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ANNUAL POLICY REPORT

2020

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Prisca Ebner

AUSTRIA – 2020 ANNUAL POLICY REPORT

EUROPEAN MIGRATION NETWORK

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

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

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

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

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

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

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EXECUTIVE SUMMARY

The Annual Policy Report 2020 has been produced within the framework of annual reporting by the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant political and legislative developments in the field of asylum and migration in Austria in 2020 and provides related information on policy and public debates. The most important developments in Austria in 2020 in relation to each of the topics covered are outlined below.

Key points:

- 1.) A new federal government was sworn in on 7 January 2020, ushering in changes in migration and asylum policy. In detail, the Government Programme 2020–2024 envisages a balanced approach to migration and asylum that builds on multilateral cooperation while initiating the task of preparing a comprehensive migration strategy to apply at all levels of State.
- 2.) The recently established Federal Agency for Reception and Support Services was set up in the legal form of a limited company (*GmbH*), with responsibility as of 1 December 2020 for administrating material reception conditions to applicants of international protection under federal care.
- 3.) To ensure a continued food supply as well as cover the demand for nursing services even during the mobility restrictions necessitated by COVID-19, special arrangements were found for certain key workers in agriculture or in medical and care services, to facilitate entry to Austria and the renewal and issue of work permits.
- 4.) Overall, migrants and refugees were disproportionately impacted by the COVID-19 pandemic, which exacerbated vulnerabilities related to individuals' health, socioeconomic circumstances and needs for protection.

Overarching changes to the national migration and asylum system in 2020

A new federal government, consisting of delegates of the Austrian People's Party and the Austrian Green Party, was sworn in on 7 January 2020. The [Government Programme 2020–2024](#) envisages a more balanced approach to migration and asylum that builds on multilateral cooperation. Additionally planned is the preparation of a comprehensive migration strategy which, applying at all levels of State, is to be based on a clear separation of migration and asylum. The [Federal Agency for Reception and Support Services](#), in the legal form of a limited company (*GmbH*), also became operative in 2020.

Regular migration

The number of first-time residence titles issued for temporary and permanent immigration to Austria for third-country nationals [dropped in 2020](#), despite amendments made in response to the COVID-19 pandemic to lower legal and bureaucratic obstacles. For example, it was ruled that applications for renewal or change of purpose of residence permits could be submitted [by regular mail or by electronic means](#) as long as measures limiting personal mobility or interpersonal contact were in effect. [Where certain conditions are met](#), the requirements to submit originals of documents and evidence and to have the papillary lines of fingerprints documented can be waived until 30 June 2021.

Three regulations entered into effect in Austria on 1 January 2020 which detail more fully certain types of labour migration to Austria in 2020. These are (a) the [quotas for short-term employment in tourism and in agriculture and forestry](#), (b) the [Regulation for Skilled Workers 2020 containing the annual list of shortage occupations](#) and (c) the [Regulation on the admission of very highly qualified workers in specific shortage occupations](#) in 2020. An [amendment to the Settlement and Residence Act](#) also entered into force on 24 December 2020. As a result,

applicants for a Red-White-Red Card (RWR Card) are no longer required to provide evidence of accommodation to local standards.

To ensure a continued food supply as well as cover the demand for care services even during the mobility restrictions necessitated by COVID-19, special arrangements were found for certain categories of workers. [Key agricultural workers](#) and [24/7 home care workers](#) were allowed to enter Austria under defined conditions, while [the renewal of work permits for seasonal workers](#) became permissible. Also, the conditions regulating the [recognition of qualifications acquired in foreign countries](#) were temporarily eased for previously trained workers providing health and nursing care or in medico-technical professions.

The Federal Ministry of Education, Science and Research presented a new [National Strategy for Mobility and Internationalization in Tertiary Education](#) in September 2020. The aim in implementing the strategy is to promote the mobility and international exchange of students and researchers. Nonetheless, COVID-19 impacted the number of international students in Austria, with the first-time [residence permits issued to students dropping by 39.5 per cent](#) compared with the [previous year](#).

As part of the amendment to the [Settlement and Residence Act](#), as of 24 December 2020 an abbreviated application procedure was introduced for the residence permit referred to as the “Settlement Permit” for certain family members of citizens of the European Economic Area and Switzerland. Furthermore, in relation to the [Withdrawal Agreement between the United Kingdom and the European Union](#), Austria adopted a [Brexit Implementing Regulation](#) specifying detailed rules for the (continued) right of residence of United Kingdom citizens and their family members who stay in Austria beyond 31 December 2020.

International protection

As of 1 December 2020, the recently established [Federal Agency for Reception and Support Services](#) is responsible for administering material reception conditions to applicants of international protection under federal care. As of 1 January 2021, this federal agency is additionally tasked with legal assistance in the area of international protection, as well as return counselling, including making available human rights observers during return operations, interpreters and translators.

The COVID-19 pandemic also impacted asylum procedures in Austria, for example due to quarantine and lockdown measures. As a result of the measures aimed at containing COVID-19, for certain periods in 2020 procedures were modified to permit [online appointments with authorities](#) and [digital administration](#), while also introducing special rules relating to [competent authorities](#) and [periods allotted for legal remedies](#). Other steps included [raising awareness of the public health measures among asylum seekers](#) and [reducing occupancy levels at care facilities](#). Austria’s enforcement of the [Dublin III Regulation](#) was also limited due to the COVID-19 pandemic. After a de facto suspension of transfer activities in the second quarter of 2020, Austria conferred closely with other EU Member States to define transfer procedures and safe conditions. In 2020 there were no cases of relocation or resettlement to Austria, a development which sparked political and public debates.

Minors and other vulnerable groups

A major focus of public debate in 2020 was on the accommodation, care and guardianship of unaccompanied minors within the Austrian asylum system. The [Government Programme 2020–2024](#) envisages improved protection of unaccompanied minors as well as a better legal status for this group that emphasizes guardianship. Following a ruling by the Constitutional Court, a 2020 [amendment to the Asylum Act 2005](#) expands the legal definition of family

members: as of 24 December 2020, asylum seekers or individuals entitled to asylum or subsidiary protection who are unmarried minors are considered family members of the persons who represent them legally but are not their parents. Consequently, a minor can obtain the protection status accorded to the minor's legal representative through a family asylum procedure. In terms of integration, the COVID-19 pandemic [exacerbated the challenges that children with a migration background face](#) in Austria, and measures were introduced to mitigate these obstacles.

Safeguard mechanisms for other vulnerable groups in the asylum system were also subject to debate. In a [resolution passed on 9 July 2020](#), the National Council petitioned the federal government to ensure fair asylum procedures conforming to high standards, especially where particularly vulnerable groups are involved. Specific mention is made here of individuals threatened with persecution due to religious conversion or to their sexual orientation/gender identity.

Integration

The [key focuses in integration](#) in 2020 were: (1) strengthening the role of women as “integration drivers”, (2) strengthening identification with Austria, (3) encouraging voluntary work as a new pillar for integration, (4) ascribing more responsibility to the parents of school-age children with a migration background, and (5) stepping up efforts to avoid the formation of “parallel societies”. Also, the [Government Programme 2020–2024](#) envisages a first-ever national action plan against racism and discrimination. Progress was made in 2020 on a draft federal act providing for measures to [prevent online hate speech](#).

In 2020 [unemployment](#) rose significantly more among non-Austrian nationals (2.6%) than among Austrian nationals (0.4%). In addition, challenges in accessing basic services for migrants and refugees were exacerbated due to COVID-19. Efforts were made to cushion negative impacts of the COVID-19 pandemic on integration efforts, for example by introducing [online German courses](#) and promoting the labour market integration of [migrants and refugees in key sectors](#). Furthermore, multilingual information on COVID-19-related news and health measures has been provided.

Citizenship

Pathways to Austrian citizenship were publicly debated in 2020 mainly in view of a notable drop in the naturalization rate, while a related discussion of a [“democracy deficit” also took place in the context of the 2020 Vienna state elections](#). The spread of the COVID-19 virus also impacted citizenship procedures, particularly the requirement to take an oath orally as part of the conferral ceremony. An alternative, introduced in response to the pandemic, was to temporarily [allow citizenship candidates to take the oath in writing](#).

One of the changes introduced through [amendments to the Citizenship Act 1985](#), effective as of 1 September 2020, was to make it easier for direct descendants of victims of National Socialism to acquire Austrian citizenship. To adjust legal aspects relating to such procedures, the [Citizenship Regulation was similarly modified](#) as of 15 September 2020.

Borders, visa and Schengen

The most central developments in the area of borders, visas and Schengen in 2020 were border closures and movement restrictions to curb the spread of the COVID-19 virus, with a severe impact on asylum, labour migration and mobility. Temporary controls at the EU internal borders with Slovenia and Hungary were [maintained](#) or [extended](#) in 2020. For certain periods, [borders were closed or controls introduced at border crossings with neighbouring countries](#), as

part of the measures aimed at limiting the spread of the COVID-19 virus. Schengen evaluations and the European Travel Information and Authorisation System continued in 2020, as did international cooperation on border management.

Irregular migration including migrant smuggling

The COVID-19 pandemic affected irregular migration in terms of arrivals and efforts to combat migrant smuggling. At an interministerial conference held in Vienna in July 2020, an [agreement](#) was reached to set up a platform in Vienna to address irregular migration along the Eastern Mediterranean Route. Austria also tested the [use of technical options including drones](#) in an attempt to prevent irregular border crossings.

Trafficking in human beings

The [Government Programme 2020–2024](#) commits to: measures aimed at improved prevention and victim protection, prosecution of accessories to such acts under criminal law, as well as international cooperation and a foreign policy campaign. A pivotal step here is to detail the National Action Plan against Human Trafficking for 2021–2023. Work on the plan began in 2020, which is to take into account the [recommendations by the Group of Experts on Action against Trafficking in Human Beings \(GRETA\)](#).

An important focus of anti-trafficking efforts in 2020 was also to [raise awareness](#) of the [impacts of COVID-19 restrictions](#). While in some instances a surge in precarious working conditions was identified as a result of the pandemic, a clear connection is seen between situations of economic pressure and the risk of exploitation and human trafficking. This was one of the topics at the annual [conference](#) hosted by the Task Force on Combating Human Trafficking in Austria.

Return and readmission

Return operations continued in 2020, however, a [decrease of 29 per cent in overall returns](#) was recorded due to COVID-19 travel restrictions. A major institutional change is the shift of responsibility for return counselling and return assistance to the [Federal Agency for Reception and Support Services](#) as of 1 January 2021.

An [amendment to the Federal Office for Immigration and Asylum Procedures Act](#) requires mandatory return counselling sessions to be held at an advanced stage of the procedures, beginning on 1 January 2021. Previously, return counselling had been obligatory at an earlier stage, either once a first-instance return decision had been issued, or upon notice of the intended rejection or dismissal of an application for international protection or intended revocation of de facto protection against removal. From now on, such mandatory counselling is to take place, with exemptions, only after a final or enforceable return decision has been issued.

Migration and development cooperation

In the Government Programme [2020–2024](#), the Austrian Federal Government focuses on migration-related goals in development cooperation. The main emphasis is on providing assistance in migrants' countries of origin as well as on creating incentives for businesses to invest in third countries playing a role in migration, to create local opportunities for a livelihood and thus to mitigate the causes of forced and irregular migration. In December 2020, the [Three-Year Programme of Austria's Development Policy](#) was updated, in order to respond to the global consequences of the COVID-19 pandemic.

1 INTRODUCTION

1.1 Purpose

The Annual Policy Report 2020 was produced within the framework of the European Migration Network (EMN),¹ which was established by Council Decision 2008/381/EC in May 2008.² The EMN provides up-to-date, objective, reliable and comparable information on migration and asylum matters, with the aim of supporting policymaking at European Union (EU) and national levels as well as of disseminating this information among the general public.

This is the seventeenth annual policy report³ compiled by the National Contact Point (NCP) Austria in the EMN, covering the period from 1 January to 31 December 2020. The purpose of the annual policy report is to provide an overview of the most significant political and legislative developments relating to asylum and migration in Austria. It also intends to summarize the political and public debates in the area of asylum and migration. The report covers the following topics:

- (a) Regular migration;
- (b) International protection;
- (c) Minors and other vulnerable groups;
- (d) Integration;
- (e) Citizenship;
- (f) Borders, visa and Schengen;
- (g) Irregular migration including migrant smuggling;
- (h) Trafficking in human beings;
- (i) Return and readmission;
- (j) Migration and development cooperation.

1.2 Methodology and definitions

In preparing the Annual Policy Report 2020, the NCP Austria followed common specifications developed by the EMN to facilitate comparability of the findings from all Member States. At the same time, the format allowed flexibility to a certain degree, so as to enable output that targets the national audience. The terminology used in the context of this report is based on the terms and definitions given in the EMN Glossary 6.0 (EMN, 2018).

In order to allow for concise reporting and comparability, the Annual Policy Report 2020 reflects only significant developments and debates as have been defined based on the criteria listed in the study specifications. Hence, for the present report, proposals for amended or new legislation or policy changes were considered to be important developments. Major developments are highlighted and include strategic developments, fundamental policy changes as well as developments with a high political priority or strong impact on applicants.⁴ A

¹ More information on EMN Austria is available at www.emn.at (accessed 2 April 2021).

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

³ Previous reports from 2004 to 2019 are available from www.emn.at (accessed 2 April 2021).

⁴ This follows the methodology as outlined in the specifications for EMN NCP contributions to the Commission and EASO Annual Reports. See for example EMN Austria, 2020a:11.

significant debate was defined as one taking place in the Austrian Parliament or among relevant ministries, political parties or civil society stakeholders, and which consequently received wide media coverage.

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

The basis for the 2020 Annual Policy Report is the Annual Report 2020 on Migration and Asylum in Austria – Contribution to Commission and to EASO Annual Reports,⁵ which was prepared in cooperation with the Federal Ministry of the Interior as well as the Criminal Intelligence Service Austria, the Federal Chancellery, the Federal Ministry for European and International Affairs, and the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection.

The report was prepared by Prisca Ebner (Administrative and Research Assistant) under the supervision of Saskia Heilemann (Research Associate), who also provided statistical input. Martin Stiller (Legal Associate) provided legal advice. Thanks go to Laetitia Derrough (Research Intern) for her research and editing support.

⁵ European Migration Network – National Contact Point Austria, Annual Reports. Available at www.emn.at (accessed 14 April 2021).

2 OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

This section serves to provide an overview of the general and overarching developments in relation to asylum and migration in Austria. The dominant developments in 2020 were the transition in federal governments and the institutional changes resulting from setting up the Federal Agency for Reception and Support Services. The year 2020 was heavily marked by the global spread of coronavirus. The disproportionate impact of the COVID-19 pandemic on migrants and refugees is highlighted, in particular vulnerabilities relating to health, protection needs and the socioeconomic situation of this group. The measures taken to mitigate the negative effects of the pandemic in Austria are also described.

2.1 General developments and overarching changes

A new federal government, consisting of delegates of the Austrian People's Party and the Austrian Green Party, was sworn in on 7 January 2020. The Government Programme (Austrian Federal Government, 2020) refers to a more balanced approach to migration and asylum that builds on multilateral cooperation, with actors including the European Union (EU) and the United Nations (UN). The Government Programme 2020–2024 specifies the following focus areas (Austrian Federal Government, 2020:136–143): regulated immigration of skilled workers to Austria (see 3.3), improved opportunities in migrants' countries of origin (see 12), effective border protection and prevention of irregular migration (see 8 and 9), asylum policies stipulated at EU level, as well as fast and fair asylum procedures and quality material reception conditions in Austria (see 4). The programme's approach to integration follows the principle of "integration based on achievement" with a particular focus on migrant women, language acquisition and education (see 6.2) (Austrian Federal Government, 2020:44–49). Civil society actors welcomed certain positive initiatives within the migration and asylum field, yet highlighted persistent gaps and shortcomings from a human rights perspective (SOS Mitmensch, 2020b).

Besides the thematic focus areas, the federal government plans a comprehensive migration strategy which, applying at all levels of State, is to be based on a clear separation of migration and asylum (Austrian Federal Government, 2020:136). Toward this planned strategy, institutional structures to support cooperation at all State levels were set up and a development process was defined in 2020 (Gauersdorfer and Jakubowicz, 2020). The planned migration strategy represents a key strategic priority in migration and asylum policy. In parallel, at EU level, the work on an overarching New Pact on Migration and Asylum gained traction in 2020, leading to a proposal by the EU Commission that was published on 23 September (European Commission, 2020b). The Austrian Government welcomed the comprehensive approach of the package as well as the focus on deepened third-country cooperation, effective external border management and upgrading the structures used in the field of return. Proposals for a "solidarity mechanism" were viewed critically, however, as it was noted that they focus too much on relocation. Particularly the concept of "return sponsorships" was rejected, fearing that this would lead to a redistribution of migrants "through the back door" (Federal Ministry of the Interior, 2021f:25–26).

A major overarching institutional change in Austria was the establishment of the Federal Agency for Reception and Support Services. The legal act setting up the Federal Agency for Reception and Support Services as a private limited company (*GmbH*) became effective as of 20 June 2019,⁶ with its implementation underway since then. The key concern in setting up this new federal agency is to be able to guarantee that all responsibilities are reliably met, in

⁶ Federal Act Establishing the Federal Agency for Reception and Support Services as a Private Limited Company, FLG I No. 53/2019.

accordance with the highest quality standards and with the needs of the individuals receiving care, counselling or legal representation.⁷ This development constitutes a reorganization of the Austrian asylum system, and strong criticism was voiced by civil society organizations and other non-governmental actors (see [4.3.1](#)).

As of 1 December 2020, the Federal Agency for Reception and Support Services – as a company 100 per cent owned by the Federal Republic of Austria – is responsible for administering material reception conditions under federal care to foreign nationals requiring assistance and protection. As of 1 January 2021, this federal agency is additionally tasked with legal assistance in the area of international protection, as well as return counselling, including making available human rights observers during return operations, interpreters and translators (see [4.2](#) and [11.1](#)).

2.2 Migration and asylum in light of the COVID-19 pandemic

Generally, the most pressing concern in 2020 was COVID-19. Worldwide, people in vulnerable situations were disproportionately affected by the pandemic. As a report by the United Nations pointed out, this is particularly true for many people on the move, such as migrants in precarious working conditions, irregular migrants, trafficked people and people fleeing their countries of origin (United Nations, 2020). In the context of COVID-19, three interlocking crises have exacerbated pre-existing vulnerabilities relating to health, socioeconomic situation and protection needs; this observation equally applies in the Austrian context.

Firstly, migrants and refugees, along with other socially marginalized groups, demonstrably have poorer access to public health care and medical treatment (Guadagno, 2020:4; Kohlenberger et al., 2019; Medact et al., 2020). The factors contributing to this access gap include integration challenges and language barriers, experiences of discrimination and racism, as well as socioeconomic circumstances (see [chapter 6](#)). At the same time, migrants and refugees more frequently work in system-relevant professions “on the front lines”. Data from the Organisation for Economic Co-operation and Development (OECD) show, for example, that while 35 per cent of people born in Austria were able to work from home during the COVID-19 pandemic, only 22 per cent of foreign-born individuals could do so (OECD, 2020d:4). Added to this is a finding by the Joint Research Center of the European Commission, which revealed that 20 per cent of all key workers⁸ in Austria are immigrants (Fasani and Mazza, 2020:5). At the same time, they are at higher risk of being infected with COVID-19 (IOM’s GMDAC 2021; Kohlenberger, 2020b; OECD, 2020b).

Secondly, on a socioeconomic level, migrants and refugees are substantially impacted by limited access to social protection measures, rising unemployment, precarious living conditions and potentially higher exposure to the virus (EMN and OECD, 2020; Guadagno, 2020; IFRC, 2020). In Austria, the COVID-19 pandemic affected the employment rate of non-nationals more severely than that of nationals. The unemployment rate of working-age non-Austrian nationals increased by 2.6 percentage points in 2020 compared with the previous year (see [6.4](#)). The COVID-19 crisis also revealed precarious employment conditions in various occupations, including harvest work in the agricultural sector, seasonal work in the tourist industry and care

⁷ Written input: Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 22 January 2021.

⁸ The study defines key workers along the line of the European Commission Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak 2020/C 102 I/03 (European Commission, 2020g). The list includes: Science and Engineering (Associate) Professionals, Health (Associate) Professionals, Teaching Professionals, ICT Professionals and Technicians, Personal Service Workers, Personal Care Workers, Market-oriented Skilled Agricultural, Forestry and Fishery Workers, Food Processing Workers, Stationary Plant and Machine Operators, Drivers and Mobile Plant Operators, Cleaners and Helpers, Labourers in Mining, Construction and Manufacturing, as well as Refuse Workers (see Appendix Table 1 and Table 2 of Fasani and Mazza, 2020:15–16).

work (Task Force Menschenhandel, 2020) (see [chapter 10](#)). At the same time, to mitigate the negative effects on socioeconomic integration, the Austrian Government took measures including: online integration support (see [6.3](#)), launching a poverty prevention strategy (see [6.5](#)), as well as material and educational support to keep migrant pupils from falling behind at school (see [5.1.2](#)). However, for migrants staying irregularly in Austria access to basic services remained limited, for example in terms of accommodation, health care and social services. This sparked initiatives by civil society actors to raise awareness on the negative effects of the COVID-19 pandemic (see [9.3](#)).

Thirdly, border closures and movement restrictions, intended to curb the spread of coronavirus, had a severe impact on people seeking protection as well as on voluntary and forced return (EMN and OECD, 2021). People often found themselves stranded, as movement restrictions, rapid border closures and quarantine measures reduced the options for continued travel, earning income and/or return (IFRC, 2020). In Austria, for example, the introduction of a mandatory health certificate to be presented at the border prior to entry was heavily debated (see [4.1](#)). Furthermore, impact was felt at reception facilities, where strict quarantine measures were introduced after COVID-19 cases had emerged (see [4.2](#)). Acknowledging the far-reaching challenges in connection with the spread of coronavirus, civil society actors and international organizations increasingly called for solidarity to also be shown toward people in need of protection, be it in Austria or beyond (Ammer and Reyhani, 2020; IOM and UNHCR, 2020; OHCHR et al., 2020) (see [4.4](#) and [12](#)).

A general change as part of measures introduced to curb the spread of coronavirus was to temporarily make a number of legal and administrative procedures digitally accessible to migrants and refugees. Examples here include temporarily allowing written submission of citizenship oaths (see [7.2](#)) and the submission of documents by post or digital means for the extension and change of purposes of residence permits (see [3.2](#)), as well as the use of audio and video transmission equipment for hearings, interviews and inspections in asylum procedures (see [4.3.2](#)). Overall, according to a study by the Austrian Press Agency, the COVID-19 pandemic has been the crisis with the strongest media presence in Austria in the last 15 years (Der Standard, 2020f). Information campaigns in various languages were launched in 2020 to appropriately inform foreign nationals of the COVID-19 measures. For example, to make information on COVID-19 available in more than one language, Austrian media provided multilingual news coverage, while COVID-19 prevention measures were also translated (see [4.2](#) and [6.5](#)). At the onset of the pandemic, media reporting also contributed to a heightened recognition of the vital role played by migrant workers in helping manage the COVID-19 crisis. Besides organized applause to demonstrate gratitude toward key workers (ORF.at, 2020b), flexible immigration and border measures were introduced to ensure a supply of key seasonal and harvest workers and personnel for the health and care sector from other countries (Kumar et al., 2021) (see [3.3.2](#)). However, media reporting and political communication also contributed to stigmatization and discrimination, for example by using migrants as scapegoats to explain the spread of coronavirus in Austria (see [6.6](#)).

