and the Austrian Humanitarian Admission Programme in particular, using available sources including publications, studies and statistics as well as internet sites. Sources used in secondary research also included the collection of materials relating to legislation in effect in Austria. The bibliography to the study provides a summary of the sources of information used.

Very little publicly accessible material was available on the subject. Consequently, to obtain more complete information, written enquiries were sent via e-mail to the main actors in the field and answered by their representatives as listed below:

- Karin Abram, Head of the Department of Integration, Migration and Asylum, Caritas Austria (ARGE Resettlement);
- Katharina Benedetter, Head of the Integration Unit, IOM Country Office for Austria;
- Marianne Dobner, Project Coordinator for Integration, IOM Country Office for Austria;
- Andreas Gampert, Head of the Specialist Division for Integration, Diakonie Flüchtlingsdienst gem. GmbH (ARGE Resettlement);

2. REASONS FOR RESETTLEMENT

2.1 Global Context

In late 2015 the United Nations High Commissioner for Refugees (UNHCR) warned that all previous records for worldwide forced displacement were most likely to be broken that year.[4] In fact, the number of persons falling under the UNHCR mandate was about 58 million in mid-2015, including (UNHCR, 2015a:19):

- 34 million internally displaced persons (IDPs) and people in IDP-like situations;
- 15.1 million refugees and people in refugee-like situations;[5]
- 3.9 million stateless persons;
- 2.3 million asylum-seekers with the status decision pending;
- 1.5 million returned refugees and returned IDPs;
- 1.1 million others of concern to UNHCR.

The number of refugees worldwide has risen sharply especially within the last four years. Whereas only 10.4 million refugees were recorded at the end of 2011, the number was already 14.4 million at the end of 2014. The number of refugees rose to 15.1 million in mid-2015 – the highest figure recorded in 20 years (an increase of 4.7 million or 45 % compared with the end of 2011). UNHCR primarily attributes the sharp increase to the war in the Syrian Arab Republic. Disregarding Syrian nationals, the increase in refugees would only have been some 0.5 million or 5 per cent compared with the end of 2011 (UNHCR, 2015a:4).

Since the conflict began in 2011, the majority of the Syrians affected have taken refuge in neighbouring countries (UNHCR, 2015a:4). Hence, as at the end of April 2016, the number of registered Syrian refugees totalled

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4   UNHCR, *2015 likely to break records for forced displacement – study*. News Stories, 18 December 2015, available at www.unhcr.org/5672c2576.html (accessed on 29 April 2016).

5   Not included are the approximately five million Palestinian refugees who fall under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

almost 4.8 million; 2.7 million of these individuals were in Turkey, 1 million in Lebanon, 643,000 in Jordan, 246,000 in Iraq and 120,000 in Egypt.[6]

Yet, according to UNHCR, a rising trend would still be observed without the conflict in the Syrian Arab Republic, with crisis regions such as Afghanistan, Burundi, the Democratic Republic of the Congo, Mali, Somalia, South Sudan and Ukraine increasingly contributing to refugee movements in recent years (UNHCR, 2015a:4).

In this context, resettlement and humanitarian admission programmes are an important instrument for meeting the challenge raised by global refugee movements. Such programmes are aimed at a resettlement in receptive host countries of those especially vulnerable refugees who are unable to either return to their countries of origin or to find a durable solution in their first countries of asylum[7] due to the continued risk of persecution.[8]

UNHCR lists the functions below as being served through implementing resettlement and humanitarian admission programmes (UNHCR, 2011:3):

1. Resettlement is a tool to provide international protection of refugees whose life, liberty, safety, health or other fundamental rights are at risk in the first country of refuge;
2. Resettlement can be a durable solution for larger numbers or groups of refugees, when the other durable solutions of repatriation and local integration are no options;
3. Resettlement is a tangible expression of international solidarity that helps share responsibility for refugee protection (relieving the impact on first countries of asylum and strengthening their capacity to protect refugees).

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6   UNHCR, *Syria Regional Refugee Response – Inter-agency Information Sharing Portal,* available at http://data.unhcr.org/syrianrefugees/regional.php (accessed on 29 April 2016).

7   The country to which a person initially fled to.

8   European Commission, *Communication from the Commission to the Council and the European Parliament on the Managed Entry in the EU of Persons in Need of International Protection and the Enhancement of the Protection Capacity of the Regions of Origin "Improving Access to Durable Solutions",* 4 June 2004, COM (2004) 410 final, p. 9, available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX: 52004DC0410&from=EN (accessed on 27 April 2016).

Programmes for resettlement and humanitarian admission provide specific benefits for the host countries as well as for the individuals participating.

Firstly, they prevent irregular migration (as well as related phenomena such as human smuggling) by affording access to a legal means of migration and allowing entry formalities (e.g. visa requirements) to be clarified already in the first country of asylum. In this way, serious potential risks associated with migration are minimized, since individuals seeking protection are not forced to enter irregularly to apply for asylum status but are ensured controlled, legal entry. As stated in a European Commission Communication, this represents an effective instrument for countering racist and xenophobic attitudes, considering that public support is likely to increase when applications are examined outside the EU and migrants continue their travel and enter the EU only afterwards.[9]

Secondly, by applying the principle of regulated entry it is possible to define clear criteria for selecting participants, a factor that the European Commission cites as significant for many potential host countries.[10] This allows the host countries to plan the arrival of refugees and to prepare for their reception at an early stage. It additionally allows suitable integration programmes to be detailed, accommodation space to be created and general funding requirements to be calculated.

Thirdly, resettlement is very important in its function as an expression of solidarity with third countries. In this regard, the European Commission points out that partnership and sponsorship with third countries are a prerequisite if any policy addressing movements of persons is to be successful. It is thus recommended that resettlement be viewed as a valuable part of any partnership arrangement with a third country.[11] With a view to the situation in the Syrian Arab Republic, UNHCR also observes the need for international solidarity in order to avoid a potential destabilization of

9   Ibid., p. 6.
10   Ibid., p.10. On a related note, UNHCR points out that the vulnerability of persons in the context of resettlement is paramount and that restrictive eligibility criteria which are based on the integration potential of refugees should be avoided (UNHCR, 2005b:17). Criteria as mentioned above are rather ones which allow a preparation of the arrival as well as the further integration process.
11   Ibid., p. 4.

neighbouring States and continue to help these countries with refugee reception.[12]

The global demand for resettlement capacities is substantially higher than the number of places offered for refugees each year. In 2015 UNHCR arranged 81,893 resettlement departures, compared with demand for resettlement in the case of 960,000 individuals. The top five countries of resettlement were the United States of America (52,583 departures), Canada (10,236), Australia (5,211), Norway (2,220) and the United Kingdom (1,768).[13] Meanwhile, global demand for resettlement capacities continues to grow. UNHCR estimates that more than 1.15 million refugees will be dependent on resettlement in 2016, representing a 20 per cent higher demand than that estimated for 2015. UNHCR reckons with 392,000 individuals from Africa requiring resettlement, 369,000 persons from the Middle East and North Africa, 215,000 individuals from Europe, 170,000 persons from Asia, and 7,500 individuals from North, Central and South America (UNHCR, 2015b:12).

2.2 European Context

About one million migrants and refugees reached Europe by crossing the Mediterranean Sea or via the Balkan Peninsula in 2015, according to the International Organization for Migration (IOM). Syrian citizens represented 50 per cent and Afghan nationals 20 per cent. The large majority (i.e. 82 %) reached the EU by way of Greece, as the table below shows.[14]

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12   UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic.* Update IV, p. 25, available at www.refworld.org/pdfid/5641ef894.pdf (accessed on 27 April 2016).

13   UNHCR, *Resettlement Fact Sheet 2015,* available at www.unhcr.org/524c31a09.html (accessed on 29 April 2016).

14   IOM, *Mixed Migration Flows in the Mediterranean and Beyond – Compilation of available Data and Information, Reporting Period 2015,* p. 1–4, available at www.iom.int/sites/default/files/situation_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf (accessed on 28 April 2016).

Table 1: Migration Flows to the European Union by Country of Arrival (2015)

EU country of arrival	Sea	Land	Total
Greece	853,650	3,713	857,363
Italy	153,842	–	153,842
Bulgaria	–	31,174	31,174
Spain	3,845	–	3,845
Cyprus	269	–	269
Malta	106	–	106
Total	**1,011,712**	**34,887**	**1,046,599**

Source: IOM, n.d.:4; own representation.

This development is also reflected in the number of asylum-seekers within the EU. The data provided by Eurostat for the previous 10 years reflects a continuous upward trend, with 2010 being the only exception. Figure 1 also clearly reflects the strong increase in the number of asylum-seekers in the last three years, whereby the rate rose sharply by more than double in 2015.

Figure 1: Number of Asylum-Seekers in the European Union (2006–2015)
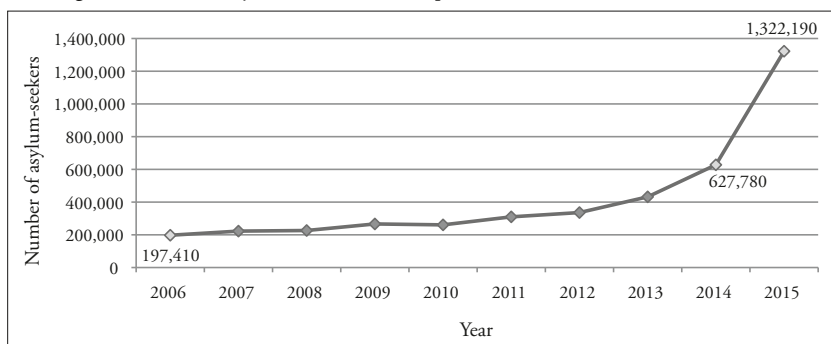
Source: Eurostat, [migr_asyappctza] and [migr_asyctz], extracted on 29 April 2016; own representation.
Notes: Figures have been rounded up or down to the nearest 5. In 2006 the EU comprised 25 Member States, 27 Member States between 2007 and 2012, and 28 Member States as from 2013.

In addition to the persons independently travelling to Europe, the EU also admitted refugees through resettlement and humanitarian admission programmes.

Such programmes have been discussed in the European context since the recognition of initial tendencies converging in a Common European

Asylum System and the coming into effect of the Treaty of Amsterdam in 1999.[15] Apart from agreement on a common asylum procedure, common minimum standards and on uniform status determination rules, at an early stage priority was also given to programmes aimed at resettling refugees from third countries – even if this priority was originally only shared by certain Member States, such as Denmark, Finland, the Netherlands, Sweden and the United Kingdom.

In 2009 the European Commission issued a communication with a proposal for a joint EU resettlement programme.[16] The main features proposed were: greater and better targeted support to the international protection of refugees, so as to increase the impact of the EU; enhance the strategic use of resettlement through integration into the Union's external and humanitarian policies; and better streamline the EU's resettlement efforts so as to ensure that the benefits are delivered in the most cost-effective manner.

The European Commission called for a reinforcement of resettlement activities to raise the Union's effectiveness in international affairs. The principal objective of joint EU action on resettlement should therefore be to involve more Member States in resettlement activities and to provide for an orderly and secure access to protection for those resettled, while at the same time demonstrating greater international solidarity and taking pressure off countries outside the EU.[17]

As part of establishing a joint EU resettlement programme, the European Commission set a fixed amount of EUR 4,000 per resettled person to be provided from the European Refugee Fund. To be eligible for this funding, those resettled would need to fall under one of the four categories listed below:[18]

1. Persons from a country or region designated for the implementation of a Regional Protection Programme;
2. Unaccompanied minors;

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15 Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts (97/C 340/01), OJ C 340/1.
16 European Commission, *Communication from the Commission to the Council and the European Parliament on the Establishment of a Joint EU Resettlement Programme*, 2 September 2009 COM (2009), 447 final, p. 6ff., available at https://ec.europa.eu/transparency/regdoc/rep/1/2009/EN/1-2009-447-EN-F1-1.Pdf (accessed on 27 April 2016).
17 Ibid., p. 5.
18 Ibid., p. 4.

3. Children and women at risk, particularly from psychological, physical or sexual violence or exploitation;

4. Persons with serious medical needs that can only be addressed through resettlement.

The European Parliament and the European Council subsequently adopted a Joint EU Resettlement Programme in 2012.[19] Participation in the programme was on a voluntary basis. In the same year a further step forward was taken with the establishment of the European Resettlement Network.[20] This provided a forum for sharing information related to resettlement priorities, procedures and practices. At the same time the Resettlement Saves Lives[21] campaign was launched with the target of providing 20,000 resettlement places in Europe each year by 2020: this target has already long since been reached.

As shown in Table 2, within the 10-year period between 2006 and 2015 the EU Member States accepted relatively few refugees within the framework of resettlement – about 92 per cent were resettled by other countries. The data indicate a fluctuation in the number of UNHCR resettlement departures from year to year: within the 10-year period between 2006 and 2015, the lowest number was only 29,560 departures in 2006 and the highest number with 84,657 departures was in 2009. Between 2006 and 2009 the number of resettlement departures was increasing, dropped thereafter and is since 2012 increasing again. However, the peak from 2009 has not yet been reached. Resettlement in EU host countries represented only a small share every year (between 6 % and 12 %). Over the entire period of 2006 to 2015, Sweden continued to be one of the major EU host countries. Broadening the scope to include all European Economic Area (EEA) member countries, i.e. the EU Member States and the members of the European Free Trade Area (EFTA) as well as Switzerland, Norway can be recognized as a major host country.

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19   Decision No 281/2012/EU of the European Parliament and the Council of 29 March 2012 amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows', OJ L 92.

20   European Resettlement Network, available at www.resettlement.eu/ (accessed on 12 April 2016).

21   European Resettlement Network, *Resettlement saves lives – 2020 campaign*, available at www.resettlement.eu/page/resettlement-saves-lives-2020-campaign (accessed on 15 April 2016).

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Table 2: Number of UNHCR Resettlement Departures by Resettlement Country (2006–2015)

Resettlement country	Year									
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Austria	1	1	0	0	0	0	0	4	269	642
Belgium	14	17	6	54	2	19	1	100	32	276
Czech Republic	0	8	46	17	48	0	25	1	4	0
Denmark	750	480	403	488	386	606	324	471	332	486
Finland	548	714	675	710	543	573	763	665	1,011	964
France	1	5	276	179	217	42	84	100	378	700
Germany	10	3	0	2,064	457	22	323	1,092	3,467	2,097
Greece	0	0	2	0	0	0	0	0	0	0
Hungary	0	0	0	0	0	0	1	0	4	2
Ireland	119	107	89	194	20	36	40	62	98	178
Italy	6	40	30	191	58	0	9	0	0	96
Luxembourg	0	0	0	28	0	0	0	0	28	49
Netherlands (the)	327	425	580	347	430	479	262	362	743	428
Poland	0	0	0	0	0	0	0	0	0	2
Portugal	0	12	5	26	24	28	21	6	14	39
Romania	0	0	0	0	38	0	0	0	44	2
Spain	0	3	8	0	0	0	80	0	30	92
Sweden	1,571	1,772	1,558	1,880	1,789	1,896	1,483	1,832	1,812	1,808
United Kingdom	349	348	697	969	695	424	989	750	628	1,768
EU MS total	*3,696*	*3,935*	*4,375*	*7,147*	*4,707*	*4,125*	*4,405*	*5,445*	*8,894*	*9,629*
Iceland	0	30	29	0	6	0	9	0	4	13
Liechtenstein	0	0	0	0	0	0	0	0	5	17
Norway	871	978	722	1,367	1,088	1,258	1,137	938	1,188	2,220
Switzerland	13	7	12	17	19	39	54	78	139	664
EFTA MS / Switzerland total	*884*	*1,015*	*763*	*1,384*	*1,113*	*1,297*	*1,200*	*1,016*	*1,336*	*2,914*
Remaining States total	*24,980*	*44,918*	*60,721*	*76,126*	*67,094*	*56,227*	*63,647*	*64,988*	*63,378*	*69,350*
TOTAL	**29,560**	**49,868**	**65,859**	**84,657**	**72,914**	**61,649**	**69,252**	**71,449**	**73,608**	**81,893**

Source: UNHCR, 2010:55; UNHCR, 2016:59; own representation.
Note: All numbers in 2015 are provisional and subject to change.