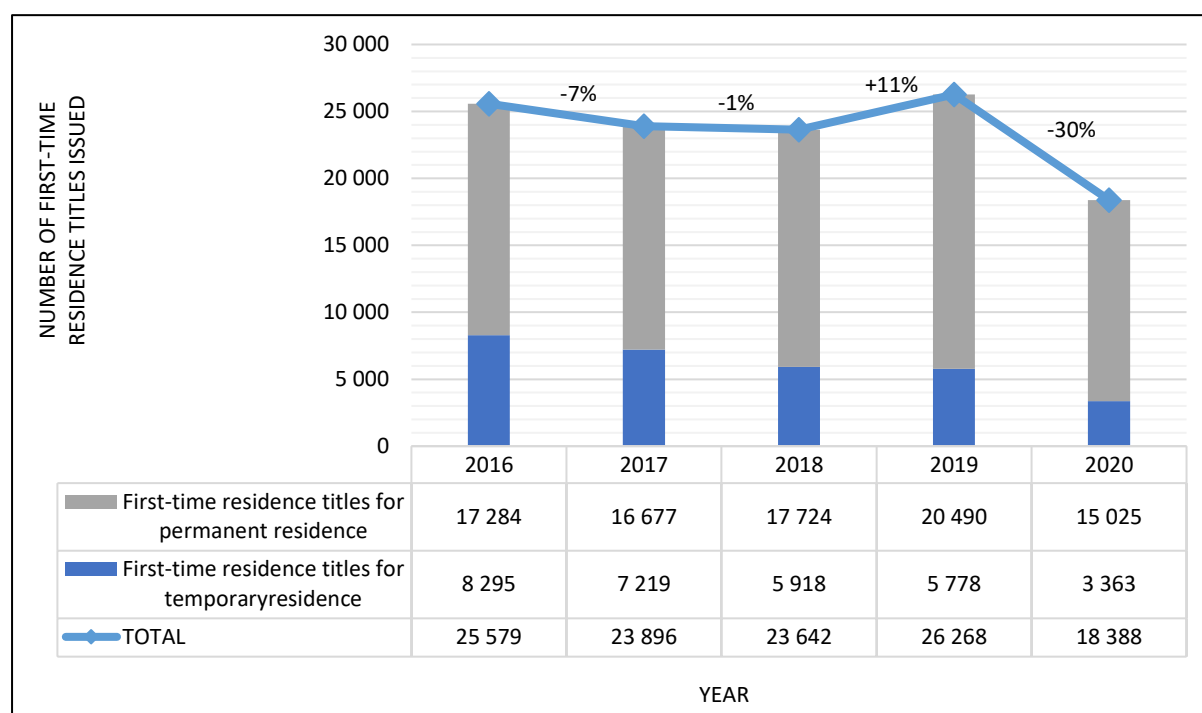
3 REGULAR MIGRATION

Findings by the Joint Research Center of the European Commission showed that 20 per cent of all key workers⁹ in Austria are migrants (Fasani and Mazza, 2020:5). During COVID-19-related mobility restrictions, this led to challenges in meeting labour demand. Thus, special attention was paid in 2020 to ensure regular migration pathways for seasonal and harvest workers as well as 24/7 care workers and other health personnel. Overall, the number of first-time residence titles issued to third-country nationals to allow temporary or permanent residence in Austria dropped in 2020, despite amendments to lower legal and bureaucratic barriers. Generally, to address prevailing labour shortages in certain skilled and highly skilled occupations, the Red-White-Red Card application procedure was adapted marginally, with corresponding regulations issued.

3.1 Statistical developments relating to regular migration

The COVID-19 pandemic and accompanying measures to curb the spread of the virus had an impact on the volume of regular migration to Austria. Statistics Austria corrected its forecast of international migration, expecting only 133,000 incoming migrants to Austria in 2020, which is significantly fewer than the 145,000 originally predicted (Statistics Austria, 2020a:894). In fact, the number of first-time residence titles issued to third-country nationals to allow temporary or permanent residence in Austria significantly decreased in 2020 by 30 per cent from the previous year, whereas the rate had earlier fluctuated year on year by between -7 per cent and +11 per cent (see figure 1).

Figure 1: First-time residence titles issued to third-country nationals to allow temporary or permanent residence in Austria (2016–2020)



Source: For 2020 see Federal Ministry of the Interior, 2021e:33ff.; for 2019 see Federal Ministry of the Interior, 2020i:31ff.; for 2018 see Federal Ministry of the Interior, 2019b:27ff.; for 2017 see Federal Ministry of the Interior, 2018b:27ff.; and for 2016 see Federal Ministry of the Interior, 2017b:27ff.

⁹ See Footnote 7 and Appendix Table 1 and Table 2 of Fasani and Mazza, 2020:15–16.

3.2 Overarching changes relating to regular migration pathways

The COVID-19 pandemic had significant impacts on regular migration in terms of visas and residence permits. Due to the COVID-19 pandemic, public office hours at the Austrian representation authorities worldwide that are responsible for visa and residence matters were discontinued as of 13 March 2020, in accordance with European Commission recommendations (European Commission, 2020c; 2020e). The recommendation by the Council of the European Union on the possible lifting of these restrictions was implemented by Austria as of 30 June 2020 (Council of the European Union, 2020), in accordance with entry regulations applicable in Austria. Representation authorities reopened offices to the public to the extent specified in regulations and where allowed by local epidemiological conditions.¹⁰

To mitigate the spread of COVID-19 while at the same time avoiding potential negative consequences for residence permit applicants and holders, procedures needed to be adapted through legislative changes. Hence, the Fourth COVID-19 Act¹¹ included an amendment to the Settlement and Residence Act¹² that entered into force on 5 April 2020. The addition allows applications for renewal or for the change of purpose of a residence permit to be submitted to authorities either by regular mail or electronic means, instead of personally as previously required. This is applicable as long as freedom of movement or interpersonal contact is restricted in order to prevent the spread of COVID-19 (Art. 19 para 1a Settlement and Residence Act). This special provision was extended until 30 June 2021.¹³

Another change affected the Regulation on the Implementation of the Settlement and Residence Act.¹⁴ To prevent the spread of COVID-19, authorities are permitted to waive the requirement for collecting papillary lines of fingerprints as part of residence-permit renewal and change of purpose of stay, and may issue residence permits without these biometric data where no doubt exists as to the applicants' identities (Art. 2b para 4a Regulation on the Implementation of the Settlement and Residence Act). Similarly, the requirement to submit originals of documentary evidence can be waived where no justification exists for doubting the authenticity and veracity of the evidence (Art. 6 para 2a Regulation on the Implementation of the Settlement and Residence Act). This rule became effective as of 9 May 2020 and will remain in effect until 30 June 2021.

3.3 Work-related migration

In the general context of work-related migration, the Austrian Federal Government follows the goal of aligning immigration of skilled workers with Austria's labour market needs. Efforts continued in 2020 toward a strategy for regulated immigration of skilled labour and implementation of a skilled labour offensive for Austrian businesses, including reforming the Red-White-Red Card (RWR Card), (Austrian Federal Government, 2020:136; Federal Ministry for Finance, 2020:78). Overall, defining the quotas and categories of occupations relating to labour migration to Austria is an important policy decision each year. Three regulations entered into effect in Austria on 1 January 2020 which detail more fully certain types of labour migration to Austria in 2020. These are (a) the quotas for short-term and

¹⁰ Written input: Federal Ministry for European and International Affairs, Department IV.2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 22 January 2021.

¹¹ Fourth COVID-19-Act, FLG I No. 24/2020.

¹² Settlement and Residence Act, FLG I No. 100/2005, in the version of federal law FLG I No. 146/2020.

¹³ Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

¹⁴ Regulation on the Implementation of the Settlement and Residence Act, FLG II No. 451/2005 in the version of federal law FLG II No. 580/2020.

temporary employment,¹⁵ (b) the annual list of shortage occupations¹⁶ and (c) the Regulation on the admission of very highly qualified workers in specific shortage occupations in 2020.¹⁷ Changes in admission policies for specific categories of third-country nationals are outlined below, while the impact of COVID-19 on labour demand is also addressed.

3.3.1 *Red-White-Red Card and shortage occupations: Highly qualified and skilled workers*

Simplifying the application procedures for the RWR Card is one of the measures aimed at promoting the regulated immigration of skilled labour, as outlined in the Government Programme 2020–2024. Here, the specific goal is to make the RWR Card more attractive for highly qualified third-country nationals (Austrian Federal Government, 2020:137). To this end, an amendment to the Settlement and Residence Act¹⁸ entered into force on 24 December 2020. As a result, applicants for an RWR Card are no longer required to provide evidence of accommodation to local standards (Art. 41 Settlement and Residence Act). This change is intended as a further step in the strategy aimed at regulated immigration of skilled persons (Federal Ministry of the Interior et al., 2020s) while also responding to Austria’s shortage of skilled labour (Dornmayr and Rechenberger, 2020). Commenting on a draft of the proposed legislative change, industry representatives welcomed plans to do away with the requirement to provide proof of accommodation meeting local standards when applying for an RWR Card, terming the requirement a disproportionate obstacle to immigration, among other things because of the organizational effort involved (Federation of Austrian Industries, 2020). The counselling centre for migrants criticized that the previous broad and loosely defined rules governing the proof requirement had resulted in authorities deciding against family reunification on incomprehensible grounds. The centre also noted that the average values used to define these “local standards” resulted in a skewed picture (Beratungszentrum für Migranten und Migrantinnen, 2020). The Austrian Chamber of Labour, while acknowledging the need for reform, rejected the proposed measure, highlighting the need to prevent immigrants from being exposed to precarious housing conditions (Austrian Chamber of Labour, 2020).

In 2020 politicians from opposition parties and the governing Green Party further called for an amendment of the RWR Card to allow asylum seekers who have completed an apprenticeship to apply for a RWR Card in Austria rather than abroad. The Austrian People’s Party rejected the request, however, finding current policies to be sufficient (Der Standard, 2020m; ORF.at, 2020n). This can be seen as a continuation of the public debate from 2019 on forced return of (former) asylum seekers in apprenticeships (Ebner and Humer, 2020:29–30).

Other legislative developments regarded the listings of shortage occupations (*Mangelberufsliste*) for 2020 and 2021 as well as of occupations in which highly qualified workers can apply for temporary residence permits. The Regulation for Skilled Workers for 2020 entered into force as of 1 January 2020.¹⁹ This regulation, issued annually, specifies a list of shortage occupations as the basis for determining the eligibility of foreign nationals – as defined in the Act Governing the Employment of Foreign Nationals²⁰ – to be employed as skilled workers anywhere in Austria. A total of 56 fields of work were listed as shortage occupations in 2020 (2019:45).²¹ The new additions included masons, locomotive drivers, health-care assistants and nursing professionals. The regulation additionally lists other shortage

¹⁵ Temporary employment of foreign nationals in tourism and in agriculture and forestry in 2020, FLG II No. 407/2019.

¹⁶ Regulation for Skilled Workers 2020, FLG II No. 421/2019.

¹⁷ Regulation on the admission of very highly skilled workers 2020, FLG II No. 420/2019.

¹⁸ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

¹⁹ Regulation for Skilled Workers 2020, FLG II No. 421/2019.

²⁰ Act Governing the Employment of Foreign Nationals, FLG No. 218/1975 in the version of federal law FLG I No. 98/2020.

²¹ Regulation for Skilled Workers 2019, FLG II No. 3/2019.

occupations as the basis for determining the eligibility of third-country nationals to be employed as skilled workers in the various Austrian provinces. The additional listings stem from varying regional labour demand (Ebner and Humer, 2020:18–20), with 26 additional shortage occupations enumerated for Upper Austria in 2020, to cite an example. The Regulation for Skilled Workers 2021 was promulgated on 22 December 2020, specifying the shortage occupations to apply throughout Austria and in the various provinces in 2021.²²

In addition, a regulation of 19 December 2019 by the Austrian Minister for Labour, Social Affairs, Health and Consumer Protection specifies nine occupations²³ that were to be eligible in 2020 for Temporary Residence Permits for very highly qualified workers as defined in Art. 12 of the Act Governing the Employment of Foreign Nationals. This list of occupations includes, as in the previous year, physicians and university-level engineers, with the addition of social and economic researchers and statisticians as new fields of work.

3.3.2 Satisfying labour demand during COVID-19: Seasonal workers and care workers

The quotas regulating the temporary employment of foreign nationals in tourism, agriculture and forestry in 2020 were set on 17 December 2019.²⁴ A quota of 1,263 permits was set for the tourist industry, 3,046 for agriculture and forestry, and 119 for harvest workers. As a first-ever ruling in 2020, peak-season quotas were allowed to be exceeded by as much as 20 per cent provided total permits remained within annual quotas (Ebner and Humer, 2020:21). A regulation issued by the Federal Minister for Labour, Family and Youth retains the previous year's quotas in 2021.²⁵

Defining the quotas is an important policy decision each year. On the other hand, the onset of the COVID-19 pandemic had a major knock-on effect on labour demand and mobility schemes. To contain the global outbreak of COVID-19, Austria closed its external borders on 15 March 2020, putting in place travel restrictions for neighbouring and third countries and announcing landing bans for countries considered at high risk for COVID-19 (see [chapter 8](#)). These travel restrictions led to a shortage of workers in critical sectors such as harvest work, 24-hour care and meat production.

The impact of the COVID-19 pandemic on seasonal and harvest workers and their Austrian employers is addressed in detail in a recently published EMN Austria study (Humer and Spiegelfeld, 2020:31–33). In summary, the Minister of Agriculture, Regions and Tourism estimated a shortage of at least 5,000 harvest workers for the spring season of 2020 and initiated an online campaign to attract seasonal workers (Federal Ministry of Agriculture, Regions and Tourism et al., 2020; Kurier, 2020a). Austrian farmers, who rely on foreign labour from Eastern Europe, warned of repercussions for the agricultural industry (Wiener Zeitung, 2020d). Starting from April 2020, the Austrian Government implemented measures to ease travel restrictions for harvest workers, with special travel corridors put in place to link Romania, Ukraine and Kosovo²⁶ with Austria (Kurier, 2020b). This step was taken to avoid supply shortages (Humer and Spiegelfeld, 2020:31–32). As of 1 May 2020, although entry restrictions were still in effect, key agricultural and forestry workers were permitted to enter Austria via land border

²² Regulation for Skilled Workers 2021, FLG II No. 595/2020.

²³ Regulation on the admission of very highly skilled workers 2020, FLG II No. 420/2019.

²⁴ Temporary employment of foreign nationals in tourism and in agriculture and forestry in 2020, FLG II No. 407/2019.

²⁵ Temporary employment of foreign nationals in tourism and in agriculture and forestry in 2021, FLG II No. 601/2020. However, in April 2021 an amendment to this regulation was issued, allowing peak-season quotas to be exceeded by 50 per cent (provided total permits remain within annual quotas) and increasing the quota allotted to agriculture and forestry workers in Lower Austria. See: Amendment to the regulation on temporary employment of foreign nationals in tourism and in agriculture and forestry in 2021, FLG II No. 180/2021.

²⁶ References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

crossings, on condition of compliance with specified safety and hygiene standards (Federal Ministry of Agriculture, Regions and Tourism and Landwirtschaftskammer Austria, 2020).

The opposition parties criticized these measures: the Austrian Freedom Party cautioned against allowing foreign travel because of the elevated COVID-19 infection risk; NEOS – The New Austria argued that asylum seekers should first be allowed to work in this area; and the Social Democratic Party suggested promoting seasonal work within Austria’s domestic workforce and improving working conditions (Salzburger Nachrichten, 2020a; Wiener Zeitung, 2020c). Amidst the COVID-19 lockdown situation, the labour union PRO-GE, the Sezonieri campaign as well as MEN VIA, an organization caring for male victims of human trafficking, documented severe cases of labour exploitation and withheld rights (see [10.3.1](#)) (Austrian Trade Union Federation, 2020b; Sezonieri campaign, 2020). Particularly, the living situation of seasonal and temporary workers working in harvesting came under fire (Der Standard, 2020h). After learning of COVID-19 clusters in harvesters’ accommodations, a meeting took place in July 2020 to discuss harvest workers’ deplorable working and living conditions, with sanitary standards to prevent the further spread of COVID-19 subsequently defined (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2020a).

Mitigating any negative impacts on the capacity to ensure food supplies received high policy priority. Accordingly, legislative changes were also made to ensure continued employment of foreigners already residing in Austria. Under the Third COVID-19 Act,²⁷ employers were temporarily permitted, beginning on 5 April 2020, to employ third-country seasonal workers for periods exceeding the previously applicable maximum of nine months (Art. 32c para 1 Act Governing the Employment of Foreign Nationals). The Fourth COVID-19 Act²⁸ amended the Aliens Police Act 2005,²⁹ introducing an option for individuals already staying lawfully in Austria³⁰ to obtain a Visa D for particularly exceptional circumstances (Art. 22a Aliens Police Act 2005) from the competent provincial police administration. This provision, which in turn allows individuals to pursue dependent gainful employment, mostly affected seasonal workers (Humer and Spiegelfeld, 2020:32). These legislative amendments were in response to the COVID-19 pandemic and the accompanying mobility restrictions affecting seasonal and harvest workers, but also stemmed from the reduced capacity of Austrian representation authorities abroad to issue visas (see also [3.2](#) and [8.1](#)).³¹ In addition, 160 jobseekers previously granted asylum or subsidiary protection were trained for harvest and seasonal work on farms in 2020, as part of a pilot project by the Austrian Integration Fund (Austrian Integration Fund, 2020h) (see [6.4](#)).

Similar challenges arose in spring 2020 around facilitation of entry for foreign 24/7 care workers, as ensuring continuation of care services was a key concern. Following the closing of borders in mid-March, 24/7 care workers were unable to travel to Austria from Eastern Europe, while the ones already working in Austria were waiting to be replaced, go off duty and return home (Kurier, 2020e). Special arrangements, involving corridor trains and COVID-19 testing, were made for 24/7 care givers from other countries in the spring of 2020. The arrangements included, for example, special charter trains and flights to bring care workers from Romania and Bulgaria to Austria (Wiener Zeitung, 2021). This was to ensure adequate numbers of professionals to cover care needs in Austria, despite the entry restrictions imposed in order to contain the spread of COVID-19 (Federal Chancellery, 2020e; ORF.at, 2020f). Union

²⁷ Third COVID-19-Act, FLG I No. 23/2020.

²⁸ Fourth COVID-19-Act, FLG I No. 24/2020.

²⁹ Aliens Police Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 146/2020.

³⁰ Provided that a required authorization or other confirmation according to the Act Governing the Employment of Foreign Nationals has been issued (Art. 20 para 2 Aliens Police Act 2005).

³¹ Written input: Federal Ministry of the Interior, Department V/7 (Aliens Police), 22 January 2021.

representatives rejected the two-week mandatory quarantine that 24/7 care workers were subject to after arriving in Austria, criticizing the fact that workers would not get paid during that period (Kurier, 2020e). With the Amendment of the Regulation on Rights of Entry from Neighbouring Countries, laxer travel regulations for critical workers in agriculture and forestry as well as in the care and health sector were introduced.³² Media reports on quarantine and testing requirements for care workers continued, with labour union representatives expressing frustration over complicated entry regulations and testing requirements (Austrian Trade Union Federation, 2020c, 2020d; Der Standard, 2020s).

Overall, labour demand for care and health workers rose. As early as October 2019, a study commissioned by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection forecast the need for more than 75,000 nursing workers in Austria by 2030 (Gesundheit Österreich GmbH, 2019:6). It was recommended to make it easier for foreign personnel to enter the profession in Austria. To alleviate this shortage, nursing assistants and nursing professionals were included for the first time in 2020 on the list of shortage occupations deriving from the Regulation for Skilled Workers for 2020 (see [3.3.1](#)) (Ebner and Humer, 2020:20). Certain requirements relating to recognition of foreign qualifications in these sectors were also adapted in response to the COVID-19 pandemic, see the details on labour market integration and recognition of qualifications in [section 6.4](#). United Nation's High Commissioner for Refugees (UNHCR) in Austria welcomed these legislative changes, noting that refugees and beneficiaries of subsidiary protection in Austria, who have worked in medical and nursing professions in their countries of origin, can now also contribute their knowledge and experience during the COVID-19 pandemic (UNHCR Austria, 2020b).

3.4 International students and researchers

A new National Strategy for Mobility and Internationalization in Tertiary Education was presented in September 2020 (Federal Ministry of Education, Science and Research, 2020c). It pursues the vision of enhancing Austria's attractiveness to international students and researchers by 2030. The implementation goals affecting international students include: broadening the programme of classes and courses of study in other languages, increasing scholarships as an incentive for mobility, and expanding existing joint programmes to strengthen international cooperation. Efforts are also to be made towards improving the culture of welcoming international students, greater recognition of study progress achieved in other countries, and further developing online and hybrid learning designs.

Some of the implementation goals especially affect international researchers, specifically: the plan to internationalize teaching staff and broaden international cooperation, the intention to expand course offerings in other languages and offer virtual classes, and the goal to encourage mobility among doctoral students and faculty members more strongly. Implementing the strategy will have a high impact on international students and international researchers. The Research Funding Amendment 2020,³³ passed in June 2020, is intended to accordingly provide planning security for universities and researchers.

In the 2019/2020 school year, international students were among those affected by online learning and entry travel and visa restrictions (see [chapter 8](#) and [3.2](#)). Information on these issues was provided to international students periodically by the Austrian Academic Exchange Service (Agency for Education and Internationalisation, 2020). Overall, the number of first-time residence permits granted to students in 2020 suggests that the COVID-19 crisis has had a significant impact. While this number was relatively stable in 2018

³² Amendment of the Regulation on Rights of Entry from Neighboring Countries, FLG II No. 195/2020.

³³ Research Funding Amendment 2020, FLG I No. 75/2020.

and 2019 (3,751 and 3,584 first-time “student” residence permits granted) (Federal Ministry of the Interior, 2019b:35, 2020i:43), the number dropped in 2020 by 39.5 per cent from the previous year (2,170 permits) (Federal Ministry of the Interior, 2021e:45).