In May 2015 the European Commission adopted the European Agenda on Migration,[22] thereby reaffirming the relevance of resettlement and humanitarian admission programmes; later, in July 2015, the Commission called for at least 20,000 refugees to be resettled within the following two years.[23]

Shortly thereafter, beginning in late 2015, the subject became even more prominent with the rise of what some refer to as the "migration and refugee crisis" (Bendiek/Neyer, 2016:2). The exceptional migration flows through the EU put a great strain on the Dublin Convention[24] and the Schengen Agreement,[25] which covers border procedures and mobility in the EU; the movements also caused travel to Europe to become fraught with high uncertainty, risk and danger for many refugees and migrants. It also become apparent that many EU Member States were very hesitant to admit big numbers of refugees.[26]

Various ideas and proposals were discussed in an attempt to identify suitable solutions. Such proposals included contributing to development (cooperation) in the refugees' countries of origin as a means of counteracting the underlying causes of flight, enhanced surveillance of the external borders, stronger action against criminals smuggling and trafficking persons, putting in place a plan to relocate refugees within the EU, and

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22 European Commission, *European Agenda on Migration*, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm (accessed on 27 April 2016).

23 European Commission, *European Commission makes progress on Agenda on Migration*. Press Release, 27 May 2015, available at http://europa.eu/rapid/press-release_IP-15-5039_en.htm (accessed on 27 April 2016).

24 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L 180/31.

25 Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of German and the French Republic on the gradual abolition of checks at their common borders, OJ L 239.

26 European Commission, *Relocation and Resettlement: EU Member States urgently need to deliver*. Press Release, 16 March 2016, available at http://europa.eu/rapid/press-release_IP-16-829_en.htm (accessed on 23 May 2016).

assisting countries bordering on the crisis regions.[27] Discussion was devoted not least to the necessity of providing legal avenues of migration and access to protection within the EU. Resettlement was regarded in this context as a potential core element of legal migration options (Collett, 2015:22).

2.3 Austrian Context

Austria has a long tradition of assisting refugees fleeing in the face of war and persecution. More than two million refugees have arrived in Austria since 1945 and over 700,000 have remained. In this context, Austria has extended international protection to individuals entering the country as part of admission programmes, in addition to those going through regular asylum procedures.[28]

Austria's experience with resettlement and humanitarian admission can be roughly divided into four phases:

1. **Post-World War II resettlement from Austria in the United States of America (USA):** Around 180,000 persons from Hungary arrived in Austria between 1956 and 1957. Of these individuals, many were resettled in the USA with the assistance of the Refugee Processing Center in Salzburg up until the early 1990s. As late as 1993, for example, 1,843 persons were transported from Austria to the USA (Carlin, 1989:41–76).

2. **Quota refugees arriving in Austria:** In the 1970s, numbers of quota refugees were admitted to Austria, specifically 101 refugees of Asian origin from Uganda, between 100 and 300 Iraqi Kurds from the Islamic Republic of Iran, about 1,000 Chilean refugees from Chile and Argentina, and around 2,000 refugees from

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27 European Commission, *Refugee Crisis: European Commission takes decisive action*. Press Release, 9 September 2015, available at http://europa.eu/rapid/press-release_IP-15-5596_en.htm (accessed on 22 April 2016); European Council, *Informal meeting of EU heads of state or government on migration, 23 September 2015 – statement*. Press Release, 24 September 2015, available at www.consilium.europa.eu/en/press/press-releases/2015/09/23-statement-informal-meeting/ (accessed on 27 April 2016).

28 UNHCR, *Flüchtlingsland Österreich*, available at www.unhcr.at/unhcr/in-oesterreich/fluechtlingsland-oesterreich.html (accessed on 21 April 2016).

Indochina. Whereas these cases do not represent resettlement programmes in the conventional sense, fast-track admission is a common feature. In the early 1990s, 201 Iraqi refugees from Turkey were also admitted to Austria as quota refugees (Knapp, 2011:2–11; Volf, 1995:21).

3. **Humanitarian admission of Balkan refugees to Austria:** Between 1991 and 1992, Austria admitted and provided care to about 13,000 individuals arriving from Croatia. The majority returned to their country of origin in early 1992. Meanwhile, the first refugees from Bosnia and Herzegovina were arriving. Austria accepted around 90,000 refugees; later, when in early 1999 forced displacement of Kosovar Albanians increased, Austria admitted more than 5,000 individuals as did other States, too.[29]

4. **Programme for humanitarian admission and resettlement:** Austria initially admitted 31 Christians from Iraq in 2011 who had been persecuted for their beliefs. This initiative was launched by the Catholic Church of Austria, the body also providing resettlement funding (Perrin, 2013:44f.).[30] The Humanitarian Admission Programme for especially vulnerable Syrian refugees, which is described in this study, was subsequently launched in 2013.

As explained in Section 2.1, the situation in the Syrian Arab Republic is currently the main cause of forced displacement worldwide. In mid-2015 about half of the population of the Syrian Arab Republic was affected, including 7.6 million individuals forcefully displaced within the Syrian Arab Republic and more than 4.2 million refugees, most of whom had fled to neighbouring countries and to North Africa (UNHCR 2015a:4, 13).

Responding to the crisis, the Austrian Government launched the Humanitarian Admission Programme (HAP) in 2013 and is now admitting a total of 1,900 Syrian refugees. The HAP targets individuals who are

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29 Ibid.
30 Archdiocese of Vienna, *„Herzlich willkommen in diesem Haus!"*. News, 25 February 2011, available at www.erzdioezese-wien.at/site/nachrichtenmagazin/nachrichten/ archiv/archive/32602.html (accessed on 21 April 2016).

especially vulnerable, such as threatened women and girls, vulnerable families with children and minorities under persecution.[31]

The programme is structured in a first part (HAP I; 500 individuals), a second part (HAP II; 1,000 persons) and a third part (HAP III; 400 people) and follows a two-fold approach: firstly, people living in Austria were given the opportunity to bring their especially vulnerable family members to Austria (family reunification cases) and, secondly, individuals proposed by UNHCR were included in the programme (UNHCR cases).

The HAP was started when in late 2013 Michael Spindelegger and Johanna Mikl-Leitner, the Ministers of Foreign Affairs and Internal Affairs at the time, announced the acceptance of 500 Syrian refugees within the framework of a Humanitarian Admission Programme.[32] In the ensuing public debate, it was briefly discussed whether participants should be selected based on religious affiliation,[33] yet apart from this all actors were of the opinion that the programme was a positive gesture of international solidarity.[34] In a press release, the Austrian Red Cross expressly noted that resettlement would benefit especially vulnerable individuals and relieve the situation at Europe's external borders.[35]

31   Federal Ministry of the Interior, *Humanitäre Aktion Syrien 6. Juni 2014,* available at www.bmi.gv.at/cms/bmi_asylwesen/syrien/start.aspx (accessed on 31 March 2016).

32   UNHCR, *The first admission programme,* available at www.unhcr.at/unhcr/in-oesterreich/syrien-aufnahmeprogramm.html (accessed on 30 March 2016).

33   Austrian Red Cross, *Leiden Christen mehr unter Giftgas?.* News, 2 September 2013, available at www.roteskreuz.at/news/datum/2013/09/02/leiden-christen-mehr-unter-giftgas/ (accessed on 27 April 2016).

34   APA OTS, *Aufnahme von 500 syrischen Flüchtlingen positiver erster Schritt.* Press Release, 30 August 2013, available at www.ots.at/presseaussendung/OTS_20130830_OTS0090/aufnahme-von-500-syrischen-fluechtlingen-positiver-erster-schritt (accessed on 27 April 2016).

35   Austrian Red Cross, *Rotes Kreuz begrüßt Vorstoß der Innenministerin zum Schutz von Flüchtlingen in Österreich.* Press Release, 8 July 2014, available at www.roteskreuz.at/news/datum/2014/07/08/rotes-kreuz-begruesst-vorstoss-der-innenministerin/ (accessed on 27 April 2016).

An additional quota of 1,000 resettlement places was subsequently announced by the Austrian Federal Ministry of the Interior in 2014.[36] The media discussions of HAP II centred briefly on criticism of the time delays,[37] while pointing out that the number of individuals being admitted was inadequate when compared with the total number requiring assistance.[38] Apart from this, more attention was given to the benefits of resettlement. It was reported that UNHCR, recognizing a particularly great need for humanitarian aid, commended Austria for initiating the HAP, referring to it as a very strong sign of solidarity with both the crisis victims and the Syrian Arab Republic.[39]

Austria felt the impact of the conflict in the Syrian Arab Republic in various ways in 2015. On the one hand, the heavy migration flows that moved across the Mediterranean Sea and via the Balkan Peninsula towards Europe in 2015 (refer to Section 2.2) also reached Austria. Between 1 October and 31 December 2015 alone, roughly 479,000 migrants and refugees entered or travelled through Austria, according to UNHCR data.[40] On the other hand, Austria recorded a strong increase in asylum applications. Austria

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36   APA OTS, *Mikl-Leitner: Humanitäre Aktion für insgesamt 1.500 syrische Flüchtlinge*. Press Release, 28 May 2014, available at www.ots.at/presseaussendung/OTS_ 20140528_OTS0098/mikl-leitner-humanitaere-aktion-fuer-insgesamt-1500-syrische-fluechtlinge (accessed on 27 April 2016); Federal Ministry of the Interior, *Humanitäre Aktion Syrien: Österreich nimmt weitere 1.000 syrische Flüchtlinge auf,* available at www.bmi.gv.at/cms/bmi_asylwesen/syrien/start.aspx (accessed on 31 March 2016); UNHCR, *2nd Humanitarian Admission Programme,* available at www.unhcr.at/unhcr/ in-oesterreich/syrien-aufnahmeprogramm.html (accessed on 27 April 2016).

37   Der Standard, *Das Gezerre um die syrischen Flüchtlinge*, 15 February 2014, available at http://derstandard.at/1389860523715/Jordanien-Das-Gezerre-um-die-syrischen-Fluechtlinge (accessed on 17 May 2016).

38   Der Standard, *Die größte humanitäre Katastrophe unserer Zeit*, 17 April 2015, available at http://derstandard.at/2000014407944/Die-groesste-humanitaere-Katastrophe-unserer-Zeit (accessed on 31 March 2016); Nachrichten.at, *Lage in Syriens Nachbarländern Grund für Flüchtlingswelle*, 14 September 2014, available at www. nachrichten.at/nachrichten/politik/aussenpolitik/Lage-in-Syriens-Nachbarlaendern-Grund-fuer-Fluechtlingswelle;art391,1971972 (accessed on 1 April 2016).

39   UNHCR, *UNHCR begrüßt Ankündigung zur Aufnahme syrischer Flüchtlinge*. Press Release, 30 August 2013, available at www.unhcr.at/presse/pressemitteilungen/artikel/ ba30c0ee6d67d158b97635afdef31573/unhcr-begruesst-ankuendigung-zur-aufnahme-syrischer-fluechtlinge.html (accessed on 22 April 2016).

40   UNHCR, *Europe Refugees and Migrants Emergency Response - Daily Estimated Arrivals per Country - Flows through Western Balkans Route*, available at http://data.unhcr.org/ mediterranean/country.php?id=502 (accessed on 12 April 2016).

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registered 88,340 applications for asylum in 2015. This represents three times the number in the previous year (2014: 28,064 asylum applications).
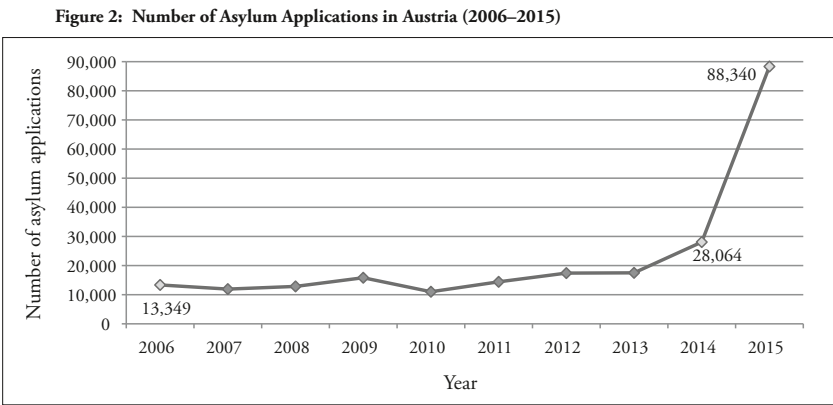
Figure 2: Number of Asylum Applications in Austria (2006–2015)

Viewed in retrospect over the last 10 years, the number of asylum applications can be recognized as relatively stable from 2006 to 2013. A more significant rise was recorded in 2014, which was then quadrupled in 2015 (refer to Figure 2). The strong increase in asylum applications in 2015 can be largely attributed to applications filed by citizens of Afghanistan (20,399 more asylum applications), Syrian Arab Republic (16,808 more) and Iraq (12,497 more). In the order listed, these countries represented the main countries of origin in 2015.[41]

Of the 88,340 asylum applications registered in Austria in 2015, unaccompanied minors accounted for 8,277 applications (or 9.4 % of the total), as is seen in Figure 3. At four times the number in 2014, this represents a significant increase; 1,976 asylum applications or 7 per cent of the total were filed by unaccompanied minors in 2014.

The number filed between 2006 and 2014 was relatively stable in comparison. For unaccompanied minors seeking asylum in 2015, the most dominant country of origin by far was Afghanistan (5,609 asylum applications or 68 % of the total number filed by unaccompanied minors).[42]

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41 Federal Ministry of the Interior, *Asylstatistik 2015*, p. 7, available at www.bmi.gv.at/cms/ BMI_Asylwesen/statistik/files/Asyl_Jahresstatistik_2015.pdf (accessed on 26 April 2016).
42 Ibid., p. 11–12.

Figure 3: Number of Asylum Applications Filed in Austria by Unaccompanied Minors (2006–2015)
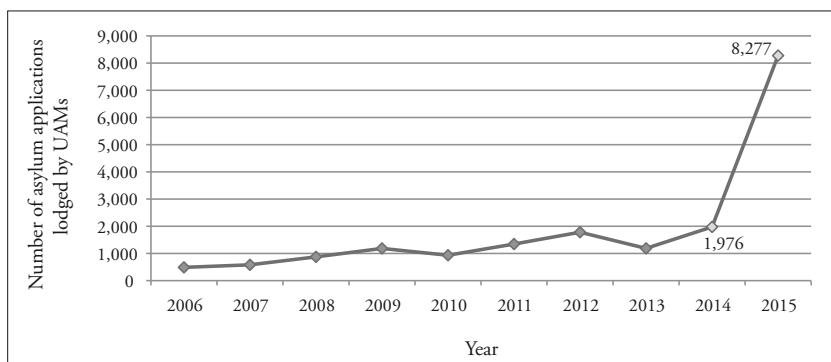
According to current statistics by Eurostat, Austria placed fourth within the EU in 2015 with respect to the absolute number of first-time asylum applicants. Only Germany, Hungary and Sweden recorded higher numbers. Viewed in terms of first-time asylum-seekers in the 28 EU Member States in proportion to the national population, Austria actually placed third behind Hungary and Sweden.[43]

In response to the Syrian conflict, Austria pursues an overall policy of international solidarity towards the countries bordering the Syrian Arab Republic. Austria supports all activities in the region aimed at enhancing stability in the area, such as have been specified among other things in a five-point plan. This specifically entails 1) combating the causes; 2) local security; 3) protection of the external EU border; 4) cooperation and monitoring along the Western Balkans transit route; and 5) refugee management within the EU.[44]

Influenced by the rapid increase in the number of asylum applications in Austria, while the country continues to view resettlement and

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43   Eurostat, *Record number of over 1.2 million first time asylum seekers registered in 2015*. Press Release 44/2016, 4 March 2016, p. 2, available at http://ec.europa.eu/eurostat/ documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6 (accessed on 27 April 2016).

44   Federal Ministry for Europe, Integration and Foreign Affairs, *Fünf Ansätze zur Behandlung der Flüchtlingskrise*. Press Release, 22 August 2015, available at www.bmeia. gv.at/das-ministerium/presse/aussendungen/2015/08/fuenf-ansaetze-zur-behandlung-der-fluechtlingskrise/ (accessed on 30 March 2016).

humanitarian admission as important, it does so with growing restraint, as policymakers consider the number of asylum-seekers entering the country to already be very high. Nonetheless, the HAP III programme with 400 places was adopted in 2016; the programme was in the planning stage when this study was completed.[45]

45   Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage Nr. 7129/J (XXV.GP) vom 24. November 2015 betreffend „Nachfrage zur 4803/AB betreffend das zweite humanitäre Aufnahmeprogramm Syrien"(6854/AB vom 21. Jänner 2016).* Available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_06854/imfname_497963.pdf (accessed on 27 April 2016); Salzburger Nachrichten, *Österreich will 400 neue Flüchtlinge aufnehmen,* 10 July 2015, available at www.salzburg.com/nachrichten/dossier/fluechtlinge/sn/artikel/oesterreich-will-400-neue-fluechtlinge-aufnehmen-157203/ (accessed on 22 April 2016).

3. LEGAL FRAMEWORK

3.1 Legal Basis

Following announcement in late 2013 of the first 500 individuals to be admitted within the framework of the Humanitarian Admission Programme (HAP), negotiations were held with the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) on these items:

a) Declarations required by international law;

b) Bilateral agreements for programme implementation.

With regard to item a) above, individuals entering Austria under the HAP were granted international protection status in accordance with the relevant provision applicable at the time (Art. 3 para 4 of the Asylum Act,[46] currently Art. 3a Asylum Act;[47] refer to Section 3.2). According to statute, Austria can enter obligations under public international law as a basis for granting such status; this is in fact what has occurred, with Austria making unilateral declarations under international law to UNHCR and IOM.

Specifically, to admit the 250 UNHCR cases under HAP I, Austria – represented by the Federal Minister of the Interior and the Federal Minister for European and International Affairs – submitted a unilateral declaration to UNHCR on 24 September 2013;[48] in addition, to admit the 250 cases of persons whose family members were already in Austria, a unilateral declaration – signed by the Federal Minister of the Interior and the Federal Minister for European and International Affairs – was presented to IOM, also on 24 September 2013.[49]

To fulfil item a) above upon admitting the 600 UNHCR cases under HAP II, a unilateral declaration – signed by the Federal Minister of the

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46   FLG I No. 100/2005, in the version of FLG I No. 87/2012.
47   FLG I No. 100/2005, in the version of FLG I No. 24/2016.
48   Declaration of Austria to UNHCR concerning the admission of 250 Syrian refugees in the Humanitarian Admission Programme I, 24 September 2013, unpublished.
49   Declaration of Austria to IOM concerning the admission of 250 Syrian refugees with family ties in the Humanitarian Admission Programme I, 24 September 2013, unpublished.

Interior and the Federal Minister for Europe, Integration and Foreign Affairs[50] – was submitted to UNHCR on 26 May 2014;[51] and, likewise, to admit the 400 cases with family members in Austria under HAP II, a unilateral declaration – signed by the Federal Minister of the Interior and the Federal Minister for Europe, Integration and Foreign Affairs – was presented to IOM, also on 26 May 2014.[52]

With regard to item b) above, a Memorandum of Understanding on the admission of 250 refugees was signed for HAP I between the Federal Ministry of the Interior and UNHCR on 2 December 2013.[53] Two bilateral agreements were signed for HAP I between the Federal Ministry of the Interior and IOM: the first, dated 25 October 2013, related to the transfer of 250 Syrian refugees with family members in Austria, and the second, dated 31 January 2014, covered the transfer of 250 Syrian refugees under the auspices of UNHCR.[54]

In the case of HAP II, a similar Memorandum of Understanding on the admission of 600 refugees was signed between the Federal Ministry of the Interior and UNHCR on 6 November 2014.[55] Two related bilateral agreements were signed between the Federal Ministry of the Interior and IOM on 7 November 2014: the first applied to the transfer of 600 Syrian

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50 Because of the relocation of the integration agendas from the Federal Ministry of the Interior to the Federal Ministry for European and International Affairs, the ladder was renamed Federal Ministry for Europa, Integration and Foreign Affairs on 1 March 2014.

51 Declaration of Austria to UNHCR concerning the admission of 600 Syrian refugees in the Humanitarian Admission Programme II, 26 May 2014, unpublished.

52 Declaration of Austria to IOM concerning the admission of 400 Syrian refugees with family ties in the Humanitarian Admission Programme II, 26 May 2014, unpublished.

53 Memorandum of Understanding between the Federal Ministry of the Interior and UNHCR concerning the admission of 250 Syrian refugees in the Humanitarian Admission Programme I, 2 December 2013, unpublished.

54 Agreement between the Federal Ministry of the Interior and IOM concerning the transfer of 250 Syrian refugees under the auspices of UNHCR in the Humanitarian Admission Programme I, 31 January 2014, unpublished; Agreement between the Federal Ministry of the Interior and IOM concerning the transfer of 250 Syrian refugees with family ties in the Humanitarian Admission Programme I, 25 October 2013, unpublished.

55 Memorandum of Understanding between the Federal Ministry of the Interior and UNHCR concerning the admission of 600 Syrian refugees in the Humanitarian Admission Programme II, 6 November 2014, unpublished.

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refugees with family members in Austria and the second covered the transfer of 600 Syrian refugees under the auspices of UNHCR.[56]

3.2 Residence Permit

Under the HAP, based on the international obligation (refer to Section 3.1) Syrian refugees have up to now been granted asylum and an associated permanent right of residence upon arrival in Austria.

The legal basis is laid down in Art. 3a of the Asylum Act,[57] which replaces the previously applicable provision Art. 3 para 4 Asylum Act[58] (asylum granted ex officio): "A foreigner shall be granted asylum status or subsidiary protection status ex officio and without any additional procedure where Austria has undertaken to do so under international law."[59]

The procedure for humanitarian admission was abbreviated. In lieu of a regular asylum procedure, it was specified that under certain conditions asylum was to be "granted ex officio and prima facie. Only a very brief interview takes place to establish the individual's identity, after which that person receives a positive asylum decision" (Waldsich, 2016:31). The reason for this change in the procedure was that the relevant assessments take place before the person arrives in Austria.[60] Thus, it was already clear when the Federal Ministry of the Interior selected the individuals that they would

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56 Agreement between the Federal Ministry of the Interior and IOM concerning the transfer of 600 Syrian refugees under the auspices of UNHCR in the Humanitarian Admission Programme II, 7 November 2014, unpublished; Agreement between the Federal Ministry of the Interior and IOM concerning the transfer of 400 Syrian refugees with family ties in the Humanitarian Admission Programme II, 7 November 2014, unpublished.

57 FLG I No. 100/2005, in the version of FLG I No. 24/2016.

58 FLG I No. 100/2005, in the version of FLG I No. 87/2012.

59 The former wording of the provision as found in Art. 3 para 4 Asylum Act was as follows: "A foreigner shall be granted asylum status ex officio and without any additional procedure where Austria has undertaken to do so under international law." This provision became void and was replaced, as mentioned above, by Art. 3a when the 2015 Act Amending the Aliens Law entered into effect on 20 July 2015. In other words, individuals arriving in Austria within the framework of humanitarian admission could in future also be granted subsidiary protection status, which does not imply any permanent right of residence.

60 Written input by Peter Stark, Federal Ministry of the Interior, 21 June 2016.

receive asylum in Austria. The actual granting of status by the Federal Office for Immigration and Asylum constituted a confirmation and administration of that decision.

The status granted is the same as that assured to any person making an application for international protection in Austria that is subsequently approved. Previously not specified under law, the temporary residence permit of subsidiary protection status can now also be granted under new provisions that became effective as of 20 July 2015 (refer to Footnote 59).

Pursuant to the 2016 amendment to the Asylum Act, asylum status entails a residence permit that is preliminarily limited to three years where such status is granted after 31 May 2016 (Art. 3 para 4, Art. 73 para 15 and Art. 75 para 24 Asylum Act).[61]

3.3 Right to Family Reunification

Individuals admitted to Austria under the HAP possess the status of persons granted asylum. These individuals consequently enjoy the same right to family reunification (i.e. to a family procedure) as all persons granted asylum in Austria.

This is laid down in Art. 34 and 35 of the Asylum Act.[62,63] Art. 2 para 1 subpara 22 of the Asylum Act specifies for the scope of the Asylum Act the persons considered "family members". Pursuant to this provision the following persons are regarded as family members:

- Parent of an under-age child;
- Spouse or registered partners if the marriage/registered partnership has already existed in the country of origin at the time of filing the application;
- Children of an asylum-seeker or of a foreigner to whom subsidiary protection status or asylum status has been granted, where such children are minors and unmarried at the time of filing the application;

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61 FLG I No. 100/2005, in the version of FLG I No. 24/2016.
62 Ibid.
63 For further details see National Contact Point Austria in the European Migration Network, 2015:50–52.

- Legal guardian of the person to whom international protection has been granted, where the latter is an unmarried minor and the legally relevant relationship already existed in the country of origin.

3.4 Obtaining Citizenship

Individuals admitted to Austria under the HAP possess the status of persons granted asylum. Consequently, the granting of Austrian citizenship to these individuals is subject to the same provisions as those that apply to other persons granted asylum in Austria.

Persons granted asylum can be awarded Austrian citizenship after at least six years of continuous legal residence, provided that the general eligibility requirements are met (Art. 11a para 4 in conjunction with Art. 10 para 1 subpara 2 to 8, para 2 and 3 of the 1985 Citizenship Act).[64]

The general eligibility requirements include: no conviction resulting in a prison sentence, no serious administrative penalty, no valid exclusion order or entry ban or pending procedure for the termination of residence, previous good conduct, secure means of subsistence, the relinquishing of previous citizenship, and a knowledge of German and of the country (Peyrl, Neugschwendtner and Schmaus, 2015:339). Additionally, procedures for the withdrawal of asylum status must neither have been initiated nor may any corresponding prerequisites exist (Art. 11a para 4 subpara 1 1985 Citizenship Act).

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64   FLG No. 311/1985, in the version of FLG I No. 104/2014.

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4. ACTORS

4.1 United Nations High Commissioner for Refugees (UNHCR)

The mandate of UNHCR includes providing protection and support to refugees, internally displaced persons, stateless persons, asylum-seekers and returnees throughout the world. UNHCR also provides humanitarian assistance and seeks durable solutions for the individuals concerned.[65] UNHCR plays a vital role in resettlement and humanitarian admission programmes at global and national levels. In the past UNHCR has made extensive use of resettlement as a means of finding a durable solution for European refugees in the wake of the Second World War, as well as for other major groups of refugees who had been displaced (examples including Hungarians in the 1950s, and Ugandan Asians and Chilean nationals in the 1970s) (UNCHR, 2011:47).

UNHCR bears global responsibility for identifying resettlement needs[66] and for identifying individuals requiring resettlement. To be eligible for UNHCR resettlement, people have to meet certain conditions: refugee status needs to have been determined by UNHCR and all other potential solutions have to have been examined, with resettlement identified as the most appropriate. Potential candidates also have to fall under one of the UNHCR resettlement categories (refer to Section 5.1.1; UNCHR, 2011:36–48).

For individuals meeting these conditions, a resettlement dossier containing complete information on the person is created and subsequently submitted to the potential host country. This process includes individual interviews, completion of a standard form (Resettlement Registration Form), formalized transfer procedures to the host country and the

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65 UNHCR, *Mandat*, available at www.unhcr.at/mandat.html (accessed on 27 April 2016).
66 UNHCR*, UNHCR-NGO Toolkit for Practical Cooperation on Resettlement: 1. Operational Activities - Identification and Referral of Refugees in Need of Resettlement: Definitions and FAQs*, available at www.unhcr.org/4cd416d79.html (accessed on 22 April 2016).

requirement to report between UNHCR offices and partner organizations (UNHCR, 2008:3).

UNHCR has maintained an office in Vienna since 1951, the year in which the United Nations was founded. UNHCR is thus the UN office in Austria with the longest service record (National Contact Point Austria in the European Migration Network, 2015:16).

4.2 International Organization for Migration (IOM)

IOM is another actor in the global context. Like UNHCR, IOM has been providing support to resettlement refugees for more than 60 years, yet predominantly in the pre-departure and travel phase and not in the identification of potential programme participants. Three important fields of activity concern IOM here: evaluating individuals' general health and ability to travel by plane, cultural orientation prior to departure and making travel arrangements.[67]

These responsibilities are specified in the Organization's mandate: Article 1 of the IOM Constitution specifies the Organization's duty "to concern itself with the organized transfer of refugees, displaced persons and other individuals in need of international migration services for whom arrangements may be made between the Organization and the States concerned, including those States undertaking to receive them".[68]

IOM works closely with UNHCR, host countries, non-governmental organizations and other partners to help meet the travel needs of refugees who require assistance in resettlement and humanitarian admission programmes. In the past decade alone, IOM has organized the resettlement of 892,243 refugees from 186 places throughout the world.[69]

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67 IOM, *Resettlement Assistance*, available at http://eea.iom.int/index.php/what-we-do/resettlement (accessed on 22 April 2016).
68 IOM, *Constitution,* available at www.iom.int/constitution#ch1 (accessed on 18 May 2016).
69 IOM, *IOM Resettlement Service*, available at www.iom.int/files/live/sites/iom/files/What-We-Do/docs/IOM-Resettlement-Brochure-27-June-2013.pdf (accessed on 27 April 2016).

Austria joined IOM as one of the founding members in 1952. Since then IOM in Austria[70] has worked to assist migrants and promote adequate responses to migration issues, always bearing in mind the well-being of migrants and the interests of their countries of origin and destination countries. IOM in Austria currently consists of two offices, the IOM Country Office for Austria and the IOM Regional Office for South-Eastern Europe, Eastern Europe and Central Asia[71] (National Contact Point Austria in the European Migration Network, 2015:16–17).

4.3 Federal Ministry of the Interior

Austria's asylum and migration policy falls within the competence of the Federal Ministry of the Interior.[72] The Ministry's main responsibilities in this area are to monitor movements of persons entering and leaving the territory of Austria, matters related to the Aliens Police Act, immigration and emigration matters, as well as exclusion orders, expulsions and removals. Other responsibilities include asylum matters, extradition matters (except for those to be fulfilled by judicial authorities) and citizenship matters (Part 2H of the Annex to the 1986 Federal Ministry Law;[73] National Contact Point Austria in the European Migration Network, 2015:13–14).

In resettlement and humanitarian admission programmes, the Federal Ministry of the Interior is responsible for the policy approach as well as deciding whether a resettlement or humanitarian admission programme will take place. The Federal Ministry of the Interior also decides geographical priorities, the resettlement capacity to be made available, admission criteria and the partners to be mandated with implementing the programme.

When the HAP was carried out, the Federal Ministry of the Interior assumed the task of taking the final decision on whether a particular

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70   IOM, *Country Office for Austria*, available at www.iomvienna.at/en (accessed on 13 April 2016).

71   IOM, *Regional Office for South-Eastern Europe, Eastern Europe and Central Asia*, available at www.iom.int/south-eastern-europe-eastern-europe-and-central-asia (accessed on 13 April 2016).

72   Federal Ministry of the Interior, available at www.bmi.gv.at/cms/bmi_minister/ (accessed on 12 April 2016).

73   FLG No. 76/1986, in the version of FLG I No. 11/2014.

individual was eligible for the Humanitarian Admission Programme. Specifically, the Federal Ministry of the Interior accepted proposals from UNHCR (submitted as dossiers), religious organizations (also submitted as written summaries), civil organizations (single proposals for family reunification) and from private individuals on behalf of their family members (applications submitted online), examined the nominations and finally decided on inclusion in the HAP.74 The Federal Ministry of the Interior was also responsible for serving as the contact point for ARGE Resettlement in the context of organizing transfers to and from the accommodation or the medical examination in Traiskirchen as well as for overall coordination of the HAP, including consulting with all of the actors listed here.

4.4 Federal Office for Immigration and Asylum

The Federal Office for Immigration and Asylum,75 an agency under the Federal Ministry of the Interior, is the first instance in asylum procedures in Austria as of 1 January 2014. With main offices in Vienna, it has a regional directorate in each province of Austria. The Federal Office for Immigration and Asylum fulfils these core responsibilities: granting and withdrawal of asylum status and subsidiary protection status, imposing and ensuring action to terminate residence, issuing residence titles for exceptional circumstances, issuing documents related to asylum procedures, and taking decisions on detention pending removal and alternatives to detention. Other tasks falling within the scope of the authority's responsibility include: procurement of return certificates, enforcement of the Federal Government Basic Welfare Support Act as a federal authority, and voluntary return (National Contact Point Austria in the European Migration Network, 2015:14).

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74 Federal Ministry of the Interior, *Asylwesen*, available at www.bmi.gv.at/cms/bmi_asylwesen/betreuung/start.aspx (accessed on 27 April 2016); UNHCR, *2nd Humanitarian Admission Programme – Admission criteria of the UNHCR Programme,* available at www.unhcr.at/unhcr/in-oesterreich/syrien-aufnahmeprogramm.html (accessed on 31 March 2016).

75 Federal Office for Immigration and Asylum, available at www.bfa.gv.at/ (accessed on 12 April 2016).

The Federal Office for Immigration and Asylum has the following tasks within the framework of the HAP: assessing the need for protection before the arrival, conducting the brief interviews with participants after the arrival as well as issuing residence titles (including documents such as convention passports). A security screening is conducted before the arrival by the relevant official authorities of the departments of Home Affairs.