3.5 Other developments regarding family reunification and legal stay

Regarding family reunification, an amendment to the Settlement and Residence Act³⁴ (see also [3.3.1](#)) now makes it easier for certain family members of citizens of the European Economic Area and Switzerland to apply for a residence permit. For procedures, a shorter time period of 90 days instead of 6 months is allotted (Art. 56 Settlement and Residence Act),³⁵ and applications are now permitted from within Austria (Art. 21 para 2 subpara 6 *ibid.*). In addition, eased conditions apply when changing to an RWR Card Plus after two years (Art. 41a para 2 *ibid.*). These changes were made in the aftermath of the infringement procedure concerning EU Directive 2004/38/EC that had been initiated by the European Commission against Austria.³⁶ EU Directive 2004/38/EC, also known as “Free Movement Directive”,³⁷ specifies the right of citizens of the European Union and their family members to move and reside freely within the territory of the Member States. Austria’s legislative amendment intends to safeguard family unity in the broader sense, by facilitating entry and residence in Austria in accordance with the requirements of EU law.³⁸

Another legislative development on legal stay in Austria became necessary after the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU. The Brexit Implementing Regulation was promulgated on 23 December 2020,³⁹ implementing the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union⁴⁰ and the changes affecting residence status that were scheduled to take effect on 1 January 2021. The regulation details how directly applicable provisions of the withdrawal agreement will be applied, in particular how to proceed legally to determine the (continued) residence status of United Kingdom citizens and their family members staying in Austria after 31 December 2020.⁴¹ These implementing provisions have a high impact on those affected. The Austrian capital of Vienna, for example, estimated that they affect 5,000 United Kingdom citizens, who will have to apply for residence permits in the course of 2021 (Der Standard, 2021).

³⁴ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

³⁵ Government Proposal – Explanatory Notes: Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act - 349 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at (accessed 23 December 2020).

³⁶ *Ibid.*

³⁷ European Commission, Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, 30 April 2004. OJ L 158/77.

³⁸ Government Proposal – Explanatory Notes: Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act - 349 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at (accessed 23 December 2020).

³⁹ Regulation on the Implementation of Brexit, FLG II No. 604/2020.

⁴⁰ Notice concerning the entry into force of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. OJ L 29/189, p. 191.

⁴¹ Written input: Federal Ministry of the Interior, Department V/2 (Residence and Citizenship) and Unit III/1/c (Alien-related Legislation), 26 January 2021.

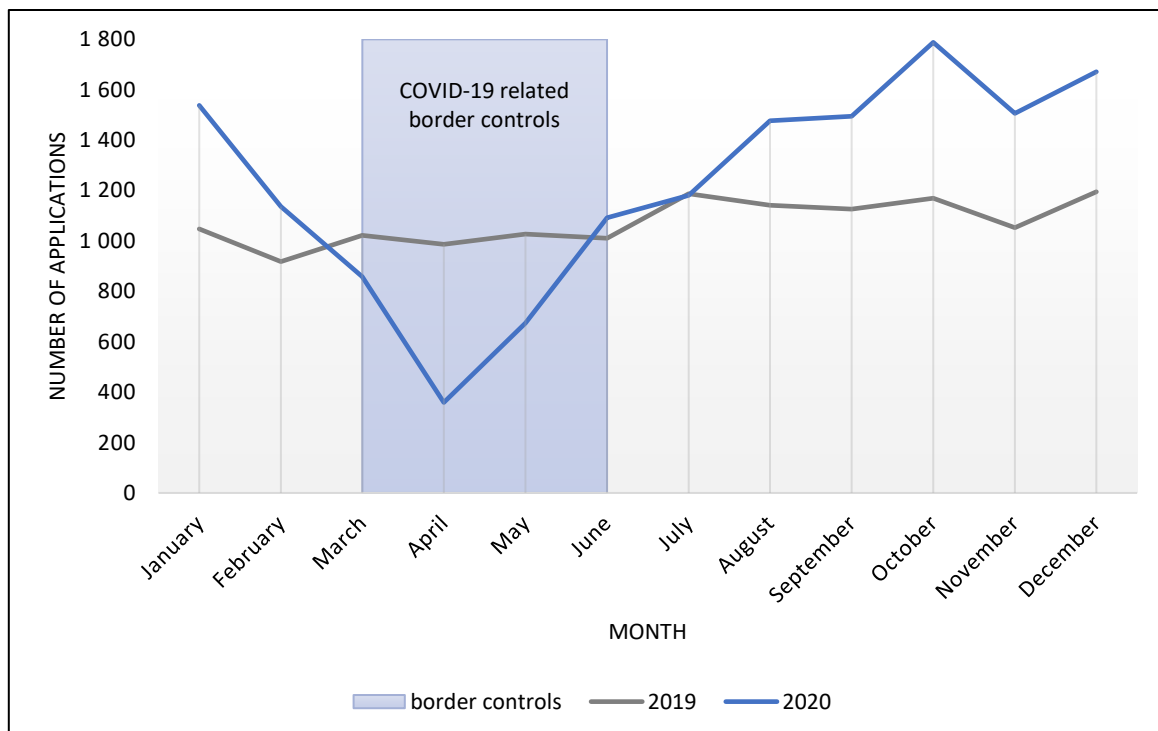
4 INTERNATIONAL PROTECTION

An important institutional development in 2020 was the full set-up of the Federal Agency for Reception and Support Services, amending among other things the system for legal assistance and administration of material reception conditions to applicants for international protection under federal care. The COVID-19 pandemic also constituted a major challenge in 2020 to procedures for granting international protection in Austria. Firstly, border closures and movement restrictions to curb the spread of coronavirus limited people seeking protection (EMN and OECD, 2021), leading to a drop in asylum applications in Austria in early 2020. Secondly, impact was felt at reception facilities due to quarantine and lockdown measures as COVID-19 cases emerged, despite high priority being given to ensuring residents' health and containing coronavirus. Thirdly, case management of asylum claims was adapted to accommodate challenges arising while measures to mitigate the spread of COVID-19 were in place. Acknowledging the far-reaching challenges posed by the pandemic, civil society actors called for solidarity to also be shown toward people in need of protection elsewhere, such as in the context of refugee camps in Greece.

4.1 Statistical developments and access to the asylum procedure

While the number of applications for international protection in Austria has steadily decreased in recent years, there was a slight increase from 12,886 in 2019 to 14,775 in 2020 (+14.7%), despite COVID-19-related travel restrictions (Federal Ministry of the Interior, 2020q:8). Yet, viewing the chart below, the number of applications for international protection per month in 2020 dropped in March and April 2020, which is a trend not mirrored in the 2019 monthly data; the normal level was regained only by June 2020. This decline in asylum applications coincides with the COVID-19-related border controls that were introduced between 11 March and 15 June 2020 (see figure 2 and [chapter 8](#)).

Figure 2: Number of applications for international protection lodged monthly in Austria (2019 and 2020)



Source: Federal Ministry of the Interior, 2020q:8.

To curb the spread of coronavirus, severe border-crossing rules were implemented between 19 March and 30 April 2020. During this period, third-country nationals were prohibited from entering Austria at an airport on flights from outside the Schengen area. This applied to persons not holding a residence permit or not falling under specified categories including family members, diplomatic representatives and designated key workers.⁴² When entering Austria, foreign nationals not falling under the entry ban had to present a valid health certificate that included a negative COVID-19 test result.^{43,44} With consideration to the principle of *non-refoulement*, health authority officials were entitled to refuse entry to individuals not having such a health certificate (Federal Ministry of the Interior, 2020b:2); the acceptance of asylum applications or the decision on the entry by public security organs was not affected.⁴⁵

Media channels reported a de facto entry ban for asylum seekers, after a confirming statement by the Secretary General of the Federal Ministry of the Interior on 27 March 2020 (Die Presse, 2020a; Oberösterreichische Nachrichten, 2020; Wiener Zeitung, 2020b). Asylum experts strongly opposed the measure, emphasizing that under Austrian asylum law applications for international protection could not be rejected based on COVID-19 requirements and that Austrian authorities were obliged to accept applications even from asylum seekers without a health certificate (Asylkoordination Österreich, 2020a, 2020b). The incident led to political discussions, with the governing Green Party assuring that the principle of *non-refoulement* would remain unaffected (Der Standard, 2020d), and opposition party NEOS – the New Austria asserting that an entry ban for asylum seekers was unconstitutional and violated human rights (Die Presse, 2020a). With an amendment to the regulation on rights of entry from neighbouring countries on 30 April 2020,⁴⁶ the Federal Ministry of Social Affairs, Health and Consumer Protection aimed to clarify the rules.

4.2 Reception of applicants of international protection

With regard to reception of applicants of international protection, the Federal Agency for Reception and Support Services, in the legal form of a private limited company (*GmbH*), became operative in 2020 (see [2.1](#) and [11.1](#)). As of 1 December 2020, the Federal Agency – as a company owned by the Federal Republic of Austria – is responsible for administering material reception conditions to applicants of international protection under federal care (Art. 2 para 1 Act Establishing the Federal Agency for Reception and Support Services).^{47,48} The goals in putting the Federal Agency for Reception and Support Services into operation are: to achieve synergies through common administration of resources, benefit from coordinated effort within the organization, reduce dependency on outside parties, and to ensure adherence with the highest quality standards in all areas of responsibility (Federal Ministry of the Interior, 2020e:6).⁴⁹ The provision of such services by an entity owned by the Federal Republic and in the direct remit of the Federal Ministry of the Interior was met with stark criticism by non-governmental actors, fearing less favourable conditions for asylum seekers (see also [2.1](#) and [4.3.1](#)).

⁴² Regulation Issued by the Federal Minister of Social Affairs, Health, Care and Consumer Protection on Entry by Air into Austria, FLG II No. 105/2020.

⁴³ Amendment to the Regulation on measures on entry from Italy, Switzerland and Liechtenstein, FLG II No. 104/2020.

⁴⁴ Regulation Issued by the Federal Minister of Social Affairs, Health, Care and Consumer Protection on Entry by Air into Austria, FLG II No. 105/2020.

⁴⁵ Written input: Federal Ministry of the Interior, Unit V/8/c (Legal Affairs and Controlling of Asylum Procedures), 27 May 2021.

⁴⁶ Amendment of the Regulation on Rights of Entry from Neighboring Countries, FLG II No. 195/2020.

⁴⁷ Federal Act Establishing the Federal Agency for Reception and Support Services as a Private Limited Company, FLG I No. 53/2019.

⁴⁸ Written input: Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 22 January 2021.

⁴⁹ Ibid.

The COVID-19 pandemic in 2020 resulted in short-term capacity limitations at federal reception centres (Federal Ministry of the Interior, 2020d:3). High priority was given to ensuring residents' health and to containing the coronavirus. In response, various temporarily closed federal reception centres were reactivated, in order to ensure the care and accommodation of asylum seekers while complying with regulations relating to hygiene and quarantine and observing social distancing (Federal Ministry of the Interior, 2020c). Capacities were generally reduced by 25 per cent, which allowed conditions such as ample space for occupants and isolation zones to be ensured.⁵⁰ The Federal Act amending the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005 (Seventh COVID-19 Act)⁵¹ empowers the Federal Office for Immigration and Asylum as of 6 May 2020 to assign legal advisors not only at initial reception centres but also at regional directorates and branch offices. The goal here was to enable a very high level of flexibility and to avoid overcrowding of the initial reception centres during the COVID-19 pandemic (Austrian Parliament, 2020a). This provision was extended until 30 June 2021.⁵²

According to a German study, the risk of COVID-19 spreading is disproportionately high in reception centres due to limited space and isolation facilities (Universität Bielefeld, 2020). In order to protect facility residents in Austria, advice was posted in various languages, staff and residents were made aware of the situation, and more comprehensive hygiene and protection measures were introduced. In suspected cases of COVID-19, residents were tested, then appropriately given medical care and moved to a separate isolation zone (Federal Ministry of the Interior, 2020c:5–7). In spring 2020 reception facilities in Vienna, Salzburg and Lower Austria were subject to strict lockdowns because of emerging COVID-19 cases (Krone.at, 2020; ORF.at, 2020c; Salzburger Nachrichten, 2020b). New COVID-19 cases surfaced over the summer and fall of 2020 in multiple Austrian provinces, requiring reception centres to be put under quarantine by health authorities (Die Presse, 2020e; Kurier, 2020d; ORF.at, 2020s). Civil society actors criticized these strict quarantine measures, citing potential negative consequences for traumatized refugees and sustained psychological distress in isolation (ORF.at, 2020d; Profil, 2020).

4.3 Asylum procedure

The section below describes new legislative and policy developments in 2020 that relate to operational aspects of Austrian asylum procedures. It covers the various phases of asylum procedures, starting with legal assistance for asylum seekers and including case management of their claims. The general impacts of the COVID-19 pandemic on asylum procedures are highlighted, such as the introduction of digital technology to support online appointments, hearings and interviews as well as changes made to administrative processes and transfer activities.

4.3.1 Legal assistance

Efforts toward fully setting up the Federal Agency for Reception and Support Services progressed in 2020. With reference to legal assistance for asylum seekers in asylum procedures, the previous framework agreements with ARGE Rechtsberatung, a cooperation between the non-governmental organizations Diakonie and Volkshilfe, as well as with Verein Menschenrechte Österreich were cancelled at the end of February 2020 and expired on

⁵⁰ Written input: Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 22 January 2021.

⁵¹ Federal Act Amending the Federal Office for Immigration and Asylum Procedures Act 2012 and the Asylum Act 2005 (Seventh COVID-19-Act), FLG I No. 29/2020.

⁵² Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

31 December 2020 (FairLassen, 2020). As of 1 January 2021, the Federal Agency for Reception and Support Services is entrusted with providing legal assistance in cases before the Federal Office for Immigration and Asylum and in appeals heard by the Federal Administrative Court.⁵³ As set out in Art. 13 of the Act Establishing the Federal Agency for Reception and Support Services, the legal assistance provided is to be independent and in content matters not subject to instructions from a higher level. Apart from this article of law, independence is to be ensured through other organizational and institutional arrangements, such as by specifying experts' not being subject to instructions from higher up and by setting up a quality advisory board (Federal Ministry of the Interior, 2020k).⁵⁴ The key concern in setting up the Federal Agency for Reception and Support Services is to guarantee that all responsibilities are reliably met, in accordance with the highest quality standards and with the needs of the individuals receiving care, counselling or legal representation.⁵⁵ The federal agency is additionally responsible for making interpreters and translators available within the context of legal and return counselling as of 1 January 2021 (Art. 2 para 1 subpara 5 Act Establishing the Federal Agency for Reception and Support Services).⁵⁶

The establishment of the Federal Agency for Reception and Support Services was widely debated. Non-governmental organizations raised concerns about the federal agency's lack of transparency and independence in providing legal counsel during asylum procedures (Diakonie Flüchtlingsdienst, 2020; FairLassen, 2020; UNHCR, 2019). In response to criticism and to ensure independent procedures meeting high standards, the federal agency recruited several executives from non-governmental organizations to lead its legal and return counselling units while incorporating mechanisms to enhance the operational independence of the legal counselling services (Der Standard, 2020j; ORF.at, 2020k). Non-governmental organizations remained concerned about the federal agency's independence and whether it would provide fair and adequate services, especially to asylum seekers who had been issued a negative decision in the first instance (Asylkoordination Österreich, 2020d). Diakonie also announced it would continue to offer independent legal counselling to asylum seekers in need (Diakonie, 2020c).

4.3.2 *Timeframe and case management*

Regarding case management, accelerated procedures were trialled in 2020 to handle asylum claims from people originating from countries considered safe.^{57,58} A pilot programme was initiated in summer 2020, with 411 claims processed by February 2021. In such cases, asylum claims are screened within 72 hours, clarifying factors including the applicant's identity, country of origin, migration route and reason for flight. Potential EURODAC registration, possible criminal record, individual medical needs and potential involvement with trafficking are also clarified, and it is also determined whether Austria is responsible for processing the particular case (Federal Ministry of the Interior, 2021g). This trial run started at a police competence centre in eastern Austria (Eisenstadt) (ORF.at, 2020i). The three nationalities most frequently lodging claims processed in this context were Moroccans (55.9%), followed by

⁵³ Written input: Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 22 January 2021.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Federal Act Establishing the Federal Agency for Reception and Support Services as a Private Limited Company, FLG I No. 53/2019.

⁵⁷ Art. 19 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012 in the version of federal law FLG I No. 146/2020; Regulation on Countries of Origin, FLG II No. 177/2009 in the version of federal law FLG II No. 145/2019.

⁵⁸ Sometimes, however, asylum procedures are conducted as accelerated procedures even where applicants are not from a safe country of origin, which is considered legally permissible under the strict conditions set forth in Art. 18 para 1 of the Federal Office for Immigration and Asylum Procedures Act. See: Stiller, 2021:16.

citizens of Algeria (18%) and India (5.8%). Based on an initial evaluation by the Federal Ministry of the Interior, the pilot phase was considered successful, and it was announced that as of February 2021, the new procedures would be rolled out to include regular operations (Federal Ministry of the Interior, 2021g).

In terms of the operational aspects of asylum case management, COVID-19 required several adjustments, while a high impact was felt from altering and digitizing processes:

- In response to the situation caused by COVID-19, the Federal Office for Immigration and Asylum reduced normal operations between 15 March and 18 May 2020 (Federal Office for Immigration and Asylum, 2020e). Availability to the public was limited to answering requests submitted by email or mail or over the phone, while narrowing the scope to fundamental and non-postponable activities (Federal Office for Immigration and Asylum, 2020d). During the lockdown from 17 November to 6 December 2020, the Federal Office for Immigration and Asylum preferred digital means of communication, applied safety precautions and held appointments online (Federal Office for Immigration and Asylum, 2020c).
- The Federal COVID-19 Act accompanying administrative procedures, administrative court proceedings as well as in proceedings before the Supreme Administrative Court and the Constitutional Court was promulgated on 21 March 2020.⁵⁹ If the period allotted for applying to the Federal Office for Immigration and Asylum for a legal remedy had not expired by 22 March 2020, the period was interrupted and started again on 1 May 2020 (Art. 16 para 1 Second COVID-19 Act).
- The Seventh COVID-19 Act⁶⁰ required applications for the renewal of a Residence Permit for Individual Protection to be submitted to authorities by regular mail or by electronic means as of 6 May 2020. The requirement is contingent on the continuation of the measures restricting personal mobility or interpersonal contact that were imposed to limit the spread of COVID-19 (Austrian Parliament, 2020a). This provision was extended until 30 June 2021.⁶¹
- Under the COVID-19 Act Accompanying Administrative Law (Art. 3),⁶² as of 22 March 2020, hearings, interviews, inspections, the gathering of evidence and similar activities were only to be carried out where it could be ensured that social distancing and hygiene precautions to contain the COVID-19 pandemic were maintained. Such official duties could alternatively be conducted using technical equipment suitable for audio and video transmissions. This provision was adapted through the Twelfth COVID-19 Act⁶³ to protect the rights of individuals who have no access to technical equipment enabling participation in audio-visual hearings (Austrian Parliament, 2020f).

⁵⁹ COVID-19 Act Accompanying Administrative Law, FLG I No. 16/2020.

⁶⁰ Federal Act Amending the Federal Office for Immigration and Asylum Procedures Act 2012 and the Asylum Act 2005 (Seventh COVID-19-Act), FLG I No. 29/2020.

⁶¹ Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

⁶² COVID-19 Act Accompanying Administrative Law, FLG I No. 16/2020.

⁶³ Federal Act Amending the Integration Act, the COVID-19 Administrative Law Companion Act, the Service of Documents Act and the Agrarmarkt Austria Act (Twelfth COVID-19-Act), FLG I No. 42/2020.

4.4 Resettlement and relocation

No cases of resettlement or relocation were handled in 2020.⁶⁴ Austria did, however, support international resettlement programmes, for example the United Nation’s High Commissioner for Refugees (UNHCR) Emergency Transit Mechanisms (Libya–Rwanda, Libya–Niger).⁶⁵ As outlined in [chapter 12](#), Austria is committed to strengthening the external dimension of migration, in particular “protection on the ground”. In December 2020, Austria and UNHCR signed an agreement on the financial support of the UNHCR Evacuation Mechanism Libya–Rwanda. The Austrian focus here is on water, sanitation and hygiene (WASH) as well as health and nutrition services.⁶⁶

COVID-19 further exacerbated the vulnerabilities and dire living conditions of individuals at Greek reception facilities. In spring 2020, the Austrian civil society organization Asylkoordination Österreich organized an appeal urging European Union (EU) institutions and EU Member States to evacuate the camp and relocate its residents. The petition was signed by more than 300 non-governmental organizations in Europe (Asylkoordination Österreich, 2020c; urgentletter, 2020). In August 2020, a multi-party motion by NEOS – the New Austria, the Social Democratic Party and the Green Party, on participating in the EU reception programme for families from Greek refugee camps, was debated in the provincial parliament of Vienna. The provincial government of Vienna noted it would be willing to accommodate at least 100 refugees, yet the motion did not find a majority (Stadt Wien, 2020b).

The EU-wide debate on relocation was intensified by the outbreak of a fire which burned down the refugee camp at Moria, Greece in September 2020. The subject also sparked discussions within the federal government. While the Austrian People’s Party argued that relocation would act as a pull factor for other migrants and refugees, their coalition partner, the Green Party, highlighted humanitarian responsibilities and refugees’ right to fair asylum procedures (Austrian Parliament, 2020b). Calls for relocation did not achieve a consensus, however, and the Austrian People’s Party proceeded with its asylum policy, stressing the importance of on-site assistance and sending relief supplies to Greece (Federal Ministry of the Interior, 2020m). The debate sparked public discourse and extensive media coverage in Austria. For example, the Catholic Bishops Conference and the Austrian Conference of Religious Orders spoke out in favour of admitting refugee children and families from Greece (Austrian Catholic Church, 2020a, 2020b). The non-governmental organization Diakonie started the campaign “Austria has room” before the Christmas holidays in 2020, which argues that Austria has sufficient resources and space to offer relocation support (Diakonie, 2020b). Furthermore, demonstrations and individual civil society initiatives for fundraising showed support for resettlement and relocation (Kurier, 2021; ORF.at, 2020t).

4.5 Withdrawal of international protection

In 2020 the Federal Office for Immigration and Asylum continued to give priority to cases involving the withdrawal of protection status from individuals convicted of criminal offences (Ebner and Humer, 2020:30). Asylum or subsidiary protection status was withdrawn in a total of 2,229 cases in 2020. That is 25.5 per cent less than in the previous year but 35.9 per cent more than in 2018, the year in which the Federal Office for Immigration and Asylum first set this priority (see figure 3). In fact, only 22 per cent of withdrawal cases resulted from a criminal conviction (Federal Office for Immigration and Asylum, 2021, 2020a). The majority of the

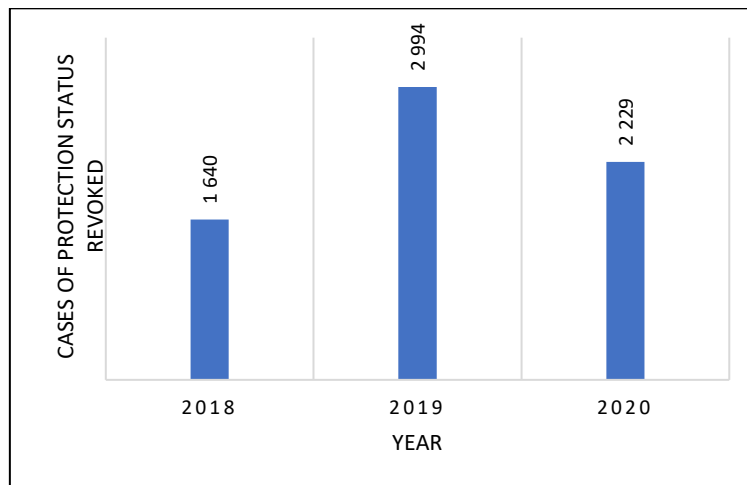
⁶⁴ Written input: Federal Ministry of the Interior, Department V/8 (Asylum) and Unit III/1/c (Alien-related Legislation), 22 January 2021.

⁶⁵ Written input: Federal Ministry of the Interior, Department V/5 (National and International Migration Strategy), 2 March 2021.

⁶⁶ Ibid.

withdrawals of protection statuses concerned other people (i.e. those without a criminal conviction).

Figure 3: Cases of protection status revoked in Austria (2018–2020)



Source: Federal Office for Immigration and Asylum, 2019, 2020a, 2021.

It should also be noted that not all withdrawals ordered by the Federal Office for Immigration and Asylum are valid. Between 1 February 2020 and 31 January 2021, the Federal Administrative Court reviewed 1,016 decisions by the Federal Office for Immigration and Asylum regarding the withdrawal of asylum or subsidiary protection status (Federal Ministry of Justice, 2021:5). No separate evaluation of the decision structure in these proceedings is carried out (*ibid.*), however, civil society actors criticized that many decisions by the Federal Office for Immigration and Asylum are correspondingly revoked or revised (Menschen.Würde.Österreich, 2020b; Diakonie, 2020d).

According to the Federal Ministry of Justice, the grounds for revoking or revising a decision are manifold and may lie in the determination of facts, in the evaluation of evidence, in a different legal assessment or in formal grounds (Federal Ministry of Justice, 2021:3). Regarding reasons why initial withdrawal decisions in the area of asylum are overturned, asylum law experts also pointed to operational deficiencies in risk prognosis and situation assessment in relation to the countries of origin (Der Standard, 2020v) as well as undertraining of officials (Der Standard, 2020b). Experts additionally emphasized the importance of independent legal counselling (Diakonie, 2020d). They also stressed the negative consequences of the current form of the procedure, such as high procedural costs, high levels of uncertainty for asylum seekers and prolonged asylum procedures (Der Standard, 2020b; Menschen.Würde.Österreich, 2020b). According to a report by the Austrian Court of Audit that looked at the years 2014–2017, a lack of uniform training levels and standards prevented decisions that were fully compliant with uniform quality levels, for example concerning the justifications provided for asylum decisions (Austrian Court of Audit, 2019:10). In order to continuously improve the quality of decisions, the Federal Office for Immigration and Asylum implements various measures, such as training courses or assessment evaluations (Federal Office for Immigration and Asylum, 2021).

5 MINORS AND OTHER VULNERABLE GROUPS

In the migration context, the International Organization for Migration (IOM) defines vulnerability as a limited capability to avoid, resist, cope with or recover from violence, exploitation or abuse (IOM, 2019:14). Globally, people in vulnerable situations on the move were disproportionately affected by the COVID-19 pandemic (United Nations, 2020:14). This chapter looks, firstly, at new policy and legal developments affecting minors in Austria and, secondly, at other vulnerable groups.

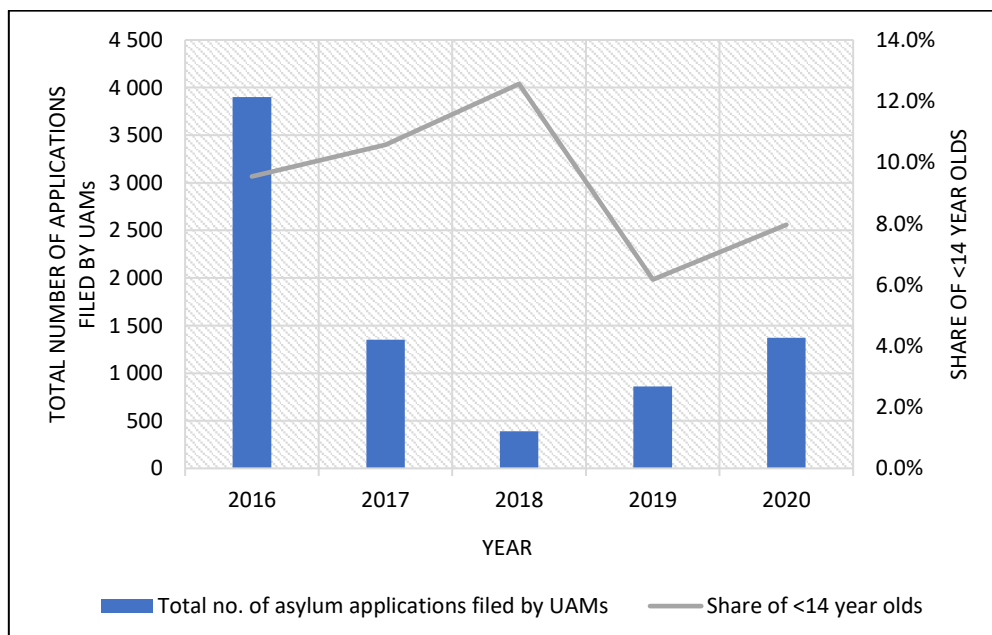
5.1 Minors

A major focus of the public debate in 2020 was on accommodation, care and guardianship for unaccompanied minors in the Austrian asylum system. The debate unfolded against the backdrop of the Human Rights Advisory Council and the United Nations Committee on the Rights of the Child proposals, aimed at improving the guardianship system for unaccompanied minors and young people in Austria (Human Rights Advisory Council, 2020; United Nations Committee on the Rights of the Child, 2020). COVID-19 further exacerbated pre-existing vulnerabilities and systemic challenges. For migrant children, this related particularly to education, language acquisition and school integration (Expert Council for Integration, 2020). The section below follows these categories, describing specific measures to safeguard unaccompanied minors (UAMs) in the asylum system and changes affecting the integration of minors in general.

5.1.1 Safeguarding unaccompanied minors in the asylum system

The number of applications for international protection filed by UAMs reached a low in 2018, with only 390 applications. In that year, the share of minors under the age of 14 was also slightly higher than in previous years (12.6% instead of roughly 10%). Since then, the overall number has again been increasing, reaching 1,370 applications in 2020, which is a significant rise of 59.5 per cent from the previous year.

Figure 4: Asylum applications filed by unaccompanied minors (UAMs) in Austria (2016–2020)



Source: Federal Ministry of the Interior, 2016:25, 2017a:24, 2018a:24, 2019a:24, 2020q:24.

The share of minors under 14 rose from 6.2 to 8 per cent between 2019 and 2020 (see figure 4). Between 2016 and 2020, UAMs from Afghanistan were by far the group of nationals to most frequently apply for international protection in Austria.

Guardianship and legal representation

How guardianship is organized has a high impact on UAMs. The Government Programme 2020–2024 envisages improved protection of UAMs as well as a better legal status for this group that emphasizes guardianship (Austrian Federal Government, 2020:141). In 2020, the United Nations Committee on the Rights of the Child published their periodical observations on children’s rights in Austria, remaining concerned about special protection procedures for asylum-seeking, refugee and migrant children. They urged, for example, to ensure that child welfare and protection authorities become actively involved as soon as possible in all cases involving unaccompanied children, and that guardians are appointed without delay upon arrivals (United Nations Committee on the Rights of the Child, 2020:11). In response, the United Nations High Commissioner for Refugees (UNHCR), the IOM and the United Nations International Children’s Emergency Fund (UNICEF) in Austria called on the authorities to strengthen measures to support unaccompanied children and adolescents, while also arguing for guardianship from day one. The organizations point out that children and adolescents between the ages of 14 and 18 are largely left to fend for themselves at the beginning of their asylum procedures in Austria (UNHCR Austria et al., 2020d).

A legislative change with a high impact on UAMs and their legal representatives was an amendment to the Asylum Act 2005⁶⁷ which expanded the legal definition of family members. As of 24 December 2020, the term “family member” as defined in Art. 2 para 1 subpara 22 of the Asylum Act 2005 was expanded as follows: asylum seekers, persons granted asylum and beneficiaries of subsidiary protection who are unmarried minors are considered family members of persons who represent them legally but are not their parents, and can within the framework of family procedures obtain such protection status as is accorded to their particular representative.^{68,69} Under previous legal arrangements, the scope of protection for the legal representative of a minor child could be legally derived from the status of the child, yet the minor child’s scope of protection could not be derived from that of the child’s legal representative.⁷⁰ In July 2020, the Constitutional Court overturned this provision of the asylum law, deeming it unequal and disadvantaging to minors seeking refuge (Constitutional Court Austria, 2020b).

Reception conditions

Next to guardianship, accommodation and care for UAMs was a topic of ongoing discussion in 2020. Within the Human Rights Advisory Council of the Austrian Ombudsman Board,⁷¹ a working group was set up to deal with standards in accommodation and care for UAMs. The

⁶⁷ Asylum Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 145/2020.

⁶⁸ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

⁶⁹ Government Proposal – Explanatory Notes: Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act - 349 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at (accessed 23 December 2020).

⁷⁰ Written input: Federal Ministry of the Interior, Department V/8 (Asylum) and Unit III/1/c (Alien-related Legislation), 22 January 2021.

⁷¹ The Human Rights Advisory Council supports the Austrian Ombudsman Board as an advisory body. It consists of representatives of the Federal Ministries, the provinces and civil society. It supports the Ombudsman Board in determining the focal points for monitoring procedures, issuing maladministration statements, developing recommendations and ensuring consistent procedures and inspection standards. See: Austrian Ombudsman Board, *Human Rights Advisory Council*. Available at <https://volksanwaltschaft.gv.at> (accessed 8 January 2021).

recommendations submitted to the federal government in July 2020 included: improving the system of guardianship for UAMs (see [5.1.1.1](#)), accommodation in facilities suited to children's needs, integration of official responsibilities with child and youth welfare, implementation of quality standards by child welfare and protection authorities at all UAM reception facilities, training for staff, as well as enhanced options for participating in society and a fuller schedule of daily activities (Human Rights Advisory Council, 2020).

UAMs in admission procedures are generally housed at federal reception centres in Traiskirchen and Reichenau an der Rax (Lower Austria). Once they have been admitted to asylum procedures, UAMs are transferred to reception facilities operated by one of the provinces. The Federal Act amending the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005 (Seventh COVID-19 Act)⁷² additionally permits, as of 6 May 2020, that unaccompanied minor asylum seekers are transferred to a regional directorate or a branch office (Austrian Parliament, 2020a), where a legal guardian can be appointed and steps taken within the framework of procedures. This provision was extended until 30 June 2021.⁷³ Among the reasons for this time-limited modification was to allow more flexible responses in the event that any centres might need to be shut down due to COVID-19 (Austrian Parliament, 2020c). This was also a response to rising numbers of COVID-19 infections at reception facilities (see [4.2](#)).

The non-governmental organization Diakonie stressed the need to improve federal reception conditions for UAMs and questioned whether the change in management to the newly established Federal Agency for Reception and Support Services as of December 2020 would lead to improvements (Diakonie, 2020a). The civil society organization Asylkoordination Österreich additionally criticized reception conditions and the extensive duration of initial stay at federal reception facilities, as well as uncertainties in relation to the whereabouts of those unaccompanied minors seeking asylum who are never officially admitted to procedures (Asylkoordination Österreich, 2020e). Adequate care and/or the best possible care in line with children's best interests is provided to UAMs at federal care facilities, according to a response by the Federal Minister of Interior from November 2020 to a question raised in parliament. In principle, minor asylum seekers admitted to asylum procedures are transferred as soon as possible from initial federal reception facilities to longer-term basic care centres operated by provinces. It was noted, however, that due to the COVID-19 situation delays may have occurred in individual cases (Federal Ministry of the Interior, 2020g:8–9). In fact, as of 1 September 2020, a total of 160 UAMs were accommodated at federal reception centres, of which 28 had already been admitted to asylum procedures but not yet transferred to reception facilities run by provinces (Federal Ministry of the Interior, 2020g:5–6, 8).

Children's rights

The United Nations Committee on the Rights of the Child further urged for better efforts to identify child victims of sexual exploitation and trafficking, in particular children in vulnerable situations such as unaccompanied asylum-seeking, refugee or migrant children. To this end, within the Austrian Task Force on Combating Human Trafficking, the Working Group on Child Trafficking continued the work on measures to counteract this abuse in 2020.⁷⁴ A thematic focus of the Joint Action Days, 5–11 October 2020, was to combat trafficking of

⁷² Federal Act Amending the Federal Office for Immigration and Asylum Procedures Act 2012 and the Asylum Act 2005 (Seventh COVID-19-Act), FLG I No. 29/2020.

⁷³ Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

⁷⁴ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

minors. Eleven EU Member States besides Austria participated in efforts to uncover relevant networks (Criminal Intelligence Service Austria, 2020f).

The United Nations also published a global study on children deprived of liberty (Nowak, 2019), including recommendations aimed at ensuring children's rights. In a new project, the Ludwig Boltzmann Institute addresses the extent to which these recommendations have already been implemented in Austria, for example, in the context of (alternatives to) detention for minors (Ludwig Boltzmann Institut, 2020).

5.1.2 *Integration of minors*

One of Austria's integration policy goals is to address current inequalities between pupils with and without a migration background in relation to their levels of completed education and competency (Expert Council for Integration, 2020:3–4). Yet no recent data are available on pupils with migration background. The latest data refer to the 2018/19 school year, during which 16.3 per cent of pupils in Austria had a foreign citizenship and 26.5 per cent spoke a different language than German in informal settings (Austrian Integration Fund, 2020b:4). In relation to primary school children, a total of 19 per cent of parents considered first or second-generation migrants had at most a compulsory school certificate. Among Austrian or German-born parents of primary pupils,⁷⁵ the figure was only three per cent (data refer to 2015) (Austrian Integration Fund, 2020b:7).

Reports indicate that the COVID-19 pandemic exacerbated integration challenges for children with a migration background. A paper published by the Expert Council on Integration found that home-schooling contributed to slower progress among migrant children, noticeable language deficits and reinforcing segregation tendencies (Federal Chancellery, 2020j). Educators warned that closing schools would disproportionately affect migrant children, especially those without internet access, a laptop or sufficient learning support at home (Der Standard, 2020o; Wolfgang Magazin, 2020). The Austrian Network on Children's Rights urged the federal government to give priority to the child's best interest when devising measures to mitigate the spread of COVID-19, and to ensure continued education and protection for all (Netzwerk Kinderrechte, 2020). Access to education for all pupils was ensured during the COVID-19 pandemic, as schools remained open to pupils with a need for assistance, and support was provided to help make up any learning progress deficits (Federal Ministry of Education, Science and Research, 2020d).

To rectify growing learning inequalities, the Ministry of Education organized a two-week summer school with targeted remedial German classes (Federal Chancellery, 2020f). In addition, study support was offered, for example during the Christmas and term breaks in 2020/2021 (#weiterlernen, 2020). Another example of steps taken in the context of the COVID-19 measures is the provision of digital user devices to disadvantaged pupils in mid-2020 (European Commission, 2020d:7(19)). The measures were deemed particularly important for those pupils with a migration background who are disadvantaged or require remedial support. Opposition parties, however, specifically the Social Democratic Party of Austria and NEOS – The New Austria, questioned the measures, citing the discriminatory potential of singling out migrant children (Der Standard, 2020n).

From the 2018/19 school year onwards, separate remedial German courses or classes were introduced for pupils with limited language proficiency, despite concerns expressed by various actors who questioned the integration effects of this measure (Ebner and Humer, 2020:39–40). The debate surrounding the effectiveness of remedial German courses and classes in schools

⁷⁵ In the study cited children are considered “native” if at least one parent was born in Austria or Germany.

continued in 2020. While highly satisfactory results were presented in Vorarlberg (ORF.at, 2020l), an Austria-wide petition was launched to abolish this measure, presenting arguments against the exclusion of migrant children from general lessons (Der Standard, 2020q). A publication by the Organisation for Economic Co-operation and Development (OECD) on the 2018 Programme for International Student Assessment (PISA) results highlighted, for example, that a significant positive correlation existed in Austria between students' attitudes towards immigrants and the proportion of immigrant students among classmates (OECD, 2020c:92). In response to a new draft amendment of the Schools Act in 2020, the Austrian Social Party and the Workers Association highlighted the need for equal treatment of all pupils and for a review to assess children's support needs (Neuner, 2020; Austrian Chamber of Labour, 2020). The union of primary school teachers called for more school autonomy and more flexible measures (Gewerkschaft Pflichtschullehrerinnen und Pflichtschullehrer, 2020).

5.2 Other vulnerable groups

Next to UAMs, other vulnerable groups that require special safeguards include disabled, elderly and LGBTQI persons,⁷⁶ pregnant women, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

In a resolution passed on 9 July 2020, the National Council⁷⁷ petitioned the federal government to ensure fair asylum procedures conforming to high standards, especially where particularly vulnerable groups are involved. The petition makes specific mention of individuals threatened with persecution due to religious conversion, sexual orientation, or gender identity. The measures proposed here include: offering periodic workshops and programmes to raise awareness among staff members involved in asylum procedures, aligning documentation of countries of origin with target group needs, deploying suitable interpreters, and coordinating efforts with civil society and international organizations. Implementation of this measure will have significant impact on vulnerable groups. Also, since becoming operational on 1 December 2020, the Federal Agency for Reception and Support Services (see [2.1](#) and [4.2](#)) has been responsible for ensuring care and support to asylum seekers under the federal care system, including those in vulnerable situations.⁷⁸

Furthermore, the Austrian Integration Fund stepped up its publicity and information campaigns on violence against female migrants and refugees in 2020, for instance through the United Nations initiative "Orange the World". For multipliers confronted with this issue professionally on a day-to-day basis, the Austrian Integration Fund additionally offered workshops, while also making interpreters available to the helpline for women threatened with violence, a project sponsored by autonomous women's shelters in Austria.⁷⁹ The Austrian Integration Fund has also published a handbook on responding to and preventing violence against women and girls with a migration or refugee background. It aims to raise awareness and provide guidance for counsellors and people working in professions offering initial contact to victims, such as health care, education and social work (Austrian Integration Fund, 2020d).

⁷⁶ Lesbian, gay, bisexual, transgender, queer or questioning, and intersex persons.

⁷⁷ Resolution of the National Council on 9 July 2020 on ensuring fair, quality asylum procedures, especially in dealing with particularly vulnerable groups such as those fleeing on the basis of religious conversion, sexual orientation or gender identity, 85/E XXVII. Legislative Term. Available at www.parlament.gv.at (accessed 22 December 2020).

⁷⁸ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

⁷⁹ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

6 INTEGRATION

Integration was an overarching policy focus in 2020, with particular attention given to education, language acquisition, women's participation, labour market inclusion and the prevention of segregation. Many various actors raised concerns about the negative effects of the COVID-19 pandemic on integration efforts and access to basic services, such as health and social care. With an aim to cushioning the impact, integration strategies were adapted, for example by introducing online German courses and fostering the labour market integration of refugees in key sectors. Efforts were also made to provide multilingual information on COVID-19, including related news and notices of health measures, as well as to counteract racism and discrimination, especially in the form of online hate speech.

6.1 Statistical trends on integration

Statistically, people with a migration background living in Austria have a different educational profile than the population without a migration background: They are more often in the lowest and in the top education segment and less often in the middle skilled workers segment than the population without a migration background (Statistics Austria, 2020b:45-46). Over the past five years, the educational level of the population with and without a migrant background has improved significantly. In 2019, only 9 per cent of 25- to 64-year-olds without a migrant background had compulsory schooling as their highest educational level and 25 per cent of the migrant population. In 2014, the percentages were still 11% and 27% respectively. The middle qualification segment (apprenticeship and intermediate vocational training) is most frequent among both population groups. In 2019, the share was 55 per cent for the population without and 33 per cent for the population with migrant background. In 2014, the percentages were 57 per cent and 36 per cent respectively. Thus, there has been a shift in the educational structure of people with and without a migrant background away from basic and intermediate qualifications towards higher qualifications (Statistics Austria, 2020b:10, 2020c:5).

While education and employment are considered the main drivers of integration in Austria (Statistics Austria, 2020b:10), key integration indicators presented in figure 5 show that working age third-country nationals (TCNs) are less often employed than Austrian nationals (-17%) and more often unemployed (+9%). More young TCNs leave school early (+18 percentage points compared with Austrian nationals) and are neither employed nor in education or training (+15 percentage points).

The largest gap is seen between Austrian nationals and TCNs in the category "at risk of poverty or social exclusion" (nationals: 13%; TCNs: 38%; difference: 25 percentage points). Here, the percentage at risk of poverty or social exclusion refers to the total percentage of persons who are either at risk of poverty,⁸⁰ severely materially deprived⁸¹ or living in a household with a very low work intensity.⁸² The most recent data available, presented in figure 5, are from 2019. However, the COVID-19 pandemic and related restrictions imposed in 2020 have had considerable impact on the integration of migrants in Austria: in an initial assessment on the

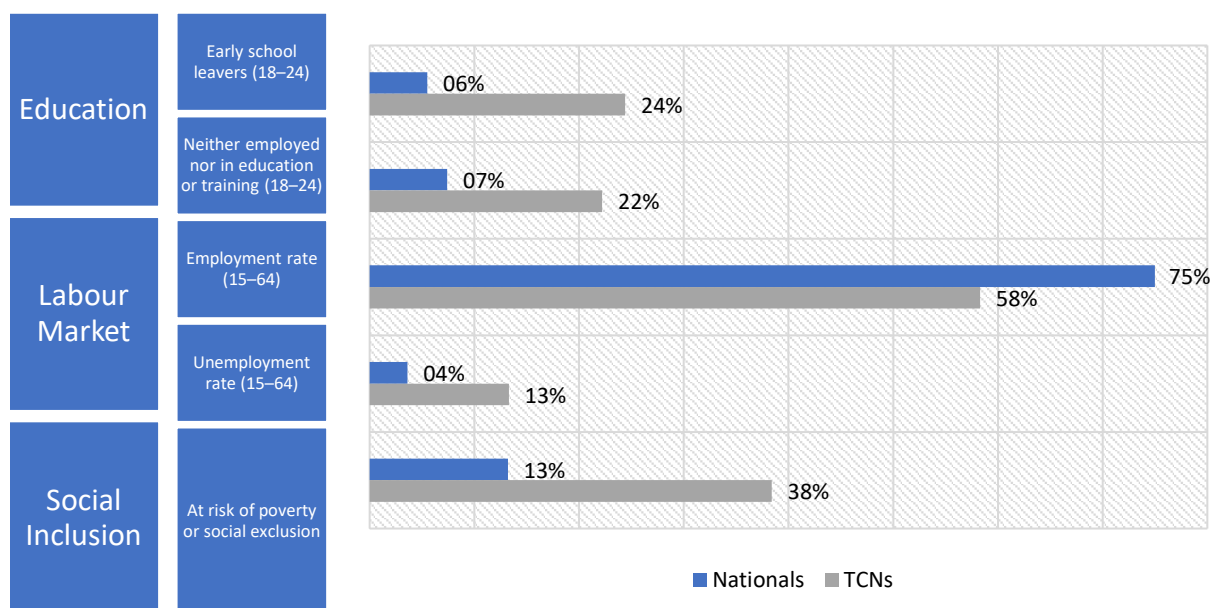
⁸⁰ People with an equivalised disposable income (after social transfer) below the at-risk-of-poverty threshold, which is set at 60 % of the national median equivalised disposable income after social transfers. See: EUROSTAT, Glossary: At-risk-of-poverty rate. Available at <https://ec.europa.eu> (accessed 16 March 2021).