4.5 Federal Ministry for Europe, Integration and Foreign Affairs

The Federal Ministry for Europe, Integration and Foreign Affairs[76] is responsible for external affairs not falling within the competence of another federal ministry and for matters related to integration. This includes: visa procedures and consulate fees, development cooperation and international development policy, as well as matters involving cooperation with UNHCR and the International Committee of the Red Cross. The responsibilities in the area of integration include matters relating to social integration and the coexistence of individuals with and without a migration background, as well as the coordination of general integration policy. Other tasks involve the coordination of advisory boards and expert groups on integration agenda as well as the management of subsidies in the field of integration including foundations and funds (Part 2B of the Annex to Art. 2 of the 1986 Federal Ministry Law).[77]

In the context of the Austrian Federal Government's Humanitarian Admission Programme, the Ministry was given the task of facilitating integration measures. To provide suitable measures for the target group, such as counselling and care services, assistance in locating housing, as well as literacy and language courses and vocational support, the Ministry agreed cooperative projects with ARGE Resettlement and the Austrian Integration Fund.[78] These integration benefits were extended beyond HAP I to include HAP II as well.

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76   Federal Ministry for Europe, Integration and Foreign Affairs, available at www.bmeia. gv.at/en/ (accessed on 31 March 2016).
77   FLG No. 76/1986, in the version of FLG I No. 11/2014.
78   Federal Ministry for Europe, Integration and Foreign Affairs, *HAP II Projektaufruf*, available at www.bmeia.gv.at/integration/projektfoerderung/asyl-migrations-und-integrationsfonds/hap-ii-projektaufruf/ (accessed on 31 March 2016).

4.6 Austrian Integration Fund

As a partner organization of the Federal Ministry for Europe, Integration and Foreign Affairs, the Austrian Integration Fund[79] assists recognized refugees as well as migrants during the integration process. The Fund's responsibilities include: implementation of the "Integration Agreement",[80] management of integration funds (European Asylum, Migration and Integration Fund[81] and the European Integration Fund),[82] providing German language training as well as the recently courses in Austrian values[83] (National Contact Point Austria in the European Migration Network, 2015:21).

Under HAP II, since May 2015 the Austrian Integration Fund has been tasked with

supervising the "Humanitarian Admission Programme II" (HAP II) put out to tender by the Federal Ministry for Europe, Integration and Foreign Affairs. [...] While Diakonie, Caritas and the Red Cross ensure that refugees are provided with basic welfare support and basic language training, the Austrian Integration Fund counsels these individuals in the area of

79 Austrian Integration Fund, available at www.integrationsfonds.at/startseite/ (accessed on 12 April 2016).

80 The Integration Agreement was introduced in 2005 to support the integration of third-country nationals planning to settle in Austria. The Integration Agreement is comprised of two sequential modules. Module 1 requires knowledge of the German language in accordance to level A2 of the Common European Framework of Reference for Languages and module 2 requires knowledge in accordance to level B1. Third-country nationals applying for certain residence titles need to fulfil these prerequisites (Migration GV, *Integration Agreement*, available at www.migration.gv.at/en/living-and-working-in-austria/integration-and-citizenship/integration-agreement.html (accessed on 27 April 2016)).

81 Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsförderung im AMIF*, available at www.bmeia.gv.at/integration/projektfoerderung%20/asyl-migrations-und-integrationsfonds/integrationsfoerderung-im-amif/ (accessed on 28 April 2016); Austrian Integration Fund, *AMIF 2014-2020*, available at www.integrationsfonds.at/themen/eu/amif-asyl-migrations-und-integrationsfonds/ (accessed on 13 April 2016).

82 Austrian Integration Fund, *Europäischer Integrationsfonds (EIF)*, available at www.integrationsfonds.at/themen/eu/solid-fonds/europaeischer-integrationsfonds-eif/ (accessed on 28 April 2016).

83 Austrian Integration Fund, *„Mein Leben in Österreich" - Werte- und Orientierungskurse für Flüchtlinge*, available at www.integrationsfonds.at/themen /kurse/mein-leben-in-oesterreich/ (accessed on 13 April 2016).

vocational orientation, allows them to participate in „Erfolgreich in Wien"
(Being Successful in Vienna), a workshop series covering job-related topics,
and informs refugees of the options for participating in the "Mentoring for
Migrants" programme (Austrian Integration Fund, n.d.:36).

4.7 ARGE Resettlement

ARGE Resettlement is a consortium that was formed on the occasion of HAP I by the Upper Austrian Regional Association of the Red Cross, the Diakonie Refugee Service and the Caritas associations in eight Catholic dioceses; following an EU-wide call for tenders, in July 2014 the consortium was awarded the contract to provide integration measures for 250 Syrian refugees.[84]

To implement HAP II, the Federal Ministry for Europe, Integration and Foreign Affairs published a call for tenders to award project funding for the purpose of providing integration services split into two packages: Package 1 including start-up assistance and integration counselling, and Package 2 comprising measures for advanced language proficiency and to prepare for labour market integration.

ARGE Resettlement was awarded the contract to provide the first package of HAP II measures to assist the 600 Syrian refugees admitted under the second UNHCR quota. In this context, the consortium assumed responsibility for tasks including: needs-based initial care, providing housing, counselling and instruction for basic language skills; in addition, educational counselling as part of the second package and, in Vorarlberg, programmes for labour market integration. The consortium consists of the Upper Austrian Regional Association of the Red Cross, the Diakonie Refugee Service and Caritas associations in five Catholic dioceses.[85]

As indicated above, the Austrian Integration Fund was awarded the contract for Package 2, whereby the two organizations collaborate closely to provide integration services in a coordinated form. The support projects were launched on 1 May 2015 and will be completed by 31 December 2016.[86]

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84   Written query response by Michael Girardi, Federal Ministry for Europe, Integration and Foreign Affairs, 8 April 2016.

85   Ibid.

86   Ibid.

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5. PROCESS AND FUNDING

The process of implementing the HAP can be roughly broken down into the four phases listed below, which are more fully described in this chapter:

1. Identification and selection;[87]
2. Pre-departure and departure phase;[88]
3. Post-arrival phase;[89]
4. Integration phase.[90]

5.1 Identification and Selection

Various actors were responsible for identifying and selecting those to participate in the HAP, depending on whether the individuals represented UNHCR cases or cases of family reunification.

5.1.1 UNHCR Cases

UNHCR proposed 250 (of the total 500) participants in HAP I; the number was 600 (of a total of 1,000 participants) for HAP II.

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87   The European Resettlement Network divides this phase into an Identification Phase and a Selection Phase. Since these two phases were closely related in the Austrian HAP, they have been combined here; European Resettlement Network, *Identification Phase*, available at www.resettlement.eu/journey/identification-phase (accessed on 3 May 2016); European Resettlement Network, *Selection Phase*, available at www.resettlement.eu/journey/selection-phase (accessed on 3 May 2016).

88   The European Resettlement Network divides this phase into a Pre-Departure Assistance Phase and a Travel Phase. Since these two phases were closely related in the Austrian HAP, they have been combined here; European Resettlement Network, *Pre-Departure Assistance Phase*, available at www.resettlement.eu/journey/departure-phase (accessed on 3 May 2016); European Resettlement Network, *Travel Phase*, available at www.resettlement.eu/journey/travel-phase (accessed on 3 May 2016).

89   European Resettlement Network, *Reception Phase*, available at www.resettlement.eu/journey/reception-phase (accessed on 3 May 2016).

90   Ibid.

The UNHCR Resettlement Handbook recommends considering the following categories when identifying individuals in need of resettlement (UNHCR, 2011:37):

- Legal and/or physical protection needs of the refugee in the country of refuge (this includes a threat of refoulement);
- Survivors of torture and/or violence, where repatriation or the conditions of asylum could result in further traumatization and/or heightened risk; or where appropriate treatment is not available;
- Medical needs, in particular life-saving treatment that is unavailable in the country of refuge;
- Women and girls at risk, who have protection problems particular to their gender;
- Family reunification, when resettlement is the only means to reunite refugee family members who, owing to refugee flight or displacement, are separated by borders or entire continents;
- Children and adolescents at risk, where a best interests determination supports resettlement;
- Lack of foreseeable alternative durable solutions, which generally only becomes relevant when other solutions are not feasible in the foreseeable future, when resettlement can be used strategically, and/or when it can open possibilities for comprehensive solutions.

With reference to individuals from the Syrian Arab Republic, UNHCR considers it likely that "most Syrians seeking international protection are likely to fulfil the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention,[91] since they will have a well-founded fear of persecution linked to one of the Convention grounds" (UNHCR, 2015c:22).

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91   Convention relating to the Status of Refugees (Geneva Convention), 28 July 1951, United Nations Treaty Series vol. 189. and reference Art. 1 (reasons for the Geneva Convention).

The two Memoranda of Understanding signed between the Federal Ministry of the Interior and UNHCR within the framework of the HAP give priority to the refugee categories listed below:[92]

- Women and girls at risk: women and girls who are the female heads of households and without effective support or protection from men; who have suffered serious trauma, including sexual and gender-specific violence; and who have protection problems particular to their gender;
- Survivors of torture and/or violence: survivors or witnesses of torture, violence, serious abuse or sexual and gender-specific violence, and especially women and children;
- Elderly refugees at risk: elderly refugees without effective support and protection, especially heads of large families, while taking into consideration their state of health and individual abilities;
- Refugees with physical protection needs: individuals whose physical safety or lives are seriously threatened in their country of asylum, especially because of belonging to a minority or due to their sexual orientation, and whose protection the authorities are unable to ensure;
- Refugees with medical needs or disabilities: individuals with illnesses or disabilities who would normally fall under the resettlement category of medical needs (a medical evaluation form is not required, a medical certificate is sufficient).

These individuals generally have to be recognized by UNHCR. This does not, however, necessarily mean that refugee status has to be determined in writing (Refugee Status Determination), as in resettlement cases.

To maintain flexibility and keep the programme on schedule in the Austrian HAP, procedures for determining refugee status as well as the interview for evaluating resettlement needs took place in one session. This is often easier than the conventional method of holding two separate interviews (one to determine refugee status and one to evaluate resettlement needs), and still comprises all elements of an interview for the purpose of determining refugee status and relating the context to the Geneva Convention on Refugees.

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92   Memorandum of Understanding between the Federal Ministry of the Interior and UNHCR concerning the admission of 250 Syrian refugees in the Humanitarian Admission Programme I, 2 December 2013, unpublished; Memorandum of Understanding between the Federal Ministry of the Interior and UNHCR concerning the admission of 600 Syrian refugees in the Humanitarian Admission Programme II, 6 November 2014, unpublished.

Priority consideration, in the selection process, of individuals with family ties to Austria was additionally stipulated in the Memoranda of Understanding. The same applied with respect to other ties with Austria, for example:

- Individuals who have legally resided in Austria already in the past;
- Individuals with some proficiency in German; or
- Persons who are supported by institutions or individuals in Austria by way of a declaration pledging to cover the expense of housing or provide accommodation.[93]

Registration with UNHCR for HAP II had to be completed by 30 March 2013, while no deadline was set for HAP II.

Other conditions were for participants to reside in their first country of asylum (HAP I: Jordan and Lebanon; HAP II: Jordan, Lebanon or Turkey) and to hold Syrian citizenship (Waldsich, 2016:29).

5.1.2 Family Reunification Cases

In HAP I 250 (of the total 500) participants were proposed as family reunification cases (refer to Figure 4); for HAP II the number was 400 (of a total of 1,000 participants) (refer to Figure 5).

These individuals did not have to first be recognized as refugees by UNHCR or a third country. On 6 June 2014 the Federal Ministry of the Interior published on the web a catalogue of requirements for individuals with family members in Austria. This catalogue applied under HAP I and HAP II. The catalogue lists the following unequivocal criteria that individuals with family members in Austria are required to meet:[94]

- Belonging to the target group of especially vulnerable persons (women, families with minors, persecuted minorities such as Christians);
- Syrian citizenship;
- Family members entitled to reside permanently in Austria;
- Past flight from the Syrian Arab Republic between April 2011 and May 2014;
- Current residence in a neighbour country of the Syrian Arab Republic;

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93   Ibid.
94   Federal Ministry of the Interior, *Humanitäre Aktion Syrien*. News, 6 June 2014, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=3874666D4646384B4F 436B3D&view=1 (accessed on 27 April 2016).

- Possibility of establishing the individual's identity (e.g. passport, identity card, family register, etc.);
- Willingness to depart for Austria immediately;
- Ability to travel by plane.

The exclusion criteria listed below applied:[95]

- Illegal entry into Austria;
- Travel (even temporarily) to the Syrian Arab Republic once or more since fleeing;
- Having given false or incomplete information;
- Criminal record.

No selection missions, i.e. visits to the particular country to select third-country nationals or stateless persons for the Humanitarian Admission Programme, took place as no such trips were planned by the Government.

Figure 4: Identification and Selection of Participants in the First Part of the Humanitarian Admission Programme (HAP I)

Selection & Coordination	Federal Ministry of the Interior / 500 Persons	
Contingent	Family reunification / 250 Persons	UNHCR / 250 Persons
Right of proposal	Religious and civil organizations	UNHCR
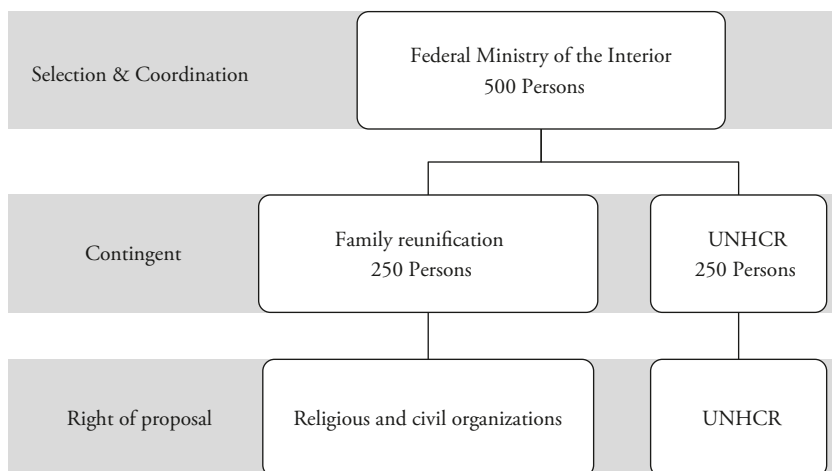
Source: IOM Country Office for Austria; own representation.

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95   Ibid.

Selection & Coordination	Federal Ministry of the Interior 1,000 Persons	
Contingent	Family reunification 400 Persons	UNHCR 600 Persons
Right of proposal	Religious organization 200 Persons — Privat persons directly online 200 Persons — Archdiocese Vienna	UNHCR

Source: IOM Country Office for Austria; own representation.

5.2 Pre-Departure and Departure Phase

5.2.1 Documents and Permits to Leave the Country

As mentioned above, UNHCR is responsible (in UNHCR cases) for identifying participants. This includes gathering details and documents on individuals, with information for example on their family members and on any special (e.g. medical) needs present. Based on the selection criteria specified by the Federal Ministry of the Interior, cases were selected from an available database; individuals' eligibility as vulnerable persons was reviewed, an interview was conducted where required and the dossier was forwarded to the Austrian Government (Waldsich, 2016:37f).

Similar procedures were followed in family reunification cases: information and documents were gathered on the individuals, after which the participants were identified on the basis of the criteria listed above.

In cooperation with the Federal Office for Immigration and Asylum, the Federal Ministry of the Interior subsequently reviewed the cases against the exclusion criteria and performed a security check to reach a final decision on acceptance (for example, individuals submitting falsified documents were not accepted).

Once the decisions had been taken, the individuals concerned were contacted. In UNHCR cases, local representatives of UNHCR were informed of the positive decisions and that IOM would get in touch with regard to preparations for departure and cultural orientation. In family reunification cases, the individuals were informed of acceptance into the programme through the religious organizations or directly by the Federal Ministry of the Interior.[96]

IOM subsequently contacted all participants in the HAP to see whether they were prepared to travel. Documents and individuals' legal status were again queried, with any changes or irregularities (including any overstay of the term of residence and any penalties due for payment) being reported to the Federal Ministry of the Interior.[97]

In certain cases, the country of transit took care of security checks and confirming permission of departure as well as collecting departure fees (e.g. security approval was required from Lebanon and Turkey; Turkey provided departure approval against departure fees).[98] A travel document was arranged where necessary by the International Committee of the Red Cross (ICRC) and/or a laissez-passer was issued by the Austrian embassy to allow legal transit (Turkey neither recognizes the ICRC travel document nor accepts it for transit travel, so that it cannot be used for flights over Turkey either).[99]

The Austrian representation in the other country issued the visas to allow individuals in all HAP cases to enter Austria, subsequently forwarding the travel documents to IOM; the latter procedure is prohibited in countries such as Lebanon due to general security regulations, so that local authorities had to bring the documents directly to the airport. All documents are handed over to the refugees at the airport of departure.