⁸¹ A state of economic strain and durables, defined as the enforced inability (rather than the *choice* not to do so) to pay unexpected expenses, afford a one-week annual holiday away from home, a meal involving meat, chicken or fish every second day, the adequate heating of a dwelling, durable goods like a washing machine, colour television, telephone or car, being confronted with payment arrears (mortgage or rent, utility bills, hire purchase instalments or other loan payments). See: EUROSTAT, Glossary: Severe material deprivation. Available at <https://ec.europa.eu> (accessed 16 March 2021).

⁸² Persons living in a household where the members of working age worked less than 20 % of their total potential during the previous 12 months. See: EUROSTAT, Glossary: Persons living in households with low work intensity. Available at <https://ec.europa.eu> (accessed 16 March 2021).

state of integration, the Expert Council for Integration found that the crisis has made existing challenges more visible and sometimes more acute (Expert Council for Integration, 2020:12).

Figure 5: Integration indicators for Austrian nationals and third-country nationals (TCNs) (2019)



Source: EMN, 2020b:6;⁸³ Eurostat, 2021.

6.2 National integration strategy and general developments

In the new government structure (see 2.1), the Federal Chancellery took over the integration portfolio as of 29 January 2020, which had been previously assigned to the Federal Ministry for Europe, Integration and Foreign Affairs. As part of this change, a Federal Chancellery minister was appointed for the first time to take responsibility for integration and serve as Federal Minister for Women and Integration (Federal Chancellery, 2020c).⁸⁴ Drawing on the motto of “integration based on achievement”, migrants’ commitment to integration programmes continued to be the emphasis underlying Austria’s integration strategy in 2020 (Expert Council for Integration, 2020:2). The concept of “integration based on achievement”, however, is controversial. Rosenberger and Gruber, for example, criticize it for its authoritarian and disciplinary understanding of society, and because it leads to exclusive and discriminating measures that potentially even result in disintegration (Rosenberger and Gruber, 2020:167–170) – see for example the discussion on separate, remedial German classes (5.1.2) and the prohibition of wearing veils in elementary schools (6.6). After the new federal government took office, 28 experts analysed previous practices and future ambitions and developed 200 policy recommendations (SOS Mitmensch, 2020a, 2020d). While 50 per cent of the integration measures announced in the new Government Programme 2020–2024 were welcomed overall by the experts, 21 per cent were classified as neutral and 29 per cent as disintegrative. Overall, the report criticized the vagueness of the announced policies and the open gaps in the new Government Programme, while raising concerns about the sustained effects of previous policies (SOS Mitmensch, 2020d:65–69).

⁸³ Based on Eurostat (ilc_lvho15, edat_lfse_01, edat_lfse_23, lfsa_ergan, lfsa_urgan).

⁸⁴ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

The key focuses within integration policy in 2020 were: (1) strengthening the role of women as “integration drivers”, (2) strengthening identification with Austria, (3) encouraging voluntary work as a new pillar for integration, (4) ascribing more responsibility to the parents of school-age children with a migration background, and (5) enhancing efforts to avoid the formation of “parallel societies” (Federal Chancellery, 2020l). To implement these focuses, it was decided in 2020 to increase the integration budget for 2021 (Federal Chancellery, 2020m).

Within Austria’s integration policy, education came more strongly into focus in 2020, with a greater emphasis on German proficiency and scholastic integration (see also [5.1.2](#)) (Federal Chancellery, 2020d; Federal Ministry of Education, Science and Research, 2020a). Further, efforts by the Austrian Integration Fund in 2020 have again been focused on the integration of women with a migration background. This focus is a key component in counselling and training, and is also reflected in the number of women participating in the programmes (Austrian Integration Fund, 2020c; Austrian Press Agency, 2020b). The Austrian Integration Fund also launched an invitation to tender for projects relating to “measures to counteract violence and support women and girls in an integration context”, awarding a total of EUR 2 million in funding to 19 projects (Austrian Press Agency, 2020e).⁸⁵

The prevention of extremism and radicalization have also been central policy and societal issues in 2020.⁸⁶ In June 2020, the “Austrian Fund for the Documentation of Religiously Motivated Political Extremism” (Documentation Centre for Political Islam) was established. The fund has been set up to investigate and analyse dangerous developments in the struggle against religiously motivated political extremism, along with segregated social milieus that pose challenges within Austria, and provide information on these phenomena (Federal Chancellery, 2020i).⁸⁷ The Government Programme 2020–2024 originally envisaged the creation of a research and documentation centre for anti-Semitism, religiously motivated political extremism and racism in the twenty-first century (Austrian Federal Government, 2020:39). The current focus of the centre on “political Islam” caused criticism from the opposition and civil society, which denounced the limitations (Yılmaz, 2020; Die Presse, 2020c). Among others, the Islamic Religious Community in Austria expressed discontent over the situation, noting a recent increase in Islamophobia in discourses (Islamische Glaubensgemeinschaft in Österreich, 2020) (see [6.6](#)).

In a related development, there was a strong emphasis in 2020 on measures to prevent and counteract “parallel societies”,⁸⁸ i.e. segregated social milieus that pose challenges. Specifically, the National Action Plan against Radicalization presented in July 2020 proposes measures to address segregation (Federal Chancellery, 2020h). Furthermore, an evidence-based early warning system to help recognize any “parallel societies” early on and to counteract such developments was to be set up (Federal Chancellery, 2020a:3). The subject of “parallel societies” came into the spotlight in June 2020, when Turkish nationalist groups attacked a demonstration by pro-Kurdish activists in Vienna’s 10th district (Austrian Integration Fund, 2020e; Kurier, 2020c). The incident led to an extensive debate between the political parties in the National Council of the Austrian Parliament (Austrian Parliament, 2020e): The governing Austrian People’s Party pointed to integration problems in Vienna, specifically to disputes on matters of foreign conflicts. The right-wing Austrian Freedom Party cited the altercations as the result of failing government policy in the area of immigration, asylum and integration. In

⁸⁵ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ The term “parallel societies” in the migration debate is controversial (see for example Das Biber, 2020; Der Standard, 2020g).

contrast, the Green Party and the Social Democratic Party referred to the dangers of right-wing extremism, the right to demonstrate and the importance of taking action against nationalist tendencies. Discussions on “parallel societies” and “social problem hotspots” also received wide coverage in Austrian media and brought to light integration challenges in specific districts of Vienna (Die Presse, 2020b; Der Standard, 2020k; Wiener Zeitung, 2020e). Two related studies by the Austrian Integration Fund also brought attention to the subject (Austrian Integration Fund, 2020e, 2020f). The methodologies and analysis techniques used were, however, the target of strong critique. Reference was made among other things to fundamental biases, unscientific design and reproduction of stereotypes (Der Standard, 2020l; Shetty et al., 2020).

6.3 Language acquisition and education

Education moved further into the focus of Austrian integration policy in 2020 (Federal Chancellery, 2020d). A report by the Ombudsman’s Office for Questions of Values and Cultural Conflicts⁸⁹ from December 2019 (Federal Ministry of Education, Science and Research, 2019) and the above-mentioned study by the Austrian Integration Fund from July 2020 (Austrian Integration Fund, 2020e:62) both found, for example, that a focus on integration in schools is essential in order to prevent “parallel societies” from coming into existence (see 5.1.2). As part of the European Semester, Austria was recommended to take measures in 2019–2020 to improve the basic skills of disadvantaged groups, including people with a migration background (Federal Ministry of Education, Science and Research, 2020b). An open letter by the *beeflip* initiative called for more educational opportunities for refugees in Austria and urged the Austrian Government to invest more in (continued) education (beeflip, 2020). A position paper by the Expert Council for Integration from August 2020 assumes a widening performance gap between pupils with and without a migrant background as a result of the COVID-19 countermeasures (Expert Council for Integration, 2020:3–4). In response, to accompany the summer school, the Austrian Integration Fund simultaneously conducted courses for parents of pupils having a migration background (Federal Chancellery, 2020f). The goal here was to better inform parents about the school system, education tracks and remedial opportunities (see also 5.1.2).

As a result of the COVID-19 pandemic, activities at integration centres in Austria were restricted between 15 March and 15 May 2020 (Austrian Press Agency, 2020c). In response, the Austrian Integration Fund made A1 to B1-level German courses available free of charge online. By installing the daily programme of online German courses, the Austrian Integration Fund helped about 45,000 course participants improve their German skills during the COVID-19 restrictions.⁹⁰ As of 15 May 2020, German and integration courses started again, in compliance with hygiene and distance measures (ORF.at, 2020g). Because of the high demand, the digitalized programme is to be maintained in future as a supplement to the regular course of studies (Austrian Press Agency, 2020d). Supplementing German courses through online programmes has a high impact for those learning German remotely, as is necessary to help contain the spread of coronavirus. In addition, the Austrian Integration Fund and the Vienna Economic Chamber have been offering web-based specialist German courses for participants

⁸⁹ The Federal Ministry of Education, Science and Research ombudsman’s office for questions of values and cultural conflicts provides advice and support to teachers, school administrators, parents and students. In the course of its activities, the ombudsman’s office also takes stock of the situation throughout Austria and across all types of schools and deals with specific conflict situations on site. See: Federal Ministry of Education, Science and Research, Ombudsstellen. Available at www.bmbwf.gv.at (accessed 11 March 2020).

⁹⁰ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

from the catering sector and gastronomy, accommodation and tourist industries since December 2020.⁹¹

When first issued certain types of residence permits, third-country nationals are required to complete module 1 of the Integration Agreement within two years. Module 1 includes proof of German language skills at A2 level and knowledge of the basic values of Austria's legal and social order. The Federal Act for the Integration of Persons without Austrian Citizenship Lawfully Staying in Austria (Integration Act)⁹² was amended effective 15 May 2020 in response to the spread of COVID-19. For those originally having to meet the module requirement by a date between 22 March and 30 June 2020, the period was extended until 31 October 2020 (Art. 9 para 2a Integration Act). Furthermore, the Austrian Integration Fund had set up a fully accessible exam programme by mid-2020 (Austrian Integration Fund, 2020g). In this way, individuals previously exempted from the requirement to demonstrate German proficiency because of a sight, speech or hearing impairment or physical disability can now demonstrate their level of achievement. Candidates can take the fully accessible exams at any of the nine Austrian Integration Fund centres throughout Austria.⁹³

Looking to the future, on 18 June 2020, it was announced that all German courses would be organized along uniform lines beginning in 2021, with the Austrian Integration Fund acting as the central office for awarding course contracts (Federal Chancellery, 2020g). Previously, other bodies besides the Austrian Integration Fund, including the Public Employment Service and the various Austrian provinces had also organized German courses – while prerequisites for participating had also varied (ORF.at, 2020h). Common general conditions and processes were designed throughout Austria, and migrants are expected to benefit from centralized processing and quality assurance (Austrian Press Agency, 2020g). As part of the centralized courses offered by the Austrian Integration Fund, a focus will be to support women in their integration process, for example by expanding the programme of childcare tailored to accompany courses. The quality of literacy courses will also be improved, by introducing a framework curriculum attuned to target-group needs. In addition, course providers will be enabled to offer individual remedial support to supplement courses, thereby helping participants to achieve required proficiency levels.⁹⁴

Civil-society actors criticized, however, the increasing monopoly of the Austrian Integration Fund in language instruction as well as limited access to German courses for asylum seekers (SOS Mitmensch, 2020d:20, 2020a:9). Based on Art. 68 para 2 subpara 1 of the Asylum Act 2005,⁹⁵ integration support in the form of language courses can – depending on available financial and organizational resources – also be provided to asylum seekers who have been admitted to procedures and are very likely to be granted international protection. However, an evaluation by SOS Mitmensch from January 2020 on access to German courses for asylum seekers showed that availability differs widely among the nine Austrian provinces. In Tyrol and Vienna, asylum seekers were reportedly given good access to high-quality German courses, whereas only few options were available in Styria, and none in Lower Austria (SOS Mitmensch, 2020e).

⁹¹ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

⁹² Integration Act, FLG I No. 68/2017 in the version of federal law FLG I No. 42/2020.

⁹³ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

⁹⁴ Ibid.

⁹⁵ Asylum Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 145/2020.

6.4 Labour market integration and skills development

While unemployment decreased slightly or remained stable among foreigners in Austria in January 2020 (Public Employment Service, 2020a), it rose significantly over the year due to the COVID-19 pandemic and resulting mitigation efforts. As table 1 shows, the unemployment rate of working-age non-Austrian nationals increased by 2.6 percentage points in 2020 from the previous year. The change was less significant among Austrian nationals, with an increase of only 0.4 percentage points. At the same time, the employment rate of non-nationals was affected more severely than that of Austrian nationals (-1.7 percentage points compared with -0.9 percentage points).

Table 1: Labour market integration indicators for Austrian nationals and non-nationals, 15–64 years of age (2019–2020)

	2019	2020	Change 2019–2020
Employment rate			
Nationals	75.0%	74.1%	-0.9 percentage points
Non-nationals	66.8%	65.1%	-1.7 percentage points
Unemployment rate			
Nationals	3.6%	4.0%	+0.4 percentage points
Non-nationals	9.0%	11.6%	+2.6 percentage points

Note: The employment and unemployment rates are based on the international definition of the International Labour Organization – ILO (see Statistics Austria, 2021a:91).

Source: Statistics Austria, 2021a.

The COVID-19 pandemic led to a public health crisis, with accompanying mobility restrictions for seasonal workers and circular migrants working in key economic sectors (see 3.3.2). In response to the resulting change in labour demand, measures were taken to facilitate the labour market integration of jobseekers in Austria who had acquired foreign qualifications in health-related work-areas, as well as to recruit jobseekers granted asylum or subsidiary protection for harvest and seasonal work.

For example, the Austrian Integration Fund initiated a training programme in harvest and seasonal work for more than 160 jobseekers who had been granted asylum or subsidiary protection. The effort was supported by the Vienna Public Employment Service, the Vienna Chamber of Agriculture and the Federal College of Viticulture and Pomology at Klosterneuburg (Austrian Integration Fund, 2020h). In addition to acquiring basic skills in agriculture and knowledge of current safety standards, the participants had the opportunity to work in small teams at agricultural businesses, helping with harvesting grapes and other crops for two weeks.⁹⁶ Also, as part of the second package of COVID-19 legislation of 21 March 2020, amendments were passed to the Health and Nursing Care Act⁹⁷ and the Federal Act governing high-level medico-technical professions.⁹⁸ For the duration of the COVID-19 pandemic, workers with previous training in a health and nursing care occupation (Art. 36) or a in medico-technical profession (Art. 37) who had acquired their qualifications in another country could be employed under less stringent conditions.⁹⁹ The requirement for completing levelling programmes or supplementary training was waived, resulting in an exemption that

⁹⁶ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

⁹⁷ Health Care and Nursing Act, FLG I No. 108/1997 in the version of federal law FLG I No. 16/2020.

⁹⁸ Federal Law on the Regulation of Advanced Medical-Technical Services, FLG Nr. 460/1992 in the version of federal law FLG I No. 16/2020.

⁹⁹ Second COVID-19-Act, FLG I No. 16/2020.

facilitates recognition of qualifications acquired outside Austria (Expert Council for Integration, 2020:8).

To facilitate labour market integration of highly qualified migrants, a further stage of the tried and tested “Mentoring for Migrants” programme started in 2020. Through this programme, migrants are provided with mentors from the Austrian economy for six months (Austrian Federal Economic Chamber, 2020). Supporting a similar goal, 30 students with a migration background received a “Liese Prokop Scholarship” in 2020, to assist them to integrate and in completing their studies. In addition to financial assistance, the scholarship fund offers a broad programme of advanced workshops and networking events.¹⁰⁰

Concerning labour market integration of persons granted asylum, one of the focuses in 2020 was placement across regions. This focus was reflected among other things in the job exchange fair that was held in March 2020 (Federal Ministry of Labour, Family and Youth, 2020). The focus on placement across regions is based on the typically higher number of job openings in western Austria relative to the eastern region (Public Employment Service, 2020b). The *vida* labour union welcomed the initiative to tackle skills gaps, particularly in the tourism sector, by providing job opportunities to refugees already residing in Austria (Austrian Trade Union Federation, 2020a). Media reports evaluating the initiative challenged the effectiveness of interregional job-matching in view of diverging expectations between refugees and potential employers (Wiener Zeitung, 2020a). Another initiative to promote labour market integration of refugees was to increase the budget for JUST Integration, a work foundation that supports young job seekers entitled to asylum or subsidiary protection as they enter the labour market (Aufleb, 2020; ORF.at, 2020r). Additional challenges are nonetheless identified in a working paper published in October 2020 by the Vienna Institute for International Economic Studies (wiiw). The paper on the labour market integration of refugees in Austria provides insights into the occupational trajectories of refugees after arriving in Austria and reports refugees’ experiences with job skills mismatching. For example, 60 per cent of the surveyed refugees in Austria considered themselves overqualified for their current jobs in view of education levels and job experience (Landesmann and Leitner, 2020:34).

6.5 Basic services in relation to COVID-19

In the context of general measures to respond to social needs, the Federal Minister of Social Affairs, Health and Consumer Protection referred to people with non-Austrian citizenship as being particularly impacted by the social effects of the COVID-19 pandemic (Austrian Press Agency, 2020a). A national poverty prevention strategy was launched in May 2020, aimed at mitigating the social impacts of the COVID-19 pandemic on those already suffering from poverty. The group targeted by the strategy includes individuals not holding Austrian citizenship (Austrian Press Agency, 2020a). This was prompted among other things by the realization that the measures in response to COVID-19 were resulting in a significant increase in unemployment in 2020, especially among foreign nationals (see [6.4](#)) (Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 2020a:61–66).

The United Nation’s High Commissioner for Refugees (UNHCR) in Austria stated that COVID-19 aggravated the situation of families eligible for subsidiary protection in Austria. In many points of law, people entitled to subsidiary protection are not on an equal footing with people who have been granted asylum, with a dramatic impact for their socioeconomic situation and integration. According to a UNHCR Austria appeal, when beneficiaries of subsidiary protection lose their jobs or go on parental or sick leave, they forfeit entitlement to

¹⁰⁰ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

family allowance and childcare benefits. Apart from the pandemic, beneficiaries of subsidiary protection without sufficient income have long been at high risk of poverty, as they are not entitled to social assistance and when in need receive only extremely low levels of financial support (UNHCR Austria, 2020c).

Overall, migrants and refugees, along with other socially marginalized groups, demonstrably have poorer access to public health care and medical services (Kohlenberger et al., 2019; Medact et al., 2020). The factors contributing to this access gap include integration challenges and language barriers, experiences of discrimination and racism as well as socioeconomic factors. In addition, living in uncertainty is a source of psychological stress for asylum seekers and often affects their mental health (Der Standard, 2020a). At the same time, migrants and refugees more frequently work in system-relevant professions. This means that they are at a higher risk of infection with COVID-19 (Kohlenberger, 2020b; OECD, 2020b). A disproportionate number of migrant women in particular work in more precarious, insecure and informal areas of employment, while serving “on the front line” during the COVID-19 pandemic. These areas include health and social care facilities, domestic work as well as service and support sectors. Exposure in such situations renders them highly at risk of contracting and spreading the virus (Foley and Piper, 2020:3). Civil society actors in Austria, for example the initiative *#undokumentiertgesund*, have called for participatory inclusion of all migrants in health care services – regardless of legal status and (in)formal work status (Kohlenberger, 2020a; UNDOK, 2020).

The Government Programme 2020–2024 emphasizes health care for migrants, including encouraging health literacy, as a horizontal policy matter within integration (Austrian Federal Government, 2020:144–148). Related goals are: strengthening diversity competence in the health system and raising awareness of issues relating to women’s health, including mental health, such as trauma due to forced displacement or sexual or gender-based violence (Austrian Federal Government, 2020:146). Another item is the national COVID-19 vaccine plan, which aims to ensure free vaccination to every person living in Austria who wishes to be immunized (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2020b:4).

Information campaigns in various languages were launched in 2020 to appropriately inform foreign nationals of the COVID-19 measures (Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 2020b; Austrian Press Agency, 2020f). The Austrian Integration Fund made information about COVID-19 available in 17 languages (Austrian Integration Fund, 2020a). A multilingual hotline has been put in place, alongside information services via text messaging, email, the Austrian Integration Fund website and social media. A total of roughly 800,000 people were informed through these channels over the year.¹⁰¹ However, at the start of these information campaigns, between mid-March and mid-April 2020, journalists criticized the Austrian Integration Fund for distributing incomplete information about lockdown measures. Media reports claimed that the notification sent out to as many as 400,000 people failed to inform of exceptions to restrictions, with no mention made that people were allowed to leave their houses or apartments to go for a walk or do sports (Bonvalot, 2020; ORF.at, 2020e). A spokeswoman for the Austrian Integration Fund explained that the goal was not to prevent migrants from going for a walk, but to encourage migrants to stay at home and protect themselves from catching the virus; she also assured that a follow-up message clarifying the issue had been sent out (Der Standard, 2020e).

Non-governmental organizations also provided multilingual information to migrants while expanding their health and support services in response to the spread of the COVID-19

¹⁰¹ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

pandemic.¹⁰² In terms of general information on current COVID19 news, Austrian news platforms stepped up multilingual reporting. To make news related to COVID-19 available in more than one language, the news platforms of the Austrian Broadcasting Corporation (ORF) and Austria Press Agency (APA) launched a special multilingual programme early in the year: APA offered news in Turkish, Bosnian/Croatian/Serbian, Hungarian, Farsi, Polish, Russian, Arabic and English, along with other languages (Der Standard, 2020c). ORF broadened their multilingual information services on social media as part of the *Wir.Gemeinsam.Jetzt!* project (ORF.at, 2020a).

6.6 Fighting racism and discrimination

According to a study by the Organisation for Economic Co-operation and Development (OECD) from September 2020, Austria has improved significantly in terms of social acceptance of minorities in recent years but ranks last in Europe on knowledge about discrimination protection (OECD, 2020a:42; Salzburger Nachrichten, 2020c). The Government Programme 2020–2024 envisages a first-ever national action plan against racism and discrimination, and in 2020 progress was achieved in preparing and detailing the plan (Federal Chancellery, 2020b). The subject has been discussed by actors including civil society organizations and parliament, with attention drawn to racially motivated acts of violence by security agencies and to racist statements by leading politicians (Schatz, 2020; SOS Mitmensch, 2020c).

Progress was further made in 2020 on a draft federal act providing for measures to prevent online hate speech. The Government's draft bill includes broadening the scope of what falls under the criminal offence of incitement as defined in Art. 283 para 1 subpara 2 of the Criminal Code,¹⁰³ which is to now encompass personal insults that violate the human dignity of individuals belonging to protected groups.¹⁰⁴ The legislation will have a high impact for those affected. The organization ZARA, working on civil courage and anti-racism, stressed the need for legislative changes, pointing out that only 35 per cent of the cases involving online racism that were reported to ZARA between September 2019 and August 2020 could be prosecuted. In 65 per cent of cases, no legal action could be taken under current laws (ZARA, 2020a). Commenting on the draft act to prevent online hate speech, ZARA welcomed the Government's efforts to provide those affected by online hate speech with effective legal enforcement options, and to make these options as easily accessible and inexpensive as possible. The organization nonetheless urged that certain technical and legislative details be clarified (ZARA, 2020c). In contrast, the non-governmental organization epicenter.works opposed the draft, arguing it would cause disproportionate infringements on fundamental digital rights (epicenter.works*for digital rights, 2020).