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96   Written query response by Elisabeth Hochenegger, IOM Country Office for Austria, 3 May 2016.

97   This procedure was agreed upon in all four agreements between the Federal Ministry of the Interior and IOM concerning the transfer of Syrian refugees in the Humanitarian Admission Programme, see Bibliography.

98   Written query response by Katharina Benedetter, IOM Country Office for Austria, 3 May 2016.

99   Written query response by Elisabeth Hochenegger, IOM Country Office for Austria, 3 May 2016.

5.2.2 Medical Examinations

As part of providing assistance during the pre-departure phase, IOM carried out health assessments "to ensure that people travel in a safe and dignified manner, are fit to travel, that they receive appropriate assistance when required; and that they do not pose a risk towards other travellers or the receiving communities."[100]

Health assessments of refugees admitted for resettlement are carried out and funded at the request of resettlement countries; these include an assessment of conditions of public health significance (e.g. poliomyelitis), pre-departure treatments (for example Tuberculosis) and referrals (including pre-travel hospital stabilization), pre-and post-test counselling, fit to travel assessments and medical escorts when required.[101]

Pre-departure medical examinations were also carried out by IOM as part of the HAP. These were based on national law and on practices in the host country.[102] The services provided were related to three areas: public health protection, especially vulnerable persons and confirmation of the individual's fitness for travel.

With regard to public health in Austria, the individuals were examined for symptoms of poliomyelitis and tuberculosis. The Austrian Federal Ministry of the Interior was informed of any health problems detected and specifically of any suspected cases of poliomyelitis or tuberculosis.

In addition, in cases of especially vulnerable persons (pregnant women, children with illnesses, medical emergencies) appropriate medical aid was provided following the health assessment in the particular case. These especially vulnerable persons were provided with medical support for travel, including wheelchairs or medical escorts. In cases of individuals requiring additional medical treatment after arrival, these persons were transferred to hospitals for continued care.[103]

Examinations referred to as "fit to travel assessments" were also carried out by IOM in the first countries of asylum. Such assessments were

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100 IOM, *Resettlement Assistance*, available at http://eea.iom.int/index.php/what-we-do/ resettlement (accessed on 22 April 2016).

101 Ibid.

102 IOM, *Resettlement*, available at www.iomvienna.at/en/resettlement (accessed on 27 April 2016).

103 Written query response by Elisabeth Hochenegger, IOM Country Office for Austria, 3 May 2016.

administered visually by a nurse or physician within the seven days prior to departure in order to identify individuals whose condition excluded them from air travel or who would represent a risk to the other passengers or the crew of the plane during travel.[104]

In certain first countries of asylum, such as Lebanon, it was subsequently observed how a later fit to travel assessment can lead to delays in the entire departure procedure (including the departure permit and issuing of a visa), consequently resulting in additional work for the actors involved (such as the Austrian embassy and Lebanese authorities). To prevent this as far as possible, initial approaches of conducting the medical examination in two parts were made, thus ensuring that the refugees continue to be fit for air travel, even after a wait of a few weeks or months.[105]

5.2.3 Cultural Orientation in the First Countries of Asylum

Cultural orientation training is offered prior to departure as part of resettlement and provides refugees with practical information to prepare them for their country of destination. Such training constitutes vital assistance for these individuals, helping them to develop realistic expectations as well as attitudes that are relevant and necessary in the new environment. Responding to refugees' questions about this new stage in their lives helps them resolve anxieties and avoid disappointments. Seen in this way, cultural orientation training supports both the integration process as well as the municipalities and authorities in the host country.[106]

Cultural orientation training took place during HAP II in the transit countries of Turkey, Jordan and Lebanon. Refugees proposed by UNHCR to take part in the programme were eligible to attend "Austrian Cultural Orientation Trainings" (or AUCO Trainings).[107]

The training curriculum, which is taught using learner-centred techniques,[108] was determined at an early stage in consultation with

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104 Ibid.

105 Ibid.

106 Written query response by Katharina Benedetter, IOM Country Office for Austria, 3 May 2016; Written query response by Marianne Dobner, IOM Country Office for Austria, 3 May 2016.

107 Ibid.

108 IOM, *Best Practices: IOM´s Migrant Training / Pre-departure Orientation Programs*, available at www.iom.int/files/live/sites/iom/files/What-We-Do/docs/Best-Practices-in-Migrant-Training.pdf (accessed on 4 May 2016).

governments, local authorities and actors involved in reception and integration.[109] The curriculum defined for the HAP included these items: information on the HAP and on travel procedures; general information about Austria (such as history and geography, the political system, etc.) and specific details concerning language acquisition options, housing, the currency, traffic and transport, education, work, the family, the social system and health, as well as living in community, and religion. Information is also provided on contact points for obtaining specific individual advice.[110] Alongside the objective information provided, the training also focuses on the attitudes and behaviours new arrivals require for successful integration. This specifically includes: proactive behaviour, time management and setting objectives, as well as knowledge of rights and duties in Austrian society.[111]

The workshops, each comprising two days, were offered to participants age 14 and over; childcare was provided during the training, while arrangements were made for paid travel to and from the workshops.

To help the participants absorb the highly diverse content as effectively as possible in the brief period available, emphasis was placed on interactive methods that encourage a lively participation among learners during training and to share their expectations and any reservations.[112] The training workshops were held by teams each consisting of one IOM staff member and one bi-cultural trainer. Bi-cultural trainers also originated from the Syrian Arab Republic and had personal experience as refugees as well as a successful history of integration in Austria, thus possessing great legitimacy towards both sides, i.e. in the eyes of refugees and in the view of the host society. In training they have the role of translating – both between languages and between cultures.[113]

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109 IOM, *Resettlement Assistanc*e, available at http://eea.iom.int/index.php/what-we-do/resettlement (accessed on 22 April 2016).

110 IOM, *AUCO 2015*, available at www.iomvienna.at/sites/default/files/Arbeitsmappe_AUCO_final_deutsch_Sept.2015.pdf (accessed on 27 April 2016).

111 Agreement between the Federal Ministry of the Interior and IOM concerning the transfer of 600 Syrian refugees under the auspices of UNHCR in the Humanitarian Admission Programme II, 7 November 2014, unpublished.

112 IOM, *AUCO – Österreichische Kulturelle Orientierungstrainings für syrische Flüchtlinge*, available at www.iomvienna.at/sites/default/files/AUCO%20-%20O%CC%88 sterreichische%20Kulturelle%20Orientierungstrainings%20fu%CC%88r%20 syrische%20Flu%CC%88chtlinge_DE.pdf (accessed on 22 April 2016).

113 IOM, *Resettlement Assistanc*e, available at http://eea.iom.int/index.php/what-we-do/resettlement (accessed on 22 April 2016).

A leaflet was prepared to allow the participants to continue to deepen their grasp of the various topics even after the training and workshops and during the initial stage in Austria and handed over to the refugees during training. This leaflet was developed in collaboration with UNHCR and other actors specialized in integration work.

Upon completion of cultural orientation training, the participants received a certificate of participation. The certificates were forwarded to actors working in integration in Austria, clarifying that these individuals had acquired a basic knowledge of the new lives they would lead in Austria.[114]

5.2.4 Travel Preparations and Logistics

As refugees are often first-time flyers travelling in groups, arrangements are made – in almost all cases in cooperation with IOM – for air travel and passenger clearance before boarding, during transit and at the destination airport. This includes assistance with checking in, customs and immigration formalities as well as during transit and upon arrival.

IOM was called on to provide these kinds of services also for the HAP. In the bilateral agreement between IOM and the Federal Ministry of the Interior, the following services related to travel and logistics were stipulated:[115]

- IOM would make arrangements for the transport of the refugees via commercial airlines and take care of booking as well as confirmations of departure, which would be sent to the IOM Country Office for Austria (who would in turn inform the Austrian Federal Ministry of the Interior);
- IOM staff would assist the refugees at the airport of departure and accompany them through emigration and customs processing and during boarding; this would include the transit airport, which was only necessary for flights to Vienna from Lebanon via Turkey as there are direct flights from Turkey and Jordan to Austria;

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114 Written query response by Katharina Benedetter, IOM Country Office for Austria, 3 May 2016; Written query response by Marianne Dobner, IOM Country Office for Austria, 3 May 2016.

115 These services were agreed upon in all four agreements between the Federal Ministry of the Interior and IOM concerning the transfer of Syrian refugees in the Humanitarian Admission Programme, see Bibliography.

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- IOM would ensure that refugees' baggage was properly labelled and identified, particularly in the case of refugees in poor health, who were to be taken to hospital or receive other kinds of special care upon arrival in Austria;
- Where required, IOM would provide an escort during the entire flight until arrival in Austria, including a medical escort from the airport to the hospital. Escorts would require approval by the Austrian Federal Ministry of the Interior prior to booking the flight;
- Staff of the IOM Country Office for Austria would receive the refugees at the Vienna airport and transfer them to the authorities in the specific case, while the actual arrival of the Syrian refugees would be reported to the Austrian Federal Ministry of the Interior through established channels.

5.3 Post-Arrival Phase

During the post-arrival phase, all individuals arriving in Austria under HAP I were subsequently transferred to the Initial Reception Centre at Traiskirchen in Lower Austria. There a medical examination was carried out. In addition, the Federal Office for Immigration and Asylum carried out an interview for the purpose of awarding residence status.

Already on the first day after arriving in Austria, the Syrian refugees under HAP I were approached in Traiskirchen by the Austrian Integration Fund with the offer of counselling, informing them in Arabic of their asylum status, of family reunification and of the Fund's specific programmes for them. They were also given an appointment for initial counselling at the neighbouring integration centre (Austrian Integration Fund, n.d.:24). Waldsich reports that such counselling was offered between October 2013 and August 2015 and was also available to individuals arriving as part of family reunification under the second quota (Waldsich, 2016:43).

After about one week in Traiskirchen, individuals belonging to the 250 UNHCR cases were transferred to one of the Austrian provinces for accommodation within the basic welfare support system. Accommodation for the 250 individuals falling under the family reunification cases was usually the responsibility of family members (ICMC, 2015:42). Yet, according to the Federal Ministry of the Interior, several families arriving

as part of family reunification were also provided with living quarters under basic welfare support in one of the provinces, in the event that relatives already residing here did not have sufficient space to provide initial accommodation.[116]

Refugees requiring assistance could claim benefits under basic welfare support[117] during the first four months after obtaining asylum status (Art. 2 para 1 subpara 6 Basic Welfare Support Agreement - Art. 15a Federal Constitutional Act).[118] The benefits and maximum amounts paid are stipulated in the Basic Welfare Support Agreement between the Federal State and the Austrian provinces in order to have uniform rules in all provinces (Art. 6 and 9 Basic Welfare Support Agreement - Art. 15a Federal Constitutional Act). Provision of basic welfare support falls within the scope of competence of the Austrian provinces, which can specify varying benefits in individual legislation of the provinces while upholding certain minimum standards (Koppenberg, 2014:16–17, 41).

Basic welfare support comprises two options for accommodation[119] as well as payment of health insurance contributions (Art. 6 para 1 subpara 5 and Art. 9 Basic Welfare Support Agreement - Art. 15a Federal Constitutional Act), the latter ensuring access to the health care system. Additional benefits provided under basic welfare support include clothing, counselling and care, school materials and transport expenses to school up to a maximum of EUR 200 per child and year (Koppenberg, 2014:40ff.).

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116 Interview with Peter Stark, Federal Ministry of the Interior, 15 April 2016.

117 Federal Ministry of the Interior, *Asylwesen*, available at www.bmi.gv.at/cms/bmi_asylwesen/betreuung/start.aspx (accessed on 11 April 2016).

118 FLG I No. 80/2004.

119 According to Art. 9 Basic Welfare Support Agreement – Art. 15a Federal Constitutional Act and Art. 2 Agreement Concerning an Increase of Selected Maximum Amounts, the following applies: If a person resides in an organized reception facility, a maximum amount of EUR 21 per person and day applies for accommodation and provision of food. The amount is directly paid to the reception facility. In addition, they receive a max. of EUR 40 per person and month for personal expenses and EUR 10 for leisure activities. If a single person is accommodated individually, he/she receives EUR 150 for rental payments and EUR 215 for food per month. In addition, he/she receives a max. of EUR 40 per month for personal expenses. Deviating maximum amounts are applicable for families, minors and unaccompanied minors (UNHCR, *Q&A: Asylsuchende in Österreich*, available at www.unhcr.at/unhcr/in-oesterreich/fluecht lingsland-oesterreich/questions-and-answers/asylsuchende-in-oesterreich.html (accessed on 27 April 2016)).

Basic welfare support is a temporary solution for this target group: meant mainly for asylum-seekers, it is only extended for another four months in the case of persons granted asylum in order to facilitate their integration into society and to ease the transition. Following basic welfare support, in the large majority of cases the individuals subsequently fall under the system of minimum income (refer to Section 5.4.1).

Arrangements for accommodation of the Syrian refugees upon arrival under HAP I were made in these six provinces: Lower Austria, Salzburg, Styria, Tyrol, Upper Austria and Vienna.[120]

Under HAP II, the mode of accommodation was maintained in family cases. Yet, in response to the drastic increase in asylum-seekers in Austria beginning in the autumn of 2015, new procedures were developed for accommodating the UNHCR cases. Here the process was changed, so that now refugees were brought to intermediary accommodation or directly to their long-term dwellings, provided by ARGE Resettlement.

In this context, the choice of a place of residence was limited. Individuals accommodated in housing provided by ARGE Resettlement were entitled to move freely within the region determined by ARGE Resettlement and seek other accommodation if desired. They also had the option of moving to another Austrian province if the other partners in the consortium had no resources in that particular province, in this case, however, the refugees would lose their claim to the services provided by ARGE Resettlement.[121]

It was difficult to access Austria's private housing market, while in some cases details of items such as rental contracts could not be clarified in time. Some of the refugees were consequently accommodated in temporary housing for about one week until permanent accommodation was found. In the event of long delayed arrivals, tourist accommodations, including hotels, were also used, although this remained the exception. No consideration was given to using temporary accommodation (e.g. tents or schools or similar buildings).[122]

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120 Written query response by ARGE Resettlement, 12 April 2016.
121 Ibid.
122 Ibid.

Accommodation arrangements were made under HAP II in these Austrian provinces: Lower Austria, Salzburg, Styria, Upper Austria, Vienna and Vorarlberg.[123]

5.4 Integration Phase

Successful integration in the long term, which is essential for this target group, can be encouraged through special programmes (Papadopoulou et al., 2013; UNHCR, 2013b:8–10). Two kinds of benefits can be distinguished within the long-term integration phase of the HAP: benefits available to all third-country nationals in Austria, and benefits that were planned as special integration measures for the UNHCR cases under HAP I and HAP II and that were the subjects of tenders to varying extents.

5.4.1 General Integration Support

Art. 68 para 1 of the Asylum Act[124] provides for the possibility of providing integration assistance to persons who have been granted asylum. Integration assistance specifically comprises: language courses; education and training courses; events providing an introduction to Austrian culture and history; joint events with Austrian citizens to facilitate mutual understanding; supplying information on the housing market; and services provided by the Austrian Integration Fund aimed at integrating refugees and migrants (Art. 68 para 2 Asylum Act).

All individuals granted asylum in Austria within the framework of the HAP could claim general integration support, which is equally available to all other persons granted asylum.[125] With regard to language for example, both the Public Employment Service and the Austrian Integration Fund offer grants for participating in German courses. In the face of the rising number of asylum-seekers, and of accompanying numbers of recognized refugees, both the level of funding and the amount of course space was

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123   Ibid.
124   FLG I No. 100/2005, in the version of FLG I No. 24/2016.
125   For further information see Koppenberg, 2015:35ff.

increased in 2015 (Koppenberg, 2015:36–41).[126] Such funding was used for example to increase capacities in existing programmes. In addition, as of 2016 the Austrian Integration Fund offers free courses specifically for persons granted asylum and beneficiaries of subsidiary protection under the motto of "My Life in Austria". Focusing on Austrian values and providing orientation, the courses take place within the first weeks and months of these individuals' arrival, thus providing support during the initial phase of integration.[127] Using learning materials,[128] the courses present the basic values underlying the Austrian Constitution (e.g. equality of women and men), essential prerequisites for living in Austria (e.g. the importance of German skills and of education) as well as day-to-day knowledge for becoming integrated in Austria.

In the area of social benefits, individuals admitted to Austria within the framework of the HAP are – under certain conditions – additionally eligible for Needs-based Guaranteed Minimum Resources, like all other persons granted asylum (and other groups within the population). This benefit is paid out to individuals who are unable to provide for their own subsistence, housing needs and social security in the event of illness, pregnancy and birth (Art. 4 para 1 and para 3 subpara 2 Agreement on Needs-based Guaranteed Minimum).[129,130]

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126 Medienservicestelle Neue Österreicher/innen, *Integration in den Bundesländern: Deutschkurse und Arbeit im Mittelpunkt,* available at http://medienservicestelle.at/ migration_bewegt/2016/03/30/integration-in-den-bundeslaendern-deutschkurse-und-arbeit-im-mittelpunkt/?doing_wp_cron=1459322031.98673 (accessed on 27 April 2016).

127 Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsministerium, AMS und ÖIF präsentieren österreichweite Kooperation bei Wertekursen für Flüchtlinge.* Press Release, 9 March 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/03/ integrationsministerium-ams-und-oeif-praesentieren-oesterreichweite-kooperation-bei-wertekursen-fuer-fluechtlinge/ (accessed on 31 March 2016).

128 Federal Ministry for Europe, Integration and Foreign Affairs and Austrian Integration Fund, *Lernunterlage zum Werte- und Orientierungskurs „Mein Leben in Österreich" – Chancen und Regeln,* available at www.integrationsfonds.at/themen/kurse/mein-leben-in-oesterreich/ (accessed on 27 April 2016).

129 Agreement Pursuant to Art. 15a of the Federal Constitutional Act between the Federal State and the Provinces Stipulating a Nationwide System of Needs-based Guaranteed Minimum Resources, FLG I No. 96/2010.

130 Needs-based Guaranteed Minimum Resources can be obtained as a subsidiary support together with basic welfare support, that is, a certain amount will be added to the basic welfare support so as to reach the minimum rate. Needs-based Guaranteed Minimum Resources can also be obtained once the entitlement to basic welfare support has come

General social benefits and integration support measures are exclusively related to the Austrian context. Like anyone else, participants in the HAP are free to travel to another country. Travel for the purpose of tourism has no effect on the social benefits provided in Austria. Where, however, an individual relocates his or her main centre of vital interests to another country, Art. 7 para 1 subpara 3 of the Asylum Act[131] requires that person's asylum status to be withdrawn.[132]

5.4.2 Special Integration Measures

In addition to benefits accorded under the regular system, participants received support to aid in integration in the form of measures provided in response to a special call to tender. Those coming to Austria as part of the collaborative effort with UNHCR additionally received special integration benefits administered through ARGE Resettlement.

Due to the urgent need for housing, the specific integration measures provided under HAP I were expanded under HAP II. For this reason the benefits under each of the two parts of the programme are presented here.[133]

The special integration measures for the 250 UNHCR cases admitted under HAP I were the subject of an EU-wide call for tenders put out by the Federal Ministry for Europe, Integration and Foreign Affairs.[134] The contract was subsequently granted to the consortium called ARGE Resettlement, consisting of: Caritas Austria, Caritas of the Archdiocese of Vienna, Caritas Association of the Archdiocese of Salzburg, Caritas of the Diocese of Innsbruck, Caritas of the Diocese of Graz-Seckau, Caritas of the

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to an end. Needs-based Guaranteed Minimum Resources are disbursed as a lump sum payment twelve times a year. The amount of the payment is based on a monthly indicative rate, which is newly defined every year and which depends on the household size (Chamber of Labour, 2013:342, 346–348). In 2016, single persons, for example, received EUR 837.76 including a share for housing and a health insurance allowing for unrestricted access to medical care. Needs-based Guaranteed Minimum Resources fall within the competence of the provinces (Federal Ministry of Labour, Social Affairs and Consumer Protection, 2006:8, 9, 11).

131 FLG I No. 100/2005, in the version of FLG I No. 24/2016.
132 Interview with Peter Stark, Federal Ministry of the Interior, 15 April 2016.
133 Written query response by Michael Girardi, Federal Ministry for Europe, Integration and Foreign Affairs, 8 April 2016.
134 Federal Ministry for Europe, Integration and Foreign Affairs, *HAP II Projektaufruf*, available at www.bmeia.gv.at/integration/projektfoerderung/asyl-migrations-und-integrationsfonds/hap-ii-projektaufruf/ (accessed on 31 March 2016).

Diocese of Feldkirch, Caritas für Menschen in Not (Linz), Diakonie Flüchtlingsdienst GmbH and the Upper Austrian Regional Association of the Red Cross (refer to Section 4.7).[135]

The services provided as a part of this HAP I project included:

- **Initial counselling and care**: information to ensure that basic needs are covered and minimum income is received; clarification of psychological needs based on age and gender, and preparation of a plan of individual requirements; general information about living in Austria; overview of the Austrian social system; overview of the Austrian health care system; referral to medical specialists; and assistance in contacting family members;
- **Literacy and language courses**: assessment of skills level and assignment to literacy courses; language instruction at A1 and A2 levels including keeping records of participants;
- **Free childcare**: during periods in German courses when parents were unavailable to care for their children;
- **Care for school-age children**: in consultation with the competent authorities, school-age children had to be included as far as possible in regular school activities in the particular Austrian province. In response to individual needs, counselling and assistance were provided by the ARGE consortium;
- **Educational and vocational counselling**: two days a week, counselling sessions (encompassing five hours each) were offered to Syrian refugees with the assistance of interpreters. Topics included: identification of qualifications and skills and potential value for the Austrian employment market; placement in voluntary work, vocational internships, apprenticeships and regular employment as well as with educational and training institutions and with employers; and counselling in job applications and preparing CVs. Workshops and field trips were arranged as required;
- **Housing advice:** In accordance with needs, individuals in the target group received assistance in locating potential housing, including specific legal advice on finding a flat, on finalizing contracts and on tenant protection laws;

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135 Written query response by Michael Girardi, Federal Ministry for Europe, Integration and Foreign Affairs, 8 April 2016.

- **Advice and support for women travelling alone with enhanced care needs**: Special counselling and educational programmes were offered for women travelling alone who had enhanced care needs. Examples included: ongoing assistance in the form of case management; coaching; courses and counselling focused on health issues to strengthen health awareness; family education and support through sharing in women's groups and at gatherings of mothers and children; and assistance in acquiring basic educational skills (reading, writing, maths, computer literacy).[136]

To provide the integration measures for the 600 UNHCR cases admitted under HAP II, the Federal Ministry for Europe, Integration and Foreign Affairs put out another call for tenders[137] involving a project to supply two specific packages of measures:

- Package 1 comprised start-up assistance and integration counselling;
- Package 2 comprised measures to enhance language proficiency and prepare for labour market integration.

In response to the call by the Federal Ministry for Europe, Integration and Foreign Affairs, ARGE Resettlement and the Austrian Integration Fund submitted applications and were awarded the projects (refer to Section 4.6 and 4.7).[138]

The ARGE consortium assumed responsibility for all of the integration services specified as part of Package 1. These included (listed briefly):

- Appropriate initial care in line with needs;
- Housing provision;
- Assistance towards a stable situation, counselling, care and orientation;
- Continued preparation for living independently in Austria.[139]

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136 ARGE Resettlement, *Projektbeschreibung zum HAP I*, unpublished.

137 The tender could be submitted in writing to the Federal Ministry for Europe, Integration and Foreign Affairs until 30 April 2015; Federal Ministry for Europe, Integration and Foreign Affairs, *Antragsformular – Projektaufruf 2015-Humanitäres Aufnahmeprogramm Syrien II*, available at www.bmeia.gv.at/integration/projektfoerderung/asyl-migrations-und-integrationsfonds/hap-ii-projektaufruf/ (accessed on 27 April 2016).

138 Written query response by Michael Girardi, Federal Ministry for Europe, Integration and Foreign Affairs, 8 April 2016.

139 ARGE Resettlement, *Integrationsmaßnahmen für 600 syrische Flüchtlinge im HAP II – ARGE Resettlement. Zwischenbericht (Berichtszeitraum 01.05.2015-31.12.2015)*, unpublished; Written query response by ARGE Resettlement, 12 April 2016.

Efforts were made in these programmes to utilize existing resources and competencies possessed by individuals in the target group, and the integration services were flexibly adjusted to meet individual needs.[140]

The major difference from HAP I was that actual housing was provided, and not "merely" advice on this issue. The underlying reason was the observation that the participants in HAP I had faced considerable challenges in locating housing on their own and thus urgently required assistance in this regard.[141]

Package 2 included measures for advanced language proficiency (achieving language standards as well as educational and employment counselling); these services were supplied by ARGE Resettlement.[142]

Another area was the preparation for labour market integration. Related services were provided by the Austrian Integration Fund, except in the province of Vorarlberg, where this was the task of the ARGE consortium.[143] The Austrian Integration Fund offered a package of special services, which included vocational orientation counselling as well as participation in job-related workshops within the series *Erfolgreich in Wien* (Being Successful in Vienna) and information on participating in the Mentoring for Migrants programme (Austrian Integration Fund, n.d.:36). This services package was based on the data gathered by ARGE Resettlement, so that the programmes were closely coordinated with the consortium. In this way the programmes were closely aligned with each other.

5.5 Funding

Within the framework of HAP I, the Federal Ministry of the Interior applied for funds from the EU Emergency Resettlement 2012[144] programme

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140 Written query response by ARGE Resettlement, 12 April 2016.

141 Written communication of UNHCR to the Federal Minister Sebastian Kurz regarding the Humanitarian Admission Programme for Syrian refugees, 8 April 2015, unpublished.

142 ARGE Resettlement, *Integrationsmaßnahmen für 600 syrische Flüchtlinge im HAP II – ARGE Resettlement. Zwischenbericht (Berichtszeitraum 01.05.2015-31.12.2015)*, unpublished.

143 Written query response by ARGE Resettlement, 12 April 2016.

144 For further information see European Commission, *Preparatory Action on Emergency Resettlement*, available at http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/other-programmes/preparatory-action-on-emergency-resettlement/index_en.htm (accessed on 27 April 2016).

on behalf of the 250 Syrian refugees processed in cooperation with UNHCR. The European Commission approved one million euros in grant money. The funds were invested in these services: to provide medical examinations and initial information prior to travel, to issue travel documents, to cover the expense of transportation and air travel as well as the cost of care and accommodation, to provide medical care after arrival, and to provide interpreting services as well as integration measures.[145]

As of 2014 the European Asylum, Migration and Integration Fund (AMIF)[146] has been allotting funding to EU Member States for each resettled individual meeting the UNHCR criteria, specifically: a lump sum of EUR 6,000 for each resettled refugee, and EUR 10,000 for each refugee resettled in compliance with the EU's common resettlement priorities.[147]

Hence, within the framework of HAP II, the Federal Ministry of the Interior applied for such funding from the AMIF on behalf of the 600 Syrian refugees processed in cooperation with UNHCR.[148] Under AMIF assistance for Austria, on 20 March 2015 the European Commission allotted total funding of EUR 64.53 million, which included EUR 6 million for HAP II. The funds made it possible to carry out all measures required, such as transfer of refugees upon arrival in Austria, providing them with the necessary information, care and assistance upon arrival, as well as family reunification and language support.[149]

"Thus, for all of the 850 places administered by UNHCR within the Humanitarian Admission Programme, total funding amounting to EUR 7,000,000 was awarded by the EU" (Waldsich, 2016:46).

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145 Federal Ministry of the Interior, *Beantwortung der parlamentarischen Anfrage Nr. 975/J (XXV.GP) vom 6. März 2014 betreffend „Aufnahme syrischer Flüchtlinge, Neuansiedelungsprogramm (Resettlement)?" (887/AB vom 5. Mai 2014).* Available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_00887/imfname_348921.pdf (accessed on 27 April 2016).

146 European Commission, *Asylum, Migration and Integration Fund (AMIF)*, available at http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/index_en.htm (accessed on 31 March 2016).

147 European Resettlement Network, *EU Funding for resettlement*, available at www.resettlement.eu/page/eu-funding-resettlement-erfamif (accessed on 18 May 2016).
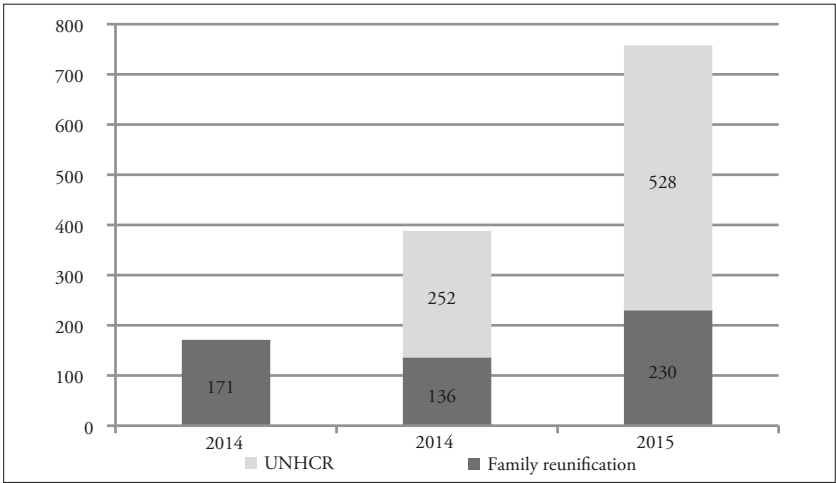
148 Federal Ministry of the Interior, *Asyl-, Migrations- und Integrationsfonds (AMIF)*, available at www.bmi.gv.at/cms/BMI_Fonds/amif_isf/amif/start.aspx (accessed on 13 April 2016).

149 Federal Ministry of the Interior, *Nationales Programm AMIF*, p. 22, available at www.bmi.gv.at/cms/BMI_Fonds/amif_isf/amif/downloads/files/Nationales_Programm_AMIF_Genehmigt_durch_EK.pdf (accessed on 13 April 2016).

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6. STATISTICS

Overall, 1,317 individuals were admitted to Austria during the first three years of the Humanitarian Admission Programme (HAP).[150] Of these persons, 780 arrived in Austria as UNHCR cases and the remaining 537 as family members. In 2013, the year when the HAP was initiated, 171 individuals arrived in Austria during the last quarter, whereas the number admitted grew successively each year as a result of expanding the HAP (refer to Figure 6 and Table A.1 in the Annex): hence, by 2014 the number admitted was 388, and in 2015 it reached 758. This represents an annual increase of 2.3 times the number admitted between 2013 and 2014 and double the number admitted between 2014 and 2015. Figure 6 reveals that the programme began by admitting cases of family reunification during the first year, which accounted for 100 per cent of all resettlement cases. UNHCR cases were then included beginning in 2014 (65 % UNHCR; 35 % family reunification); this figure more than doubled in 2015 (70 % UNHCR; 30 % family reunification).

Figure 6: **Number of Persons Admitted to Austria under the Humanitarian Admission Programme by Programme Component (2013–2015)**

Source: Federal Ministry of the Interior, Statistics on the Humanitarian Admission Programme in Austria; own representation.

150 The allocation to a specific year is based on the date on which the person arrived in Austria, not on the date on which a place in the HAP was allocated to that person.

Although the HAP was set up specifically to admit Syrian refugees, other nationalities also arrived in Austria through the programme where such individuals belonged to one of the included categories, one example being spouses who were fathers or mothers of a predominantly Syrian family (Federal Ministry of the Interior, n.d.:13). Hence, five Iraqis, one individual with Armenian citizenship and one stateless person were admitted to Austria between 2013 and 2015, in addition to the 1,310 Syrian nationals arriving (refer to Table 3 and Table A.3 in the Annex).

Table 3: Number of Persons Admitted to Austria under the Humanitarian Admission Programme by Citizenship (2013–2015)

Citizenship	Year		
	2013	2014	2015
Syrian Arabic Republic	167	387	756
Armenia	0	0	1
Iraq	4	1	0
Stateless	0	0	1
Total	**171**	**388**	**758**

Source: Federal Ministry of the Interior, Statistics on the Humanitarian Admission Programme in Austria; own representation.