In another context, legal remedies were revoked based on the argument of ensuring fundamental rights and anti-discrimination efforts. From the beginning of the 2019/2020 school year onwards, covering one's head with clothing characteristic of a world view or religion had been prohibited at elementary schools. Initially, the federal government had planned to extend this so-called "headscarf ban" to schoolgirls up to the age of 14 (Austrian Federal Government, 2020:148). However, on 11 December 2020, the Austrian Constitutional Court lifted the ban

¹⁰² For example FEM Institut für Frauen- und Männergesundheit, *Aktuell*. Available at <https://fem-men.at> (accessed 11 March 2021); HEMAYAT, *COVID-19: Informationsblatt für KlientInnen zum Runterladen*. Available at www.hemayat.org (accessed 11 March 2021); LEFÖ, *News - Beratung, Bildung und Begleitung für Migrantinnen*. Available at www.lefoe.at (accessed 11 March 2021); Neunerhaus, *Wohnen und Medizinische Versorgung sind Menschenrechte*. Available at www.neunerhaus.at (accessed 11 March 2021).

¹⁰³ Criminal Code, FLG No. 60/1974 in the version of federal law FLG I No. 111/2019.

¹⁰⁴ Government Proposal Concerning the Combating of Hate on the Internet Act - Explanatory Notes, (48/ME) - 481 of the supporting documentation, XXVII. Legislative Term. Available at www.parlament.gv.at (accessed 22 December 2020).

on veils in elementary schools (Constitutional Court Austria, 2020c). The Constitutional Court ruled that the ban violated the principle of equality in conjunction with the right to religious freedom. Prior to this ruling, the secretariat of the European Commission against Racism and Intolerance (ECRI) had also levelled criticism at this measure. In its report from April 2020, ECRI stipulated that the intense debate surrounding elementary school girls wearing a headscarf raised questions relating to principles of non-discrimination, while noting a high level of Islamophobia and xenophobia in public discourse (ECRI, 2020:7). Concerning discrimination in schools, the Ombudsman Office for Questions of Values and Cultural Conflicts argued for an open discourse on the subject, calling for a view of diversity as the new normality and for increased intercultural awareness (Federal Ministry of Education, Science and Research, 2019).

The public discourse on migrants, refugees and the COVID-19 situation was split along two lines when discussing discrimination or measures to address the phenomenon. While some initiatives (such as *#TeamVielfaltÖsterreich* and *#CommunityHeroes*) sought to achieve a greater recognition of the vital role migrant workers were playing in the COVID-19 crisis (Menschen.Würde.Österreich, 2020a; UNHCR Austria, 2020a), other groups stigmatized and discriminated, for example by using migrants as scapegoats to explain the spread of coronavirus in Austria. Initially, many of the cases reported to ZARA were reported by people of Chinese origin, while later, refugees were mostly blamed, according to the reports received (ZARA, 2020b). However, according to ZARA, the frequent public discussion of the phenomenon of online hate speech in recent years has increased awareness of the problem, which has similarly led to more incidents being reported. In the context of COVID-19 and the *#BlackLivesMatter* movement, the number of incidents reported to ZARA each month have doubled or even tripled (ZARA, 2020a).

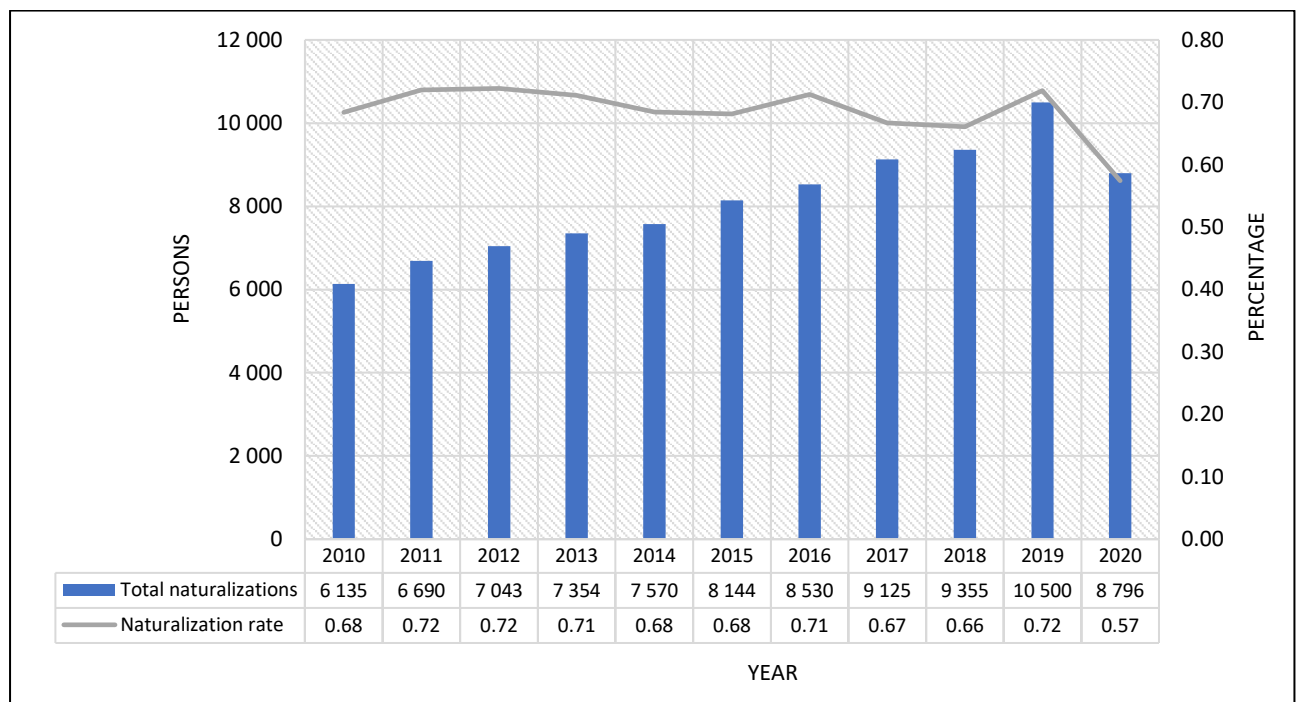
7 CITIZENSHIP

The pathway to Austrian citizenship was publicly debated in 2020 mainly in relation to a significant drop in the naturalization rate, as well as in the context of a purported “democracy deficit” in the 2020 Vienna state elections. The acquisition of citizenship was made easier for direct descendants of victims of National Socialism as part of a legal amendment that came into effect. The COVID-19 pandemic also impacted such procedures. The oath required as part of the naturalization ceremony, which must normally be taken orally, could temporarily be submitted in writing.

7.1 Statistical trends and “democracy deficit”

The number of persons with foreign citizenship in Austria continued to increase in 2020 (Statistics Austria, 2021c). At the same time, the number of naturalizations in 2020 decreased for the first time in 10 years. The naturalization rate indicates the number of naturalizations of persons living in Austria in relation to the number of non-Austrian citizens living in Austria. Even in previous years, the naturalization rate in Austria was low compared with the EU average (2017: EU 2.4%; AT 0.67%) (Stiller, 2019:15). Overall, Austria’s regular naturalization procedure is considered one of the strictest in the world, and the restrictive naturalization requirements would seem to lead to relatively fewer applications for Austrian citizenship (Stiller, 2019:15). In 2020, the naturalization rate in Austria dropped to 0.57 per cent (2019: 0.72%) (see figure 6). According to Statistics Austria, one reason for the decrease was the reduction in the hours authorities were open to the public, a measure imposed to contain the spread of COVID-19 (ORF.at, 2020o).

Figure 6: Number of naturalizations in Austria (2010–2020)



Note: Naturalized persons who have their place of residence outside of Austria are not included in these data.

Source: Statistics Austria, 2021b.

A development related to the low naturalization rate, which fell in 2020, is the increase of the “democracy deficit”. This term refers to the fact that foreign citizens of voting age cannot take part in elections, since the right to vote is linked to Austrian citizenship. The Austrian capital

of Vienna, a city characterized by migration, laments a “massive” democracy deficit: In 2020, 30.1 per cent of all Vienna residents of voting age were unable to participate in municipal, regional or National Council elections due to their foreign citizenships, and were thus excluded from this important form of political participation. Of all residents of Vienna ineligible to vote, 53 per cent have lived in the city for more than 10 years (Stadt Wien, 2020a:55–56).

The democracy deficit sparked public debates in the context of the 2020 Vienna provincial election, as policymakers and civil society actors criticized Austrian citizenship rules (Der Standard, 2020x; Kleine Zeitung, 2020c). The Minister for Integration held that the right to vote was inextricably linked to citizenship and should only be conferred after successful integration (VIENNA.at, 2020b). The regional branches of the Social Democratic Party of Austria, the Green Party and NEOS – the New Austria, however, argued in favour of more lenient citizenship rules (FM4, 2020; VIENNA.at, 2020a). A study conducted by OGM Research & Communication and the Austrian Press Agency in September 2020 showed that the exclusion of large parts of the population from the right to vote means significantly less political weight for the affected districts. It also pointed out that entire population groups are underrepresented: for example, every other worker living in Vienna was not entitled to vote in the 2020 Vienna provincial election (OGM Research & Communication, 2020). Experts called for innovative approaches to addressing the democracy deficit, as they expect the issue to become more serious in the future (Die Presse, 2020d; Wiener Zeitung, 2020f). In solidarity with those ineligible to vote, the civil society organization SOS Mitmensch launched an independent election initiative (*Pass Egal Wahl*), encouraging all Vienna residents – regardless of citizenship – to cast a symbolic vote (SOS Mitmensch, 2020f).

7.2 Aquisition of citizenship

The process of acquiring citizenship was eased for direct descendants of victims of National Socialism. As part of an amendment to the Citizenship Act 1985 that had been enacted in October 2019,¹⁰⁵ a new option for acquiring citizenship was introduced for direct descendants of victims of National Socialism (Art. 58c para 1a Citizenship Act 1985). The new provision, which entered into force as of 1 September 2020,¹⁰⁶ enables qualifying descendants to obtain Austrian citizenship merely through notification and without having to relinquish their previous citizenships.¹⁰⁷ To reflect the amendment to the Citizenship Act 1985, the Citizenship Regulation 1985 was similarly modified as of 15 September 2020.¹⁰⁸ The regulation specifies the documents and evidence needing to be presented when submitting notification as referred to in Art. 58c para 1 and 1a of the Citizenship Act 1985, while also setting out details of procedures. The intention here is to make it easier for eligible individuals to apply for citizenship (Krisper, 2020). According to media reports, the interest in acquiring Austrian citizenship through this new option is particularly high in Israel (Der Standard, 2020p).

COVID-19 also affected procedures for acquiring citizenship as, normally, candidates must take an oath orally before they are conferred Austrian citizenship. The Fourth COVID-19 Act,¹⁰⁹ passed in response to the pandemic, included the temporary option beginning with 5 April 2020 of submitting the oath (Art. 21 Citizenship Act 1985) in writing to the competent authority (Art. 22 para 1 *ibid.*). This special provision expires as of 30 June 2021.¹¹⁰

¹⁰⁵ Citizenship Act 1985, FLG No. 311/1985 in the version of federal law FLG I No. 146/2020.

¹⁰⁶ Federal Act Amending the Citizenship Act 1985, FLG I No 96/2019.

¹⁰⁷ Written input: Federal Ministry of the Interior, Department V/2 (Residence and Citizenship) and Unit III/1/c (Alien-related Legislation), 26 January 2021.

¹⁰⁸ Citizenship Regulation, FLG No 329/1985 in the version of federal law FLG II No 399/2020.

¹⁰⁹ Fourth COVID-19-Act, FLG I No. 24/2020.

¹¹⁰ Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

8 BORDERS, VISA AND SCHENGEN

The most central developments in 2020 relating to borders, visa and Schengen were the border closures and movement restrictions that were imposed to curb the spread of coronavirus. These measures had a severe impact on asylum, labour migration and mobility within the European Union (EU). Temporarily reintroducing border controls at the internal borders led to challenges for Schengen governance and people with transnational ties. Other non-COVID-19-related developments in 2020 are outlined below. These include the implementation of Schengen evaluations and of the European Travel Information and Authorisation System. With regards to international cooperation on border management, alleged pushbacks by border guards fuelled public debate.

8.1 Statistical overview and visa policy

The year 2020 saw a significant decrease in the number of visas issued by Austria to third-country nationals. Overall, 82 per cent fewer visas were issued compared with the previous year. Viewed by visa categories, that is, whether for a short stay (A and C visas) or a long stay (D visas), the drop is seen to have been less severe in the case of long-stay visas (-33%) than for short-stay visas (-86%) (see table 2).

Table 2: Visas issued by Austria to third-country nationals (TCNs) (2019–2020)

Year	Total visa	(Schengen) short stay-visas for stays of up to 90 days (A and C visas)	National long-stay visas (D visas)
2019	332 883	306 489	26 394
2020	60 153	42 510	17 643
Change 2019–2020	-82%	-86%	-33%

Source: EMN, 2020a:25; Written Input: Federal Ministry of the Interior, 24 March 2021.

Regarding the impacts of the COVID-19 measures on visa policy, details on public office hours for cases relating to visas and residence permits can be found in [chapter 3](#). Other developments related to visa policy in 2020 include:

- The recast Schengen Visa Code¹¹¹ became effective as of 2 February 2020 and was to be implemented in Austria immediately,¹¹² which had a high impact on applicants.
- Effective as of March 2020, Japan cancelled unilaterally the agreement exempting Austrian citizens from visa requirements.¹¹³
- Furthermore, the bilateral agreement with the Republic of Korea stipulating visa exemption on entry and for 90 days' maximum stay was suspended.¹¹⁴

8.2 Schengen governance

Art. 23 of the Schengen Borders Code¹¹⁵ authorizes Member States to temporarily reintroduce controls at internal borders in the event of a serious threat to public policy or internal security

¹¹¹ Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas: (Visa Code). OJ L188/25. Available at <https://eur-lex.europa.eu> (accessed 26 January 2021).

¹¹² Written input: Federal Ministry for European and International Affairs, Department IV.2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 22 January 2021.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), 23 March 2016, OJ L 77/1.

(European Commission, n.d.b). Following the first introduction of temporary border controls on 16 September 2015, in response to the large-scale arrival of migrants and asylum seekers, Austria continued to prolong these controls (Koppenberg, 2016:36). The Government Programme 2020–2024 provides for continued protection of Austria’s internal borders until EU external border protection is fully effective (Austrian Federal Government, 2020:139). To maintain law, order and public security, border controls were temporarily reintroduced at Austria’s internal EU borders with Slovenia and Hungary from 12 November 2019 to 12 May 2020 and from 12 May to 11 November 2020 (European Commission, 2020a).^{116,117} These border controls were extended from 12 November 2020 up to and including 11 May 2021 due to continued migration as well as to maintain internal security and because of tensions resulting from COVID-19 (Federal Ministry of the Interior, 2020p).¹¹⁸ During this entire period internal borders may only be crossed at border crossing points. According to a study commissioned by the European Parliament, EU policymakers see internal border controls as a signal to potential migrants that “our borders are closed”, sent out in fear of a repeat of the “migration crisis” of 2015. However, an Austrian policymaker also noted that other Member States might consider these temporary internal border controls, in place for almost five years now, as having been excessively prolonged (European Parliament, 2020:64). Overall, country experts acknowledged that, given the decreasing numbers of migrants arriving, maintaining border controls conflicts with the Schengen *acquis* (European Parliament, 2020:64).

In the context of the spread of coronavirus, many Member States opted for temporarily reintroducing border controls. Austria temporarily introduced border controls with neighbouring countries in the period 11 March–15 June 2020 as a measure to contain the spread of COVID-19 (European Commission, 2020a) and border traffic was temporarily suspended at certain border crossing points. It concerned the following countries and dates:

- Italy: 11 March – 15 June 2020;
- Switzerland and Liechtenstein: 14 March – 15 June 2020;
- Germany: 19 March – 15 June 2020; and
- Slovakia and Czechia: 10 April – 15 June 2020.

This development had a high impact on labour migration, asylum and mobility within the EU. It meant that travellers seeking entry had to present medical certificates proving negative COVID-19 tests. These restrictions thus directly affected harvest and seasonal workers as well as 24/7 home care workers (see [3.3.2](#)). Also, there was a temporary drop in asylum applications (see [4.1](#)).

The Regulation on Entry to Austria in the Context of Containment of SARS-CoV-2, which set out the conditions of entry for EU and third-country citizens, was in effect from 15 to 30 June 2020;¹¹⁹ this was accompanied by a loosening of restrictions applying to a majority of the Schengen States (Federal Ministry for European and International Affairs, 2020e). While travel restrictions for the majority of EU countries were lifted in early summer, the Austrian Government issued travel warnings for countries in the Western Balkans due to rising COVID-19 infections in South-East Europe (ORF.at, 2020j). This led to discussions on COVID-19 prevention measures discriminating against migrants, particularly the Balkan

¹¹⁶ Regulation issued by the Federal Minister of the Interior on the Temporary Reintroduction of Border Controls at Internal Borders, FLG II No 177/2020.

¹¹⁷ Regulation issued by the Federal Minister of the Interior on the Temporary Reintroduction of Border Controls at Internal Borders, FLG II No 316/2019.

¹¹⁸ Regulation issued by the Federal Minister of the Interior on the Temporary Reintroduction of Border Controls at Internal Borders, FLG II No 469/2020.

¹¹⁹ Regulation issued by the Federal Minister of Social Affairs, Health, Care and Consumer Protection on Entry into Austria in Connection with the Containment of SARS-CoV-2, FLG II No 263/2020.

diaspora. The Minister for Integration urged “people with migratory backgrounds” to stay in Austria, arguing that COVID-19 cases could be traced back to people returning from the Western Balkan region (Der Standard, 2020i; ORF.at, 2020m). Those concerned that they were being discriminated against and were being blamed for the spread of the virus (Slomo, 2020; heute.at, 2021). Members of the opposition Social Democratic Party criticized the Government’s wording, stressing that the diaspora was not to be blamed for higher infection rates (Die Presse, 2020f). The media featured discussions on COVID-19 infection rates in migrant populations, despite no scientific evidence reported of migrants “importing the virus” (Der Standard, 2020u, 2020t; Kleine Zeitung, 2020a). Experts and scientists objected to these allegations, emphasizing that poor socioeconomic conditions, and not cultural aspects, were risk factors for COVID-19 (see [6.4](#) and [6.5](#)) (Kohlenberger, 2020b; Schenk, 2020).

An amended Regulation on Entry to Austria in the Context of Containment of SARS-CoV-2,¹²⁰ introducing a new form for transit travel, became effective as of 22 August 2020. Spot checks at borders were also stepped up in the face of the rising number of COVID-19 cases (Federal Ministry for European and International Affairs, 2020i; Federal Chancellery, 2020k). This correlated with rising COVID-19 cases in Austria and the EU in fall 2020. The Federal Minister of Social Affairs, Health, Care and Consumer Protection issued a regulation on entry travel to Austria in the context of COVID-19 on 15 October 2020; the regulation has been amended twice since then.¹²¹ The legislation sets out rules governing travel to Austria. These include a 10-day quarantine for travellers entering Austria from most other countries, valid as of 19 December 2020 and expected to be in effect until 31 March 2021, whereby quarantine can be terminated prematurely after five days upon presentation of a negative COVID-19 test.

Another development in regard to Schengen governance was the periodic Schengen Evaluation, which is of major importance. Based on figures communicated by the European Commission, during the Schengen monitoring and evaluation mechanism cycle between 2014 and 2019, 199 Member State evaluations were conducted, seven of them in Austria (European Parliament, 2020:38–39). A Schengen Evaluation of Austria was carried out between September and November 2020, with external borders, return policy, SIS/Sirene, police cooperation and data privacy coming under scrutiny.¹²² Because of the COVID-19 pandemic, the scheduled visa policy evaluation was postponed, so that two Schengen Evaluations of Austrian representation authorities, planned for 2020, will not take place before 2021.¹²³ Similarly, participation in Evaluation missions to other Member States by Austrian experts was cancelled in most cases in 2020.¹²⁴

8.3 International cooperation and border management

Within the framework of the EU migration and asylum legislation package, work progressed in 2020 on the draft EU Regulation introducing a screening of third-country nationals at the external borders (European Commission, 2020f), aimed at helping establish and check the identity of individuals at the EU’s external borders.¹²⁵ Furthermore, the implementation of the European Travel Information and Authorisation System (ETIAS) was of major importance. In

¹²⁰ Regulation issued by the Federal Minister of Social Affairs, Health, Care and Consumer Protection Amending the Regulation on Entry into Austria in Connection with the Containment of SARS-CoV-2, FLG II No 372/2020.

¹²¹ COVID-19 Entry Regulation, FLG II No. 445/2020 in the version of federal law FLG II No. 563/2020.

¹²² Written input: Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2021.

¹²³ Written input: Federal Ministry for European and International Affairs, Department IV.2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 22 January 2021.

¹²⁴ Written input: Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2021.

¹²⁵ Ibid.

compliance with EU Regulation 2018/1240,¹²⁶ Austria started implementing ETIAS as of 1 January 2020. Requirements were analysed in the first phase.¹²⁷ In 2020, Austria also collaborated with the European Commission on a report to evaluate Austria's Integrated Border Management (IBM) strategy for 2019–2020. Together with the Frontex technical and operative strategy for integrated European border management, the joint evaluation will contribute to Austria's IBM strategy for 2021.¹²⁸

With regards to international cooperation on border management, a new agreement was signed with Serbia in 2020, with the objective to strengthen operational capacity in combating irregular migration and control of external borders. Reference here is to the Memorandum of Understanding between the Federal Ministry of the Interior of the Republic of Austria (Directorate-General for Public Security) and the Ministry of the Interior of the Republic of Serbia (General Police Directorate on Enhanced Cooperation in the Area of Internal Security). The Memorandum of Understanding includes border management support by Austrian police officers along the border between Serbia and North Macedonia.¹²⁹

In 2020, a public debate arose in Austria around alleged pushbacks¹³⁰ by the European Border and Coast Guard Agency (FRONTEX) at EU external borders. Investigating whether Austrian officials were involved in these alleged pushbacks, the Federal Ministry of the Interior noted that the 97 Austrian officials supporting FRONTEX between July 2019 and November 2020 were sufficiently trained and had not been involved in direct sea border operations in the Aegean Sea (Federal Ministry of the Interior, 2021d:5). The debate was further fuelled after non-governmental organizations accused Austrian police officers of pushbacks at the Austrian-Slovenian border (Border Violence Monitoring Network, 2020; Der Standard, 2020r; Push-Back Alarm Austria, 2020). The allegations were categorically denied by the Federal Ministry of the Interior (Der Standard, 2020r).

¹²⁶ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226. OJ L236/1.

¹²⁷ Written input: Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2021.

¹²⁸ Ibid.

¹²⁹ Written input: Federal Ministry of the Interior, Department I/4 (International Affairs), 22 January 2021.