As part of the HAP Austria plans to admit Syrian refugees residing in the transit countries of Jordan, Lebanon and Turkey (whereas Turkey was not yet included in HAP I). In the period from 2013 to 2015, the majority of the refugees were admitted from Lebanon (712), with Jordan (436) and Turkey (168) following. The highest percentage of UNHCR cases arrived from Jordan, while the largest share of family reunification cases came from Lebanon (refer to Figure 7 and Table A.4 in the Annex). In addition, one individual previously residing in Iraq was admitted to Austria among the family reunification cases under the HAP in 2015. That individual was a member of a family residing in Turkey, who was unable to join the other family members due to not holding a valid travel document.[151]

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151 Written query response by Elisabeth Hochenegger, IOM Country Office for Austria, 3 May 2016.
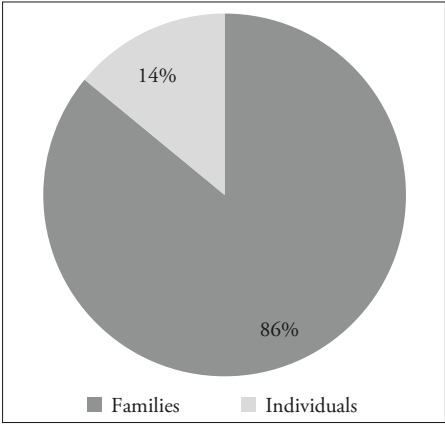

Figure 7: **Number of Persons Admitted to Austria under the Humanitarian Admission Programme by Transit Country (2013–2015)**
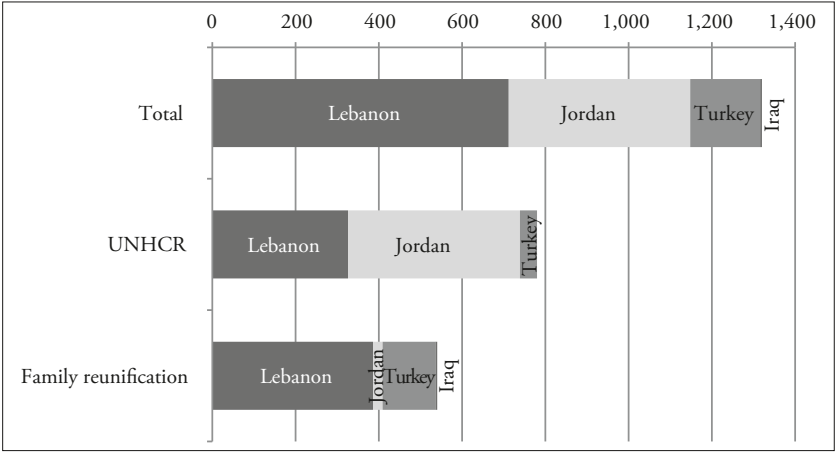
Source: Federal Ministry of the Interior, Statistics on the Humanitarian Admission Programme in Austria; own representation.

The large majority (86 %) of persons admitted to Austria under the HAP between 2013 and 2015 were travelling in family groups. Only 14 per cent arrived as individuals (refer to Figure 8 and Table A.1 in the Annex). Similar percentages were observed for the UNHCR cases and for those arriving as family reunification cases.
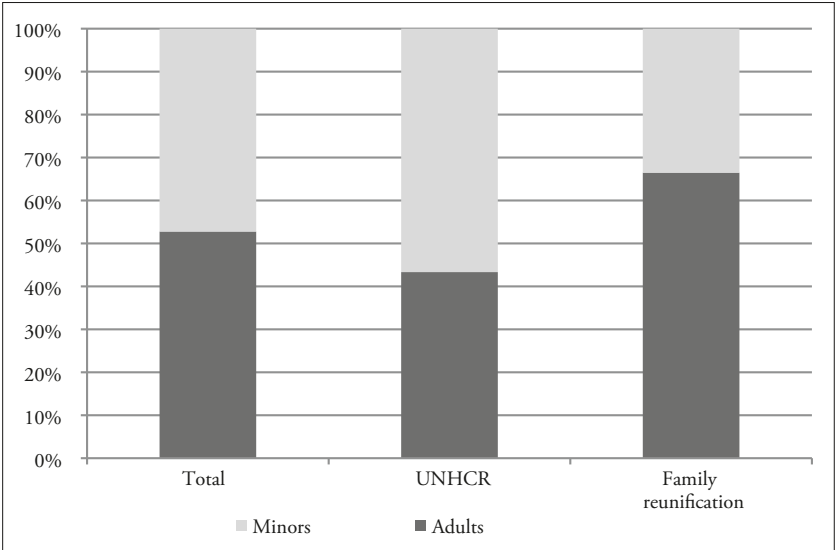
Figure 8: **Percentages of Families and Individuals Admitted to Austria under the Humanitarian Admission Programme (2013–2015)**

Source: Federal Ministry of the Interior, Statistics on the Humanitarian Admission Programme in Austria; own representation.

Comparable shares of minors (47 %) and adults (53 %) were admitted
to Austria under the HAP between 2013 and 2015 (refer to Figure 9 and
Table A.2 in the Annex). When the programme components are compared
separately, however, minors are seen to account for the majority of UNHCR
cases (57 %), while the majority of those arriving in Austria for family
reunification were adults (66 %).

Figure 9: Percentages of Minors and Adults Admitted to Austria under the Humanitarian Admission Programme (2013–2015)

When compared in terms of gender, equal shares of males and females
were admitted overall (50 % in each case; refer to Figure 10 and Table A.2
in the Annex). Among the individuals arriving as UNHCR cases between
2013 and 2015, men and boys accounted for a slightly larger share (53 %),
while women and girls were somewhat more predominant among family
reunification cases (54 %).

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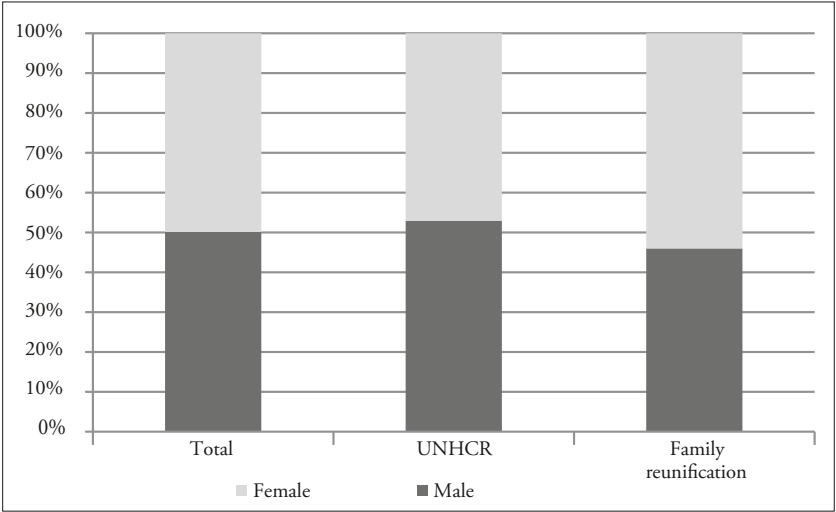
7. EVALUATION AND EXPERIENCES

7.1 Evaluation

As a relatively new initiative, up to now no independent evaluations have been done to examine humanitarian admission in Austria. Yet, related information can be drawn from one internal evaluation by UNHCR and one internal IOM evaluation.

In late 2014 UNHCR interviewed 11 of the 46 families participating in HAP I within four to eight months of arrival. In 2015 another 10 families arriving under HAP II were interviewed, and follow-up interviews were held with four families previously interviewed in 2014. The unpublished findings[152] were made available by UNHCR for the purpose of this study.

The interviews, which involved semi-structured questions, were conducted with the refugees in their accommodations or in space belonging to non-governmental organizations that provide integration counselling. Most of the families interviewed were living in Vienna, with others residing in Wiener Neustadt, St. Pölten, Salzburg or Wels or in one of two other towns in Lower Austria.

A summary of the most significant findings is given below.

All of the families reported that they felt safe in Austria and had experienced no difficulty in practising their religion. Most of the families also expressed great satisfaction with the medical services and health care system in Austria.

The information about Austria that had been provided to the refugees prior to departure under HAP I was considered to be too little as it had included only travel information and limited details about Austria. Consequently, under HAP II cultural orientation courses were held prior to departure, which the participants rated very highly.

After arriving at Vienna airport, the refugees in HAP I were taken, along with other asylum-seekers, to the Initial Reception Centre at

152 The internal evaluation was not intended for external purposes, but rather to provide UNHCR a first impression, and to employ the information for potential necessary suggestions for improvement.

Traiskirchen, where they were registered and, following a short interview, granted refugee status. The refugees complained of the length of time spent at Traiskirchen, as long as two months in some cases. The HAP I refugees unanimously observed that they would have preferred to have been taken to their permanent quarters as soon as possible. Correspondingly, the changes introduced under HAP II were highly welcomed; these specifically entailed accommodating refugees for roughly one week at reception centres run by non-governmental organizations and with social counselling provided, after which refugees could move into permanent quarters, thus usually within only a few weeks of arrival or even immediately thereafter.

The cultural orientation training conducted by IOM in the transit countries was also evaluated, through surveys involving 226 respondents. According to the findings, 212 persons rated the training as "very good", and 203 participants gave a "very good" score for the methods used. Of the respondents, 214 individuals would recommend the training to others unconditionally, while 216 persons felt that all of their questions had been answered. Thus, the vast majority of participants were highly satisfied with the cultural orientation training.[153]

7.2 Experiences of the Actors Involved

According to the European Commission, those Member States that only recently started, or have never been involved in, resettlement could very well face several challenges. These include building capacity for establishing a national resettlement mechanism, a lack of experience in conducting missions and selecting candidates, providing optimal conditions for integration of resettled refugees, and winning public support for resettlement among the general public.[154]

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153 Internal evaluation of cultural orientation trainings, period April 2015 to March 2016, IOM Country Office for Austria, unpublished.

154 European Commission, *Communication from the Commission to the European Parliament, the European Council and the Council – First report on relocation and resettlement*, 16 March 2016, COM (2016) 165 final, available at https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-165-EN-F1-1.PDF (accessed on 26 April 2016).

As a "newcomer" in the area of resettlement and humanitarian admission, Austria faced several of these challenges.

The experiences gathered by the actors implementing the HAP can be roughly divided into five areas:

1. Coordination and partnership;
2. Situation in the transit countries;
3. Specific characteristics of the target group (including their health situation);
4. Cultural orientation;
5. Integration services.

7.2.1 Coordination and Partnership

The main responsibility of coordinating the activities of all actors involved in the HAP rested with the Federal Ministry of the Interior and was of significant importance. All of the partners met regularly for consultations during implementation, so as to continuously shape and guide the programme and to ensure its progression along structured lines. This applied to the entire chain of actors: from the country of transit and the local Austrian representation authorities to the implementing organizations of UNHCR and IOM; and from government authorities in Austria such as the Federal Office for Immigration and Asylum to those responsible for integration in Austria, including the Federal Ministry for Europe, Integration and Foreign Affairs, the Austrian Integration Fund and ARGE Resettlement.

As communication was essential in this area, lines of communication were defined to ensure that every single item of relevant information was available to all partners. One example is information on the health condition of individuals belonging to the target group: initially provided by UNHCR, the information was updated using the results of the medical examinations by IOM and forwarded to the Federal Ministry of the Interior, which then communicated it to ARGE Resettlement in order to be appropriately considered when seeking housing.

Coordination was greatly assisted through the establishment of focal points within each of the institutions involved and through quarterly stakeholder meetings for sharing details. At the meetings, organized by UNHCR, the processes and challenges entailed in putting the programme into operation were discussed. In addition, the actors met regularly for

in-depth exchange at working level, while ad-hoc meetings were called as required to discuss immediate issues.

To maintain a well-functioning partnership it was also necessary to clearly assign roles to each of the actors, in other words to define the actions for which each was responsible in order to ensure successful completion of the programme. To this end it was especially helpful to create a flowchart, displaying the partners and their roles as well as the lines of communication, and to detail a project timeline. Even though unforeseen events made it impossible to adhere unwaveringly to the schedule, the timeline nonetheless helped the partners stay on course during project realization.

7.2.2 Situation in the Transit Countries

In general, the situation of Syrian refugees in the transit countries, particularly in Lebanon, clearly worsened while the HAP was being implemented. Whereas at the beginning it was hardly regarded as urgent to depart or to participate in the programme, even after one year great uncertainty had come to predominate among the participants, who then wished to leave the transit countries as soon as possible. The main reasons mentioned by refugees for urgently wishing to leave the country included police checks and the experience of discrimination at the hands of local police officers, as well as fear of punishment due to irregular residence status or expired or missing identity or other documents.

For example, favourable conditions existed with regard to the realization of the HAP in the transit land of Jordan. Not only had the structures and bases of cooperation between UNHCR, IOM and authorities of Jordan already been prepared and put on a solid foundation, documents issued by the International Committee of the Red Cross (ICRC) were accepted as travel documents, while local transport (mostly from the camps) could be conducted without incident in the large majority of cases.

In Lebanon, in contrast, very heavy flows of Syrian immigrants represented a major challenge. In addition, Turkey, as the transit country, did not recognize documents issued by the ICRC as travel documents, which meant additional effort for the local Austrian representation authorities. Transport within the area also entailed problems, since most refugees in Lebanon are not accommodated in camps but in flats.

There was initially a heightened need for coordination and information in Turkey, specifically because the competent authority (the Directorate General of Migration Management within the Ministry of Interior of the Republic of Turkey)[155] had only recently been established and was dealing with a heavy workload. However, smooth processes were established in the course of time. According to the Federal Ministry of the Interior, this was not least thanks to the Austrian Consulate General in Istanbul, Austria's foreign representation authority.[156] The issuing of departure permits for individuals or families continued to be challenging at times.

On the whole, additional consideration needs to be given to the situation in the transit countries with regards to the admission process, as developments in specific countries potentially affect how the programme progresses. Here the local authorities representing Austria proved helpful as they were able to contact the particular government authorities to clarify any open issues and facilitate common action in partnership.

7.2.3 Specific Characteristics of the Target Group (Including their Health Situation)

In the course of the admission process, it became apparent that the situation of the target group was deteriorating in time, as revealed by their medical needs and other circumstances. There was an increase in suspected cases of tuberculosis for example. In some cases the refugees presented their needs for medical treatment only very late or not at all, out of fear of not being allowed to participate in the programme. Yet it was necessary for other actors involved in the process to be aware of the health condition of the individuals concerned, to be able for instance to provide any wheelchairs, treatments or other items required. As the programme progressed, therefore, a way had to be identified to allay the individuals' fears of revealing their medical needs on the one hand and consequently losing their place in the programme, while at the same time gathering the required information prior to departure.

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155 Directorate General of Migration Management within the Ministry of Interior of the Republic of Turkey (DMM), available at www.goc.gov.tr/main/Eng_3 (accessed on 27 April 2016).
156 Interview with Peter Stark, Federal Ministry of the Interior, 15 April 2016.

The procedure followed in Jordan proved to be good practice in this regard. Here two medical examinations took place: a "health assessment" (e.g. to identify any mobility impairments, developmental deficiencies, eye problems and similar needs), including an x-ray examination to detect tuberculosis, roughly three to five weeks before departure; and the fit to travel assessment shortly before taking off. This makes it possible to avoid having to cancel or postpone the flight due to medical reasons – as had to be done in fact on occasion. The medical examinations at an early stage also allowed the information gained to be communicated as soon as possible to those who would be involved after arrival, namely the authorities and the actors providing integration services.

Finally, it should be noted that, as time progressed, the participants in the HAP developed more frequent and more extensive needs for medical and psychological care in Austria, so that more psychological support was required, for example.[157]

7.2.4 Cultural Orientation

Due to greater needs, the method for making information available to the target group varied between HAP I and HAP II. Prior to departure in HAP I, IOM and UNHCR provided the refugees with basic details in the form of an information sheet prepared jointly with the Federal Ministry of the Interior. The information sheet contained details on the programme, travel arrangements and the post-arrival phase in Austria. In HAP I, the Austrian Integration Fund later provided supplementary information in Austria (at the Traiskirchen Initial Reception Centre).

As the programmes progressed, a greater need for information was recognized among the refugees arriving with UNHCR, so that IOM provided cultural orientation training in HAP II. This helped the refugees not only in preparing for travel and for their stay in Austria but also in becoming more integrated. What is more, the information provided to the clients could be consistently improved and adapted through communication among the actors (e.g. more specific details concerning the living space to be provided). The training proved highly invaluable,

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157 ARGE, *Erfahrungswerte und Anregungen der ARGE Resettlement zu den Integrationsmaßnahmen im HAP II, 10 February 2016*, provided by the Federal Ministry for Europe, Integration and Foreign Affairs on 8 April 2016, unpublished.

especially with regard to the expectations the participants had of their accommodation in Austria, since in some cases the related expectations were highly unrealistic.[158]

7.2.5 Integration Services

A general observation that can be made about integration is that those participating in the HAP up to now have received asylum status after arrival and have thereby obtained a permanent right of residence. According to the Federal Ministry of the Interior, this is beneficial for the individuals concerned, also due to the nature of the programme, which has the objective of permanently resettling the refugees.[159]

When they arrived, Austria was confronted with the challenge of insufficient reception capacities due to the high number of applications for asylum filed beginning in mid-2015. This led to the Traiskirchen Initial Reception Centre being filled to capacity. The process was consequently changed as described above (refer to Section 5.3), so that now the refugees are brought to intermediary private accommodations or directly to their long-term dwellings, provided by ARGE Resettlement under a mandate by the Federal Ministry for Europe, Integration and Foreign Affairs.