¹³⁰ In the absence of an internationally agreed upon definition of “pushbacks” in the context of global migration, the United Nations Special Rapporteur describes pushbacks as “various measures taken by States which result in migrants, including asylum seekers, being summarily forced back to the country from where they attempted to cross or have crossed an international border without access to international protection or asylum procedures or denied of any individual assessment on their protection needs which may lead to a violation of the principle of *non-refoulement*”. See: United Nations Special Rapporteur on the human rights of migrants (2021), *Call for inputs for the Special Rapporteur's report on pushback practices and their impact on the human rights of migrants*. Available at: www.ohchr.org.

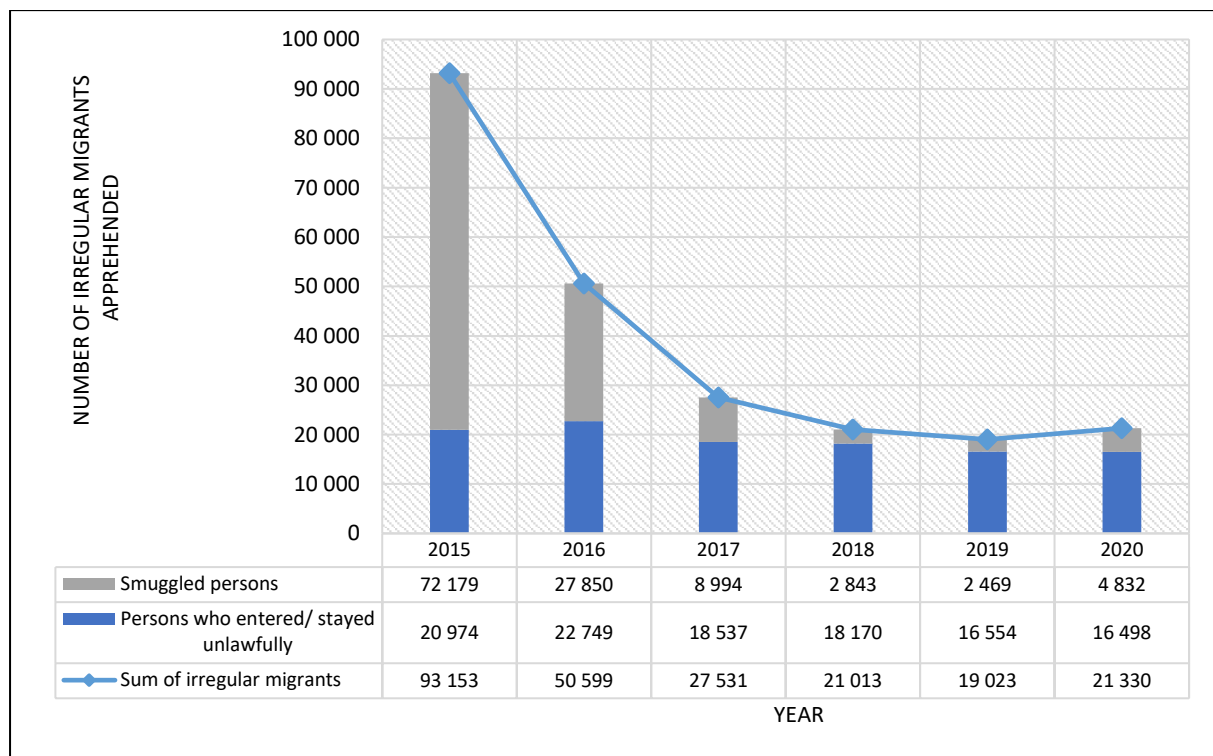
9 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

The COVID-19 pandemic also had an impact for irregular migration to Austria, including migrant smuggling. Firstly, the volume is reportedly affected by travel restrictions and border control measures as well as living conditions in countries of origin. Secondly, the impact was felt with regard to potential collaboration activities, toward preventing irregular migration, both within Austria and with third countries. And thirdly, the pandemic affected the vulnerable situation of irregular migrants staying in Austria and the access of such individuals to basic services.

9.1 Statistical trends and general developments

The number of apprehended irregular migrants, meaning the sum of persons who entered or were staying unlawfully and the number of smuggled persons, had peaked at 93,153 in 2015 during the so-called “migration crisis”. The figure subsequently decreased to 19,023 in 2019 (-80%) (see figure 7). At the beginning of the COVID-19 pandemic in early 2020, the Federal Criminal Intelligence Service reported a decrease in irregular migration within Europe, due to restrictions and border control measures in countries along routes. However, as the pandemic continued, a significant increase in people willing to migrate to Austria or other EU Member States was observed (Criminal Intelligence Service Austria, 2021:11–12). In 2020, 21,330 irregular migrants were apprehended, which represents an increase of 12 per cent from 2019.

Figure 7: Number of irregular migrants apprehended in Austria (2015–2020)



Note: The data presented here – i.e. the number of cases of irregular entry, irregular stay and smuggled persons that are recorded by administrative authorities – represent only a certain segment of irregular migration, as such records reflect only the cases of persons who were apprehended.

Source: Criminal Intelligence Service Austria, 2021:11.

In its “Situation Report: Smuggling and Trafficking in Human Beings 2020”, the Federal Criminal Intelligence Service expects significantly increased migration to the EU, once COVID-19-related restrictions are eased in 2021. One reason cited for this anticipated

development is the deterioration of living conditions in third countries (Criminal Intelligence Service Austria, 2021:18, 21). The next situation report will show whether this forecast proves true.

Overall, a policy focus in 2020 was to assess regular and irregular migration flows as well as to develop forecast scenarios (Gaunersdorfer and Jakubowicz, 2020). One of the bodies responsible here is the Migration Task Force within the Federal Ministry of the Interior, which in turn disseminates among various federal ministries status reports on migration that specifically consider countries of origin and transit (Federal Ministry of the Interior, 2020f). Also, “Forecasting the Future of Global Migration” was the featured topic at the 2020 national conference organized by the National Contact Point Austria in the European Migration Network (EMN) on 29 September 2020 (EMN Austria, 2020b).

9.2 Combating migrant smuggling and prevention of irregular migration

Practical measures to combat migrant smuggling and prevent irregular migration continued in 2020, despite the COVID-19 pandemic. In particular, Austria expects the Joint Coordination Platform, which is to be set up in Vienna to counteract irregular migration along the Eastern Mediterranean Route, to have a major impact on collaborative activities. Similarly, new technology, such as drones, and new analytical tools are expected to improve Austria’s counter-efforts to prevent irregular migration. Geographically, Austrian cooperation efforts with third countries in 2020 focused on Northern Africa and the Western Balkans.

9.2.1 Efforts in Austria

Efforts continued in Austria in 2020: on combating irregular migration, on expanded border protection, as well as on cooperation with other EU Member States and third countries to prevent irregular migration (Ebner and Humer, 2020:52–55). According to data provided by the Federal Ministry of the Interior, as of 10 February 2020, 60 Austrian police officers were seconded to other countries to assist in border protection and in combating irregular migration, with 25 of them assigned to operations by the European Border and Coast Guard Agency (FRONTEX) (Federal Ministry of the Interior, 2020j). In the course of 2020, additional assistance was pledged (Provincial Police Directorate of Burgenland, 2020a).

A ministers’ conference on effectively combating irregular migration was held in Vienna on 22 and 23 July 2020. An agreement between EU Member States and Western Balkan countries (Vienna Declaration) was reached. It entails a commitment to set up a platform in Vienna with the aim of counteracting irregular migration along the eastern Mediterranean route (Joint Coordination Platform). The objective is improved coordination of activities relating to border protection, returns, preventing migrant smuggling, combating trafficking in human beings, as well as asylum procedures and capacities. In this way, it is intended to improve migration management (Federal Ministry of the Interior, 2020l; Provincial Police Directorate of Burgenland, 2020b). The platform is expected to be a major factor in efforts to combat irregular migration.

Apprehension of people smugglers is to be further improved through options offered by technology (Criminal Intelligence Service Austria, 2020b, 2020a). Drones are to be used along the borders with Hungary and Slovenia, to identify irregular border crossings more efficiently and enable security officers to be dispatched to the area sooner. A related pilot project was launched in August 2020 (Federal Ministry of the Interior, 2020n). Media outlets reported that in October 2020, 40 drones with 90 pilots were in use by the police throughout Austria (ORF.at, 2020q).

Besides improving forecasting methods (see 9.1), efforts are also being made on an analytical level toward better understanding migration patterns. *Zielland Österreich* (Destination Austria), a project co-funded by the Asylum, Migration and Integration Fund (AMIF), was launched as of 1 January 2020. Among the goals pursued is to understand how to prevent irregular migration.^{131,132} By widening the scope to include the entire migration process, the project is integrating the perspectives of (potential) migrants and of refugees in an attempt to better comprehend the reasons and circumstances underlying the choice of Austria as a destination for migration (Federal Ministry of the Interior, 2020o).

9.2.2 Efforts in cooperation with third countries

Cooperation efforts with third countries in 2020 focused particularly on North Africa and the Western Balkans.

With regards to activities in North Africa in 2020, Austria is responsible for managing “COP-North Africa against Migrant SMUGGLing and THB”, a project started in January 2020 (Agency for European Integration and Economic Development, 2020). In addition to leading the project, Austria is also concentrating on strengthening cooperation with Tunisia. The project is funded by the International Security Fund – Police, and is being implemented jointly with France, Germany, Italy, the Netherlands and Interpol. The aim is to establish operational partnerships with competent authorities of North African States as a means of better addressing people smuggling and human trafficking.¹³³ To this end, Austria also supported capacity building of the Tunisian border and coast guard, thus contributing to enhanced migration management on the ground. This contribution is part of the Integrated Border Management project of the International Centre for Migration Policy Development (ICMPD) in Tunisia (duration: June 2020 – May 2023).¹³⁴ Further developments on the African continent include Austria’s active participation in the negotiations for the “post-Cotonou” agreement in 2020.¹³⁵

Another region where Austria put efforts into collaboration on combating migrant smuggling and prevention of irregular migration is the Western Balkan area. Through the Joint Operational Office (JOO) based in Vienna, in 2020 Austria was again involved in close cooperation with Western Balkans partners. Specifically, within the framework of the Danube and South East Europe Joint Action Days, cooperative efforts targeted irregular migration (Criminal Intelligence Service Austria, 2020d, 2020c). In 2020, Austria also served as deputy head of the priority Facilitation of illegal immigration, as set by the European Multidisciplinary Platform Against Criminal Threats (EMPACT) (European Commission, n.d.a). Austria also chaired the Task Force Western Balkan, a body set up to encourage cooperation and relationship-building among EU Member States and Balkan partners.¹³⁶

Under a project entitled “Strengthening the delivery of information provision and counselling within the scope of AVRR in the Western Balkans”, Austria contributed funding toward encouraging voluntary return from Albania and Bosnia and Herzegovina to countries of origin between June 2019 and December 2020. Implemented by the International Organization for

¹³¹ Written input: Federal Ministry of the Interior, Department I/9 (Institute for Science and Research), 22 January 2021.

¹³² Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹³³ Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

¹³⁴ Written input: Federal Ministry of the Interior, Department V/5 (National and International Migration Strategy), 2 March 2021.

¹³⁵ Written input: Federal Ministry for European and International Affairs, Department IV.2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 22 January 2021.

¹³⁶ Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

Migration (IOM), the project involved capacity building to encourage voluntary return, as well as a campaign to inform populations about topics including the risks of irregular migration, with materials presented in Arabic, English, Pashto and Urdu.¹³⁷

9.3 Migrants staying irregularly in Austria

A general change in 2020 was to lift the minimum fine for migrants staying irregularly in Austria. In a ruling handed down on 10 March 2020, the Constitutional Court lifted the minimum fine of EUR 5,000 set out in Art. 120 para 1b of the Aliens Police Act 2005,¹³⁸ referring to it as unconstitutional. This minimum fine applied to foreign nationals staying in Austria unlawfully who did not immediately meet their obligation to depart from the country. The Constitutional Court ruled the minimum fine specified in Art. 120 para 1b of the Aliens Police Act 2005 to be inadequately differentiated and to violate the requirement for objectivity as derived from the principle of equality (Constitutional Court Austria, 2020a).

With regards to the effects of the COVID-19 pandemic on migrants staying irregularly in Austria, a forthcoming EMN Austria study analyses the impacts in detail (Stiller and Humer, 2021). At the local level, the COVID-19 pandemic on the whole resulted in several challenges that in turn led to impeded service provision, but the crisis also spurred positive initiatives. The areas affected here in particular were accommodation, and access to health care and social services for irregular migrants in Austria. Firstly, in relation to accommodation, challenges were reported that stemmed from requirements for a negative COVID-19 test. On the positive side, programmes providing overnight accommodation to homeless persons were extended throughout spring and summer of 2020 (Stiller and Humer, 2021). Secondly, regarding health care access, general health care coverage in Austria does not normally extend to groups of foreign nationals who do not hold residence permits (Fuchs, 2019:5). In the context of the COVID-19 pandemic, it was noted that those categorized as irregularly staying in Austria potentially faced a more serious infection risk due to precarious personal circumstances (see also 6.5). Excluding one group of individuals from the health system was further cited as exacerbating the problem for the overall population (United Nations Network on Migration, 2020; Kohlenberger, 2020a). Thus, the initiative *#undokumentiertgesund*, translating to “undocumented but healthy”, called for health insurance coverage to be extended to third-country nationals without valid residence permits (*#undokumentiertgesund*, 2020). Thirdly, significant impacts were felt in terms of the availability of social services, due to limited office hours and constraints on service provision (Stiller and Humer, 2021). The UNDOK contact point, for example, reported an increasing number of inquiries from undocumented workers who had lost their jobs due to the COVID-19 pandemic and were acutely threatened by poverty. Undocumented workers in many cases do not have access to social or support services. Thus, counselling services have increasingly observed how the situation is having dire impacts on such individuals’ ability to secure a livelihood (UNDOK, 2020, 2021). Accordingly, in 2020, civil society actors increasingly demanded that access be ensured to safe working and living conditions, to health systems and to medical care for everyone – irrespective of residence status or citizenship. Yet it remains to be seen whether such initiatives will stimulate overarching policy shifts.

¹³⁷ Written input: Federal Ministry of the Interior, Department V/5 (National and International Migration Strategy), 22 January 2021.

¹³⁸ Aliens Police Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 146/2020.

10 TRAFFICKING IN HUMAN BEINGS

Efforts to combat trafficking in human beings have been severely impacted by the COVID-19 pandemic. An analysis by the United Nations Office on Drugs and Crime (UNODC) from May 2020, for example, showed how lockdown measures, travel restrictions, work limitations and cuts in resources are having a negative and dangerous impact on previously vulnerable people, in some cases driving trafficking activities further underground (UNODC, 2020). In Austria, the COVID-19 crisis revealed precarious employment conditions in various occupations, including among harvest workers in the agricultural sector, seasonal workers in the tourist industry and care workers (Task Force Menschenhandel, 2020). These findings were incorporated into efforts to improve the provision of information to trafficked persons and to further enhance the identification of (potentially) trafficked persons. Measures in 2020 to fight trafficking in human beings, as elaborated below, included trainings for officials, awareness-raising campaigns, victim support as well as international cooperation.

10.1 Statistical developments relating to trafficking in human beings

Trafficking in human beings is a serious violation of human rights. According to Art. 104a of the Criminal Code,¹³⁹ human trafficking includes sexual exploitation, labour exploitation, exploitation through forced begging, exploitation through forced criminal behaviour and exploitation through organ removal. In addition, cross-border prostitution is also considered to be human trafficking in Austria, according to Art. 217 of the Criminal Code. In 2020, a total of 89 victims of human trafficking were identified based on Art. 104a and Art. 217 of the Criminal Code. Forty-eight per cent of the victims came from third countries and 10 minors were among those affected.

Sexual exploitation is the most detected form of exploitation: it accounted for 51 per cent of the police investigations completed in Austria in 2020. However, looking at data from 2015–2020, several other trends can be identified (see figure 8). In particular, there has been a significant increase in investigated cases of labour exploitation (+21 percentage points compared with 2015). In its “Situation Report: Smuggling and Trafficking in Human Beings 2020”, the Federal Criminal Intelligence Service points out that, as a result of the COVID-19 pandemic, precarious working conditions have increasingly come to light, while it has become apparent how closely economic hardship is related to the risk of exploitation and human trafficking (Criminal Intelligence Service Austria, 2021:31).

10.2 National strategy and priorities

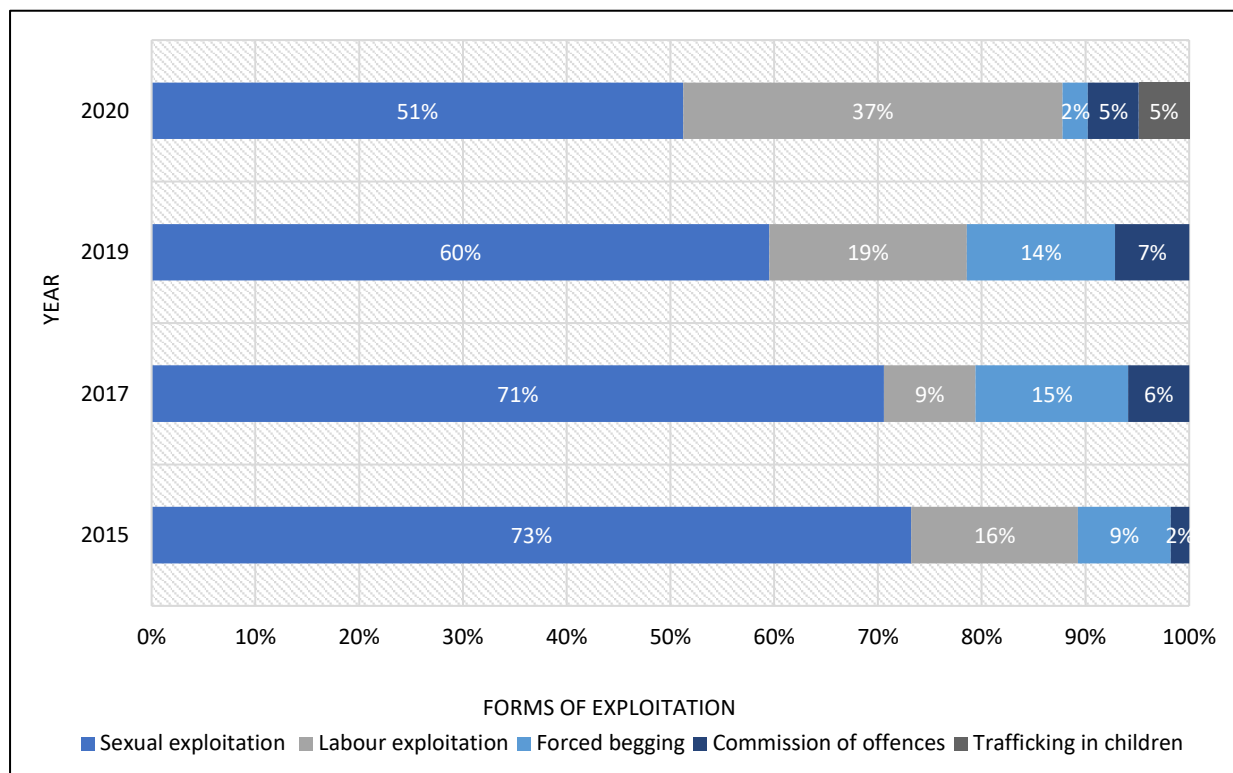
Measures to combat trafficking in human beings played a major role in policies in 2020. The Government Programme 2020–2024 sets out various anti-trafficking measures, including improved prevention and victim protection, prosecution of accessories to such acts under criminal law, as well as international cooperation and a foreign policy campaign (Austrian Federal Government, 2020:122–161). The measures were underscored by parliament in a National Council resolution passed on 9 July 2020.¹⁴⁰ The resolution lists four specific measures needed in identifying and protecting (potential) trafficked persons: (1) sensitizing and raising awareness among the general public and individuals working in relevant fields; (2) improving cooperation in identification; (3) providing easier access to counselling and care, in particular for those exposed to sexual exploitation; and (4) improving integration into society

¹³⁹ Criminal Code, FLG No. 60/1974 in the version of federal law FLG I No. 111/2019.

¹⁴⁰ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

of those affected by human trafficking.¹⁴¹ The motion was supported by all parliamentary groups, who came out in favour of expanding measures to address these human rights violations (Austrian Parliament, 2020d).

Figure 8: Forms of human trafficking-related exploitation in Austria based on completed police investigations (2015–2020)



Note: Between 2015 and 2019, data were published only biennially. Cases of human trafficking for exploitation through organ removal have not yet been registered in Austria. In 2020, data on trafficking in children were provided for the first time.

It should be noted that trafficking in human beings is a so-called control offense that is mainly detected by the police and would otherwise go unnoticed. Thus, it is estimated that there is a high number of unreported cases. Reports may not be filed, for example, because the victims are illegally employed or irregularly staying in the country (Criminal Intelligence Service Austria, n.d.), or because victims are fearful, insecure, overwhelmed or similarly intimidated due to their situations (Criminal Intelligence Service Austria, 2020a:24).

Source: Criminal Intelligence Service Austria, 2016:11, 2018:11, 2020a:24, 2021:29.

The Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) completed a country inspection of Austria in June 2020. The GRETA report found that Austria continues to be a country of destination and transit for trafficked persons who mainly originate from Eastern Europe, Africa or Asia. Compared with the previous period covered (2015–2018), GRETA noted an increase in the numbers of presumed and identified trafficked persons. According to the report, the Austrian authorities also note a trend toward using the internet and technology to facilitate human trafficking (GRETA, 2020:5). GRETA subsequently published recommendations, with a focus on trafficked individuals’ access to justice and effective remedies. While several improvements were welcomed by the GRETA commission, it identified the need to strengthen the provision of information on entitlement and access to services for presumed and identified trafficked persons, as well as to establish a

¹⁴¹ Resolution of the National Council of 9 July 2020 on measures to combat trafficking in human beings, 88/E XXVII. Legislative Term. Available at www.parlament.gv.at (accessed 25 January 2021).

National Referral Mechanism. Strong emphasis was placed on the need to communicate to trafficked persons the implications of being identified as such, and on the need to enshrine in law the right to a recovery and reflection period, while systematically ensuring these rights to people presumed to have been trafficked (GRETA, 2020:5–6).

A pivotal step mentioned in the Government Programme is to detail more fully the National Action Plan (NAP) against Human Trafficking for 2021–2023. Work on this began in 2020.¹⁴² The recommendations by the GRETA commission have now been considered in the NAP as well as in efforts by the Task Force on Combating Human Trafficking in Austria.¹⁴³ In addition, the Federal Ministry of the Interior commissioned a review on the status of human trafficking in Austria, which included an analysis of needs. The goal here is to lay the groundwork for a nationwide anti-trafficking strategy, to be applied for instance in the NAP.^{144,145} Furthermore, in 2020, the operational framework to address trafficking in human beings was improved in relation to various applied migration policy areas.¹⁴⁶ For example, organizational measures were taken at the Federal Ministry of the Interior to better enable the identification and protection of trafficked persons. In detail, this involved improving coordination of portfolios relating to human trafficking and adapting working procedures as well as related to areas including settlement and residence law and provision of material reception conditions.¹⁴⁷

10.3 Improving provision of information to and identification of trafficked persons

Measures to improve the identification of trafficked persons, such as trainings, awareness-raising and international cooperation, as well as to provide information to trafficked persons, remained high on the agenda in 2020. Even though several national events and activities planned jointly with third countries had to be cancelled due to the COVID-19 situation in 2020,^{148,149} efforts to improve provision of information to and identification of trafficked persons continued, with new (online) formats introduced and new topics discovered.