Challenges arose in the area of the special integration services for those UNHCR cases that had unanticipated delays in arrivals. Specifically, families arriving late who had to be registered at the Traiskirchen facility on the same day had to complete a long day of activities, having to still travel to Traiskirchen after their late arrival.[160]

And finally, based on EU budget regulations, the duration of integration benefits is tied to the arrival of the individuals concerned. This potentially resulted in challenges when making arrangements for individuals who entered the country at a later date, so that special solutions had to be found for this group of individuals.

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158 Ibid.
159 Interview with Peter Stark, Federal Ministry of the Interior, 15 April 2016.
160 Written query response by ARGE Resettlement, 12 April 2016.

7.3 Experiences of Target Group Individuals[161]

7.3.1 Nergez[162]
Age: 18 years old
Origin: Kurdish region of the Syrian Arab Republic
Arrival in Austria: April 2015

© UNHCR/ Ruth Schöffl

"I came to Austria a few weeks ago by way of Lebanon. My father had already been here for a year, and my mother, my three siblings and I were able to follow him. We couldn't stay in Syria, it became too dangerous. People were disappearing from our town and the fighting got closer and closer. One day there was an explosion next to our school and then we stopped going to school.

Before the war I had the dream of going to university to become a doctor. To do that, you have to have very good grades. In Syria I was always a straight-A student and especially good in maths and sciences.

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161 Published with the kind permission of UNHCR. Text and Photos: UNHCR/Ruth Schöffl, June 2015.
162 See also UNHCR, *Schülerin. Tochter. Bücherwurm.*, available at www.unhcr.org/refugeeday/de/nergez/ (accessed on 27 April 2016).

I am still not sure how things will go on here in Austria. First I have to learn German. But I am glad to be here at all and to be safe. We were worried and anxious for weeks, whether I would even be able to come to Austria with my family. In the low [sic!] it says that only minor-age children can came to Austria with their parents. But with the help of UNHCR it worked out in the end, and we are very thankful. We are also very glad that Austria is a democracy. Here everybody can say their opinion, in Syria that is not allowed.

We are in the asylum procedure at the moment and so we cannot attend a German course yet. But I have my father's German textbook, and I am learning from it. It also has audio recordings for the proper pronunciation."

Nergez and her family are from the Kurdish region of the Syrian Arab Republic. For a long time, the whole family resisted the notion of becoming refugees; they wanted nothing more than to stay together. Yet, as the war continued to draw closer, Nergez' father brought up the courage to flee alone. Hiding out in another village, Nergez, her mother and her three siblings very rarely left the house. Once Nergez' father reached safety in Austria and obtained asylum, the remainder of the family set out on the dangerous trek to Lebanon.

Yet under Austrian law, family reunification would only have been permitted for the mother and the minor-age children. Nergez would have had to stay behind alone in Lebanon. "We have nobody in Lebanon. I despaired, and we cried a lot. And for my parents there was no question: either we would leave together or all of us would stay behind," Nergez says. Through the additional admission programme for Syrian refugees, Nergez, with the aid of UNHCR, was in fact able to accompany her family to Austria in the end.

In the meantime, Nergez speaks excellent German and has come a big step closer to achieving her goal of attending university.

Age: 39 years old
Origin: Homs, Syrian Arab Republic
Arrival in Austria: September 2014

© UNHCR/Mark Henley

In a small town a one-hour drive from Vienna, a cassette recorder plays loud music while Ameen Al Dayoub's nine children and his wife Izdihar take turns dancing the dabke, a spirited Arabic folk dance performed on festive occasions. The family has much to celebrate these days.

"In Homs, in Syria, we used to dance the dabke a lot before the war. In those days, the whole family of 40 people lived in the same three-storey house," 39-year-old Ameen recalls. "Now we dance the dabke because we are happy that we have found refuge in Austria." Ameen has not forgotten the happy days in his home country when he worked as a school bus driver. But those days are now gone "for good and forever", as he says. "Homs was a wonderful place. It was not important whether you were an Alevite, a Shiite, a Sunni or a Christian," he recalls. "Every Thursday after work we

163 Published with the kind permission of UNHCR. English original text: Henriette Schröder; See also UNHCR, *Sicherheit unter einem Dach*, available at www.unhcr.at/ unhcr/aus-erster-hand/stories-aus-erster-hand/artikel/f4f0a8bd59313f2a34ac6b3950 ,cdcfa2/sicherheit-unter-einem-dach.html (accessed on 27 April 2016).

would meet with our families, go to the sea and sit at the beach cafés. We had no idea what religion the other person belonged to. But now that life is lost forever in Syria."

As if the horrors of war were not enough, in 2011 the family discovered that their three-year-old daughter Thuraya was suffering from a life-threatening heart defect. Scrimping together all of their savings, the family had just enough to pay for emergency surgery. With a disconcerted expression Ameen recalls: "All of the properly trained doctors had fled... those who stayed behind meant well, but the operation was a failure."

At the same time, their neighbourhood was destroyed, with one relative dying in the shooting. Together with their nine children, Ameen and Izdihar packed their few belongings in a taxi and fled. It was the beginning of a torturous odyssey through war-torn Syrian Arab Republic.

"I saw parents holding their dead children in their arms and streets flowing red with blood," Ameen tells with tears in his eyes. First they sought shelter at Al-Aideen camp in Homs, but life was hard there and soon the fighting reached that area as well. "There was no electricity, no heating, no gas, no water, no food and, worst of all, no safety," says Izdihar.

Finally, the family succeeded in crossing the border to Jordan, afterwards reaching the capital of Amman. Here they were selected due to Thuraya's heart ailment to take part in Austria's first resettlement programme, which admitted 250 refugees.

The family landed at Vienna airport in summer of 2014. Six weeks later, Thuraya received the life-saving surgery, and for the first time in five years the family of 11 were living together safely in a two-bedroom flat supplied by the Caritas organization.

While better, life in Austria was by no means easy. Living in a big city like Vienna, they were isolated. An elderly lady in the flat below theirs continuously complained about the noise the children made while running to and fro. Worried and lonely, Izdihar actually wished to return to Jordan.

Then, in January 2015, their life changed again. Land der Menschen (Country of People), a non-governmental organization dedicated to improving living in community with refugees, found for them a single-family home with garden in Gänserndorf. The faces of everybody in the family light up even today as they recall their arrival, greeted by a large welcoming committee bearing a huge bouquet of flowers. Within a short

time, volunteers from Land der Menschen, an association founded in 2010, had collected furniture and clothing for the family.

"Not even in Syria did we ever experience such a willingness to help and extend hospitality," says Izdihar as she smiles at Maria, the organizer of the group of volunteers on whom the children have bestowed the nickname "Mama Maria".

Learning German is now the number one priority of the Al Dayoub family. While the six youngest children all attend school in Gänserndorf, the three oldest ones together with their father attend courses offered by the Public Employment Service in Vienna. Local volunteers regularly visit the family home to help with homework and provide extra instruction in German.

Still, Izdihar misses her friends and relatives in the Syrian Arab Republic. "Every day I either visited friends or they visited me," she recalls. "Most of my relatives are still in Syria. I can only talk to them once a month via WhatsApp. But my children and husband keep me busy."

Sunday is Izdihar's day off. Then her husband gets busy in the kitchen, preparing falafel and hummus. Ameen and Izdihar wish to get married again this year in Austria after losing their marriage certificate in the chaos of war. "The two of them are a very loving couple and support each other," Maria observes. "That is so important for keeping the family together – they are responsible for so many people."

Samira wants to one day become a hairdresser. She enjoys exploring Austrian cuisine. "I can make a couple of Austrian dishes," she announces with pride, "Apple strudel for example."

Ameen has resolved to demonstrate to Austria his gratitude. Once he learns German better, he hopes to work for the Red Cross or Caritas – or even join the volunteer firefighters in Gänserndorf.

"Austria is our home," he states with glee, adding, "I am already an Austrian."

8. CONCLUSIONS AND OUTLOOK

Austria responded to the current crisis in the Syrian Arab Republic by implementing the Humanitarian Admission Programme (HAP) for 1,900 Syrian refugees beginning in 2013. In spite of growing numbers of asylum applications being filed in the country, Austria resolved to help additionally in the crisis region, on the one hand to relieve neighbour countries of the Syrian Arab Republic in the region as well as to provide a legal means of immigration for refugees.

Setting up and implementing such a programme in practice entailed several challenges. These could be resolved, however, according to reports by all of the actors involved. This is attributed not least to the coordination and communication mechanisms and the approach based on partnership and trust that were established.

As humanitarian admission was being implemented, the actors responded to various challenges. An example was during HAP II, when cultural orientation training was made available to provide individuals in the target group with all necessary information for living in Austria, and at the earliest possible point in time. Another example was the lack of regular State accommodation facilities, which was addressed through making available private flats or providing assistance to find such dwellings. These developments and modifications show the willingness of Austria and of all the actors involved to respond to challenges (including those of a financial kind) in a way that would ensure a fully functioning programme.

It remains to be seen how well the participants in the HAP will become integrated in Austria in the long term. To give any specific indications in this regard, observations are required over the long term as well as an evaluation of the programme at a later date. Here it would be especially interesting to analyse the effects of the special integration measures as well as the accompanying impact on the target group, particularly with a view to labour market integration and the educational situation of younger participants.

The third part of the Humanitarian Admission Programme (HAP III), currently being planned, is aimed at an additional 400 especially vulnerable persons selected by UNHCR. Considering the positive experience all of

the actors have had with the procedures developed in HAP I and HAP II, these will be maintained as HAP III is implemented.

Whether Austria will introduce a regular resettlement programme in future cannot be foreseen at present. This depends to a considerable extent on how the number of asylum applications as well as capacities for admitting refugees develop in Austria.

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ANNEXES

A.1 Statistical Tables

Statistics and Figures presented in chapter 6 are based on the following statistical Tables.

Table A.1: Number of Persons Admitted to Austria under the Humanitarian Admission Programme by Programme Component and Category of Person (2013–2015)

Programme component and category of persons	Year		
	2013	2014	2015
Family reunification	**171**	**136**	**230**
thereof: Families	37	29	44
thereof: Individuals	4	9	4
UNHCR	**0**	**252**	**528**
thereof: Families	0	43	98
thereof: Individuals	0	5	19
Total	**171**	**388**	**758**
thereof: Families	37	72	142
thereof: Individuals	4	14	23

Source: Federal Ministry of the Interior, Statistics on the Humanitarian Admission Programme in Austria; own representation.

Table A.2: Number of Persons Admitted to Austria under the Humanitarian Admission Programme by Programme Component, Age Group and Gender (2013–2015)

Programme component, age group and gender	Year		
	2013	2014	2015
Family reunification	**171**	**136**	**230**
thereof: Adults	*118*	*85*	*154*
thereof: Male	46	41	68
thereof: Female	72	44	86
thereof: Minors	*53*	*51*	*76*
thereof: Male	28	25	39
thereof: Female	25	26	37
UNHCR	**0**	**252**	**528**
thereof: Adults	*0*	*106*	*232*
thereof: Male	0	57	116
thereof: Female	0	49	116

Programme component, age group and gender	Year		
	2013	2014	2015
thereof: Minors	*0*	*146*	*296*
thereof: Male	0	80	160
thereof: Female	0	66	136
Total	**171**	**388**	**758**
thereof: Adults	*118*	*191*	*386*
thereof: Male	46	98	184
thereof: Female	72	93	202
thereof: Minors	*53*	*197*	*372*
thereof: Male	28	105	199
thereof: Female	25	92	173

Source: Federal Ministry of the Interior, Statistics on the Humanitarian Admission Programme in Austria; own representation.

Table A.3: Number of Persons Admitted to Austria under the Humanitarian Admission Programme by Programme Component and Citizenship (2013–2015)

Programme component and citizenship	Year		
	2013	2014	2015
Family reunification	**171**	**136**	**230**
thereof: Armenia	0	0	1
thereof: Iraq	4	1	0
thereof: Stateless	0	0	1
thereof: Syrian Arabic Republic	167	135	228
UNHCR	**0**	**252**	**528**
thereof: Syrian Arabic Republic	0	252	528
Total	**171**	**388**	**758**
thereof: Armenia	0	0	1
thereof: Iraq	4	1	0
thereof: Stateless	0	0	1
thereof: Syrian Arabic Republic	167	387	756

Source: Federal Ministry of the Interior, Statistics on the Humanitarian Admission Programme in Austria; own representation.

Note: Other nationalities were also accepted into the HAP in individual cases where such persons belonged to one of the included categories, for example spouses who were fathers or mothers of predominantly Syrian families.

Table A.4: Number of Persons Admitted to Austria under the Humanitarian Admission Programme by Programme Component and Transit Country (2013–2015)

Programme component and transit country	Year		
	2013	2014	2015
Family reunification	**171**	**136**	**230**
thereof: Iraq	0	0	1
thereof: Jordan	4	0	19
thereof: Lebanon	119	128	139
thereof: Turkey	48	8	71
UNHCR	**0**	**252**	**528**
thereof: Jordan	0	252	161
thereof: Lebanon	0	0	326
thereof: Turkey	0	0	41
Total	**171**	**388**	**758**
thereof: Iraq	0	0	1
thereof: Jordan	4	252	180
thereof: Lebanon	119	128	465
thereof: Turkey	48	8	112

Source: Federal Ministry of the Interior, Statistics on the Humanitarian Admission Programme in Austria; own representation.

A.2 List of Translations and Abbreviations

English term	English abbreviation	German term	German abbreviation
1951 Refugee Convention	–	Genfer Flüchtlingskonvention	GFK
Asylum Act	–	Asylgesetz	AsylG
Asylum, Migration and Integration Fund	AMIF	Asyl-, Migrations- und Integrationsfonds	AMIF
Austrian Integration Fund	–	Österreichischer Integrationsfonds	ÖIF
Basic Welfare Support Agreement	–	Grundversorgungsvereinbarung	GVV
Citizenship Act	–	Staatsbürgerschaftsgesetz	StbG
Directorate General of Migration Management within the Ministry of Interior of the Republic of Turkey	DMM	Generaldirektion der Migrationsverwaltung im Innenministerium der Republik Türkei	DMM
EU Member State	–	EU-Mitgliedstaat	–
European Commission	–	Europäische Kommission	–
European Economic Area	EEA	Europäischer Wirtschaftsraum	EWR
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Union	EU	Europäische Union	EU
Federal Government	–	Budesregierung	–
Federal Law Gazette	FLG	Bundesgesetzblatt	BGBl.
Federal Ministry for Europe, Integration and Foreign Affairs	–	Bundesministerium für Europa, Integration und Äußeres	BMEIA
Federal Ministry Law	–	Bundesministeriengesetz	BMG
Federal Ministry of the Interior	–	Bundesministerium für Inneres	BMI
Federal Office for Immigration and Asylum	–	Bundesamt für Fremdenwesen und Asyl	BFA
Federal President	–	Bundespräsident	–
Federal State	–	Bund	–
Humanitarian Admission Programme	HAP	Humanitäres Aufnahmeprogramm	HAP
Initial Reception Centre	–	Erstaufnahmestelle	EAST
Integration Agreement	–	Integrationsvereinbarung	–
internally displaced person	IDP	Binnenvertriebene/r	–
International Committee of the Red Cross	ICRC	Internationales Komitee des Roten Kreuzes	IKRK
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
non-governmental organization	NGO	Nichtregierungsorganisation	NRO
Official Journal of the European Union	OJ	Amtsblatt der Europäischen Union	ABl.
province	–	Bundesland	–
Public Employment Service	PES	Arbeitsmarktservice	AMS
The European Free Trade Association	EFTA	Europäische Freihandelsassoziation	EFTA
unaccompanied minors	UAM	Unbegleitete Minderjährige	–
United Nations High Commissioner for Refugees	UNHCR	Flüchtlingshochkommissariat der Vereinten Nationen	UNHCR
United Nations Relief and Works Agency for Palestine Refugees in the Near East	UNRWA	Hilfswerk der Vereinten Nationen für Palästina-Flüchtlinge im Nahen Osten	UNRWA
United States of America	USA	Vereinigte Staaten von Amerika	USA

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