10.3.1 *Trainings, awareness-raising and support measures*

The main focus of activities in 2020 was to raise awareness of the impact that the restrictions aimed at containing the spread of COVID-19 were having on anti-trafficking efforts (Criminal Intelligence Service Austria, 2020e). While in some instances a surge in precarious working conditions was identified as a result of the pandemic – for instance in the case of seasonal and harvest workers and domestic care workers – a clear connection is seen between situations of economic pressure and the risk of exploitation and human trafficking. This was one of the focus topics at the annual conference hosted by the Task Force on Combating Human Trafficking in Austria, held on the occasion of the EU Anti-Trafficking Day (Task Force Menschenhandel, 2020). At the conference, the victim protection organization MEN VIA emphasized how the COVID-19 pandemic was exacerbating vulnerability for exploitation, reporting related

¹⁴² Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Written input: Federal Ministry of the Interior, Department I/9 (Institute for Science and Research), 22 January 2021.

¹⁴⁶ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁴⁷ Ibid.

¹⁴⁸ Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

¹⁴⁹ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

observations from the organization’s work with trafficking persons.¹⁵⁰ Conference findings are reflected in the new NAP (see [10.2](#)).¹⁵¹ The Task Force on Combating Human Trafficking stepped up publicity activities – among other things through a poster campaign and the extension of an online exhibition – while also instructing police officers in training about the impact of the COVID-19 pandemic on human trafficking and detailing recommendations for early recognition of trafficking in suspected cases.¹⁵²

The impact of the COVID-19 pandemic on individuals affected by human trafficking, i.e. by exacerbating the risk of exploitation, also played a key role in how support was provided to such persons. MEN VIA directly encountered several severe cases of exploitation in 2020, particularly in the context of agriculture and harvest work, and was able to provide support. On a case-by-case basis, closer ties were established with other relevant actors (including trade unions, the Sezonieri campaign, the Chamber of Labour and media representatives).¹⁵³ As an Austrian GRETA member and human rights expert pointed out, functioning cooperation between the various authorities is essential for combating the varying forms of exploitation and trafficking (Ludwig Boltzmann Institut, 2021:2). In the area of labour exploitation in Austria, for example, it is important that inspection authorities such as the financial police, but also labour inspectorates, recognize human trafficking in order to be able to inform law enforcement authorities. In the case of child trafficking, it is very important to clarify how the children concerned can best be cared for and how legal representation will be ensured, the latter as quickly as possible (Ludwig Boltzmann Institut, 2021:2).

The project “Asyl-Train II”, which includes a training series to enhance the identification and protection of trafficked persons in Austrian asylum and alien procedures, started in January 2020. The International Organization for Migration (IOM) Country Office for Austria provides (online) training sessions for employees of the Federal Office for Immigration and Asylum (first instance), the Federal Administrative Court (second instance), the Supreme Administrative Court (third instance) as well as federally commissioned legal counsellors, return counsellors and social workers. The trainings are developed and provided with various external experts, including the Criminal Intelligence Service Austria, the LEFÖ Intervention Center for Trafficked Women, MEN VIA and the crisis centre “Drehscheibe” of the City of Vienna. The project furthermore facilitates discussion and exchange between state and non-state actors on necessary protection measures for trafficked persons who have applied for asylum in another EU Member State (IOM Austria, 2020).¹⁵⁴

10.3.2 Measures on international cooperation

As set out in the Government Programme 2020–2024, Austria pursues a policy of international cooperation in the fight against human trafficking as a form of transnational organized crime (Austrian Federal Government, 2020:139). Within the framework of the Central European Police Academy (CEPOL), Austria cooperates with neighbouring countries.¹⁵⁵ Training is offered at annual workshops on topics relating to organized crime, as part of efforts to promote

¹⁵⁰ Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Department V/A/1 (General Issues and Coordination in EU Affairs), 22 January 2021.

¹⁵¹ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁵² Ibid.

¹⁵³ Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Department V/A/1 (General Issues and Coordination in EU Affairs), 22 January 2021.

¹⁵⁴ Written input: IOM Austria (Counter-Trafficking Unit), 29 March 2021.

¹⁵⁵ Czechia, Germany, Hungary, Slovakia, Slovenia and Switzerland.

operations and bilateral collaboration.¹⁵⁶ In addition, in the fight against organized crime in Bulgaria, two police officers from Bulgaria were deployed at Criminal Intelligence Service Austria in February 2020, as part of deepening direct cooperation.^{157,158}

Together with other countries belonging to the European Return and Reintegration Network (ERRIN), since September 2020, Austria has been involved in efforts to set up a mechanism for returning trafficking victims to Nigeria for reintegration. A pilot project implemented by the Federal Ministry of the Interior, Strengthening the Provision of Support for Safe Return and Reintegration of Presumed and Identified Victims of Trafficking (VoT) to Nigeria, provides support to victims through the involvement of various actors and through sourcing assistance benefits.¹⁵⁹ The Twinning Serbia project, aimed at training Serbian stakeholders in anti-trafficking and at identifying response strategies (Ebner and Humer, 2020:58), was successfully completed in September 2020. In response to the COVID-19 pandemic, training sessions were held online and recorded. Experts from Austria, Serbia and Slovenia collaborated in the preparation and publication of a multilingual handbook on trafficking in human beings.^{160, 161}

Cross-border prostitution and exploitation through forced begging were two forms of trafficking receiving special attention in 2020. To address these abuses, officers specially trained in information technology were deployed while steps were taken to improve identification and protection of trafficked persons (Criminal Intelligence Service Austria, 2020a:30). Efforts to prevent and counteract trafficking are also reflected in projects seeking to reduce irregular migration, such as the new Joint Coordination Platform with a focus on the Western Balkan region, the “COP-North Africa against Migrant SMUGGLING and Trafficking in Human Beings” project and the Destination Austria project (see [9.2](#)).¹⁶²

¹⁵⁶ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁵⁷ Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

¹⁵⁸ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁵⁹ Ibid.

¹⁶⁰ Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

¹⁶¹ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁶² Ibid.

11 RETURN AND READMISSION

Due to the COVID-19 travel restrictions in 2020, there was a significant decrease in returns from Austria. These amounted to 8,815 in 2020, 29 per cent fewer than in the previous year. The decline in forced returns was more significant than that for voluntary returns (-36% compared with -21%).¹⁶³ Among forced returns, Dublin transfers were affected the most, decreasing by half (see table 3 and [11.3](#)).

Table 3: Number of returns from Austria by category (2019–2020)

	2019	2020	Change 2019–2020
Voluntary returns	5 728	4 551	-21%
Forced returns	6 704	4 264	-36%
Dublin transfers	1 347	679	-50%
Removals	5 357	3 585	-33%
Total returns	12 432	8 815	-29%

Note: The data include third-country nationals and EU nationals.

Source: Data provided by Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 27 May 2021.

Major legal and institutional developments in 2020, as outlined below, were the establishment of the Federal Agency for Reception and Support Services as the entity responsible for return counselling and assistance, and an amendment to the Federal Office for Immigration and Asylum Procedures Act on the timing of mandatory return counselling sessions.

11.1 General developments in the area of return

Efforts towards fully setting up the Federal Agency for Reception and Support Services progressed in 2020. In this context, a major institutional change in the return procedure was the shift of the responsibility for return counselling and return assistance to the federal agency as of 1 January 2021 (Art. 2 para 3 Act Establishing the Federal Agency for Reception and Support Services¹⁶⁴) (see [2.1](#)). Previously, return counselling and return assistance had been provided by non-governmental organizations. There was strong criticism over the provision of counselling services by an entity owned by the Federal Republic (FairLassen, 2020) (see also [4.2](#)). In response to the criticism, it was decided that the federal agency would ensure that in specific cases separate employees would be responsible for providing either legal or return counselling services (Federal Ministry of the Interior, 2021c:5).

In terms of legal developments, an amendment to the Federal Office for Immigration and Asylum Procedures Act,¹⁶⁵ promulgated on 23 December 2020, requires mandatory return counselling sessions to be held at an advanced stage of the procedures. Previously, return counselling had been obligatory either once a first instance return decision against a third-country national had been issued, or an asylum applicant had been notified pursuant to Art. 29 para 3 subpara 4 to 6 of the Asylum Act 2005¹⁶⁶. As of 1 January 2021, mandatory return counselling is in general only administered after a final or enforceable return decision has been

¹⁶³ Data provided by Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 27 May 2021.

¹⁶⁴ Federal Act Establishing the Federal Agency for Reception and Support Services as a Private Limited Company, FLG I No. 53/2019.

¹⁶⁵ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

¹⁶⁶ Asylum Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 145/2020.

issued. Exceptions have been defined for cases including third-country nationals staying unlawfully and accelerated procedures.¹⁶⁷ It still remains possible to request voluntary return counselling at any stage in the procedures.¹⁶⁸

As of 1 January 2021, a return counselling session is thus mandatory in the following cases, as set out in Art. 52a para 2 of the Federal Office for Immigration and Asylum Procedures Act:

- (1) Third-country nationals staying unlawfully in Austria against whom return decisions have been issued, even if not final;
- (2) Third-country nationals staying lawfully against whom return decisions have been issued and become enforceable or final;
- (3) Asylum seekers against whom notifications of intended rejection or dismissal of the application for international protection or of intended revocation of de facto protection against removal have been issued in admission procedures (Art. 29 para 3 subpara 4 to 6 Asylum Act 2005); and
- (4) Asylum seekers against whom return decisions have been issued and become enforceable or final.

This amendment was prompted by the fact that compulsory return counselling had previously taken place at an earlier stage, often before any appeal proceedings. Waiting until decisions become final and enforceable should ensure targeted and efficient return counselling. It should also help make sure that foreign nationals receive information promptly on the available assistance options for voluntary return, thus avoiding any forced return and strengthening voluntary return and reintegration.¹⁶⁹ With a view to efficiency and expediency and due to the temporal relationship, it was necessary in certain cases to alter the timing of compulsory return counselling, thus postponing it until appeal proceedings had been decided.¹⁷⁰

11.2 Assisted voluntary return and reintegration (AVRR)

The Government Programme 2020–2024 places strong emphasis on voluntary return and reintegration (AVRR) (Austrian Federal Government, 2020:40). In 2020, the Federal Ministry of the Interior contributed EUR 3.3 million to support various stakeholders operating reintegration projects, such as Caritas Austria, the International Organization for Migration (IOM) and activities by the ERRIN network (Federal Ministry of the Interior, 2021a:7–8). In addition, IOM Austria, assisted 1,316 people in their voluntary returns from Austria to their countries of origin in 2020, with the most frequent countries being Serbia, Romania and Iraq (IOM Austria, 2021). Due to the COVID-19 pandemic, the number is lower than in previous years.

For the return counselling and assistance provided by the Federal Agency for Reception and Support Services beginning in January 2021, binding work procedures with defined workflows and standards have been developed to guarantee efficient and uniform application and enforcement practice in the context of (assisted) voluntary return and reintegration and when dealing with the actors involved. Also, as part of a package of measures to encourage voluntary return, financial start-up support was adjusted, and the information materials on return

¹⁶⁷ Government Proposal – Explanatory Notes: Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act - 349 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at (accessed 23 December 2020).

¹⁶⁸ Written input: Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 26 January 2021.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

assistance were further developed, as was the relaunch of the website www.returnfromaustria.at.¹⁷¹

11.3 Forced return including Dublin transfers

The number of removals by air and the number of forced returns overall have decreased significantly (see [11](#)), with removals by air being restricted to a great extent because of flights potentially being cancelled or postponed, or due to entry requirements or other restrictions imposed in response to COVID-19 (Federal Ministry of the Interior, 2020a:18). For the period from mid-March to mid-November 2020, for example, 16 originally planned operations involving charter flights had to be cancelled or postponed, among other things because of closures of airspace or airports (Federal Ministry of the Interior, 2020a:18). Against this backdrop, a plan was drawn up to accommodate the rescheduling of operations using charter service. Yet implementation depends largely on how return countries respond to the COVID-19 situation and what requirements they impose (Federal Ministry of the Interior, 2021a:18).

The COVID-19 situation was taken into account when arranging and maintaining detention pending removal. Pursuant to Art. 80 para 1 of the Aliens Police Act 2005,¹⁷² detention pending removal is to be as brief as possible and maintained only while the reason for ordering it still applies and the purpose cannot be achieved by other means. Despite the situation changing frequently under COVID-19, the Federal Ministry of the Interior classified detention pending removal as proportionate, arguing that restrictions to help contain the pandemic were not generally imposed for longer than the probable detention period in the individual case (considering the anticipated removal date). In addition, the Federal Office for Immigration and Asylum has the duty of taking all steps required under law to ensure the briefest possible detention periods (Federal Ministry of the Interior, 2021a:16). Civil society actors criticized, however, that in some cases notices of scheduled removal dates were apparently issued to justify the continued detention of an individual pending removal, yet oftentimes without actually carrying out removal on the scheduled date (Der Standard, 2020w). In total, 3,971 people were detained in 2020, on average for 35.4 calendar days (Federal Ministry of the Interior, 2021b:1, 13).

Mobility restrictions due to COVID-19 also had a high impact on transfer activities in the context of Dublin procedures (see [11](#)). There was a de facto suspension of transfer activities under the Dublin III Directive between 16 March and 16 June 2020. The underlying cause was the suspension of air travel in response to COVID-19, which made transfer activities impossible.¹⁷³ Transfer activities were resumed from mid-June 2020, with the EU Member States agreeing various practical procedures to ensure overall safety. An example here is Austria's request for information on the state of health of individuals to be transferred from another EU Member State; negative polymerase chain reaction (PCR) tests were required only from Member States reciprocally requiring such tests for incoming transfers.¹⁷⁴ The initiation of procedures under Dublin III was in no way limited.¹⁷⁵

In a move aligned with other EU Member States, removal activities were not generally suspended or discontinued in 2020, in spite of the COVID-19 pandemic and the accompanying

¹⁷¹ Written input: Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 26 January 2021.

¹⁷² Aliens Police Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 146/2020.

¹⁷³ Written input: Federal Ministry of the Interior, Department V/8 (Asylum) and Unit III/1/c (Alien-related Legislation), 22 January 2021.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

travel limitations.¹⁷⁶ The situation was evaluated in an ongoing manner and measures consistently adapted to current needs (Federal Ministry of the Interior, 2020r; Federal Office for Immigration and Asylum, 2020b). In the event of forced returns, escorting officers were primarily subject to the general rules applying to policing activities¹⁷⁷ and to compliance with current hygiene precautions. Medical precautions, such as protective eyewear, were additionally made mandatory for removals by charter flights. In accordance with a decree specifying rules for removals under SARS-CoV-2 conditions, escorting officers were to be in possession of valid negative PCR test.^{178,179}

Civil society organizations criticized that removals took place despite some return countries experiencing a dire COVID-19 situation. One example that was discussed in media channels was the return flight to Afghanistan on 15 December 2020, prior to which a protest sit-in was held in an attempt to prevent the removals. Civil society organizations condemned the operation, arguing that the COVID-19 pandemic had aggravated the situation in Afghanistan and referring to the inadequate health infrastructure and humanitarian situation there (Kleine Zeitung, 2020b; Kurier, 2020f).

¹⁷⁶ Written input: Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 26 January 2021.

¹⁷⁷ In accordance with the decree “Organisation; Dienstbetrieb Coronavirus SARS-CoV-2, Grundsatzlerlass Schutzausrüstung COVID-19” dated 27 April 2020 (2020-0.229.478), including enclosures and updates (see also Federal Ministry of the Interior, 2020e:18).

¹⁷⁸ In accordance with the decree „COVID-19-Testungen von Escortbeamten“ dated 30 July 2020 (2020-0.470.506) updated with the decree „Exekutiv- und Einsatzangelegenheiten Aktualisierung hinsichtlich Covid-19-Testungen von Escortbeamten“ dated 5 August 2020 (2020-0.499.625) and the decree „SARS-CoV-2 - Außerlandesbringungen und Testungen von Escortbeamten, dated 11 December 2020 (2020-0.795.660).

¹⁷⁹ Written input: Federal Ministry of the Interior, Unit V/7/a (Coercive Measures - Aliens Police), 22 January 2021.

12 MIGRATION AND DEVELOPMENT COOPERATION

Initially, the Three-Year Programme for Austria’s Development Policy (2019–2021) had focused on equal rights and support for women as well as fostering the link between international development cooperation and migration (Federal Ministry for European and International Affairs, 2018). In December 2020, the Three-Year Programme was updated in response to the global consequences of the COVID-19 pandemic and the renewed rise in poverty. The updated Austrian development policy now focuses on: eradicating poverty and meeting basic needs; making the economy sustainable; protecting and preserving the environment; working towards peace and security; forming inclusive societies; and promoting women (Federal Ministry for European and International Affairs, 2020b).

Furthermore, in its Government Programme 2020–2024, the Austrian Federal Government put a strong focus on migration and effective local assistance in the context of development cooperation (Austrian Federal Government, 2020:124). Considering migration-related goals in development cooperation meant among other things providing assistance in migrants’ countries of origin as well as creating incentives for businesses to invest in third countries playing a role in migration.¹⁸⁰ In this way, the federal government aims to create local opportunities for a livelihood and thus to mitigate the causes of forced and irregular migration (Federal Ministry for European and International Affairs, 2020a:2, 2018:10; Federal Ministry of the Interior, 2020h).

On a practical level, the Austrian Federal Government is committed to increasing on-site assistance, for example to refugee camps, and examines the use of additional Austrian development cooperation funds in the countries of origin and transit for migrants in Austria. The Austrian Federal Government also increased financial support to the United Nations High Commissioner for Refugees (UNHCR) and other aid organizations in crisis regions to address refugee crises on the ground, particularly in neighbouring countries of crisis regions (Austrian Federal Government, 2020:134–138; ORF.at, 2020p). To this end, the Austrian Federal Government passed a decision in October 2020 to appreciably augment the funding earmarked for humanitarian aid and development cooperation, also as a means of more effectively responding to the humanitarian impact felt from the COVID-19 pandemic (Federal Ministry for European and International Affairs, 2020l, 2020j).

Concretely, Austria increased the funds allocated to the Austrian Development Agency (ADA) for bilateral development cooperation and to the Foreign Disaster Relief Fund (AKF) for humanitarian aid. While the AKF-funds for 2021 were augmented by EUR 27.5 million, the ADA-funds increased by EUR 10.7 million. The total funding available for 2021 is EUR 166.8 million (see table 4).

Table 4: Austrian funding for development cooperation and humanitarian aid (2020–2021), in EUR million

	2020	2021	Change 2020–2021
Austrian Development Agency (ADA)	103.6	114.3	+10.7
Foreign Disaster Fund (AKF)	25	52.5	+27.5
Total	128.6	166.8	+38.2

Source: Federal Ministry for European and International Affairs, 2020l; Austrian Parliament, 2020g.

¹⁸⁰ Written input: Federal Ministry of the Interior, Department V/5 (National and International Migration Strategy), 22 January 2021.

However, in order to reach the UN official development assistance target of 0.7 per cent of gross national income (GNI), funding would need to be increased more significantly. In 2019 – which is the most recent year for which data are available – Austria budgeted only 0.27 per cent of its GNI for this purpose (OECD, n.d.).

A major thematic focus in 2020 was to provide medical care and to help improve sanitary and hygiene conditions at refugee camps in third countries (Federal Ministry for European and International Affairs, 2020h; ADA, 2020a). In 2020, targeted support was provided to refugees in the Bolivarian Republic of Venezuela, Burkina Faso, Columbia, Greece, Islamic Republic of Iran, Jordan, Lebanon, Libya, Pakistan, South Sudan, Syrian Arab Republic and Tunisia (ADA, 2020b; Federal Ministry for European and International Affairs, 2020c, 2020d, 2020f, 2020g, 2020k).¹⁸¹ The federal government's decision to opt for on-site assistance to refugee camps instead of resettlement and relocation led to an extensive debate among policymakers and in the media in 2020. Such discussions were occasioned for example by the outbreak of fires in the refugee camp at Moria, Greece, and the rapidly deteriorating situation for migrants and refugees in Bosnia and Herzegovina in late 2020. The federal government's continued stance of not permitting relocation to Austria was criticized by political and civil society actors (see [4.4](#)).

¹⁸¹ Written input: Federal Ministry for European and International Affairs, 7 June 2021.

13 ANNEXES

13.1 List of translations and abbreviations

English term	English abbreviation	German term	German abbreviation
Act Accompanying Brexit 2019	–	Brexit-Begleitgesetz 2019	BreBeG 2019
Act Governing the Employment of Foreign Nationals	–	Ausländerbeschäftigungsgesetz	AuslBG
Aliens Police Act 2005	–	Fremdenpolizeigesetz 2005	FPG
assisted voluntary return and reintegration	AVRR	Unterstützte Freiwillige Rückkehr und Reintegration	–
Asylum Act 2005	–	Asylgesetz 2005	AsylG 2005
Asylum Procedures Act	–	BFA-Verfahrensgesetz	BFA-VG
Asylum, Migration and Integration Fund	AMIF	Asyl-, Migrations- und Integrationsfonds	AMIF
Austria Press Agency	APA	Austria Presse Agentur	APA
Austrian Broadcasting Corporation	ORF	Österreichischer Rundfunk	ORF
Austrian Development Agency	ADA	Austrian Development Agency	ADA
Austrian Federal Economic Chamber	–	Wirtschaftskammer Österreich	WKO
Austrian Freedom Party	–	Freiheitliche Partei Österreich	FPÖ
Austrian Green Party	–	Die Grünen	–
Austrian Hotelier Association	–	Österreichische Hoteliereinigung	ÖHV
Austrian Integration Fund	–	Österreichischer Integrationsfonds	ÖIF
Austrian People's Party	–	Österreichische Volkspartei (auch Neue Volkspartei)	ÖVP
Austrian Trade Union Federation	–	Österreichischer Gewerkschaftsbund	ÖGB
Central European Police Academy	CEPOL	Mitteuropäische Polizeiakademie	MEPA
Chamber of Labour	–	Arbeiterkammer	AK
Citizenship Act 1985	–	Staatsbürgerschaftsgesetz 1985	StbG
Compulsory Education Act	–	Ausbildungspflichtgesetz	ApflG
COVID-19-Act (1 st to 12 th)	–	COVID-19-Gesetz (1. bis 12.)	–
Criminal Code	–	Strafgesetzbuch	StGB
Criminal Intelligence Service Austria	–	Bundeskriminalamt	BK
Documentation Centre for Political Islam	–	Dokumentationsstelle Politischer Islam	–
European Border and Coast Guard Agency	FRONTEX	Europäische Agentur für die Grenz- und Küstenwache	FRONTEX
European Commission against Racism and Intolerance	ECRI	Europäische Kommission gegen Rassismus und Intoleranz	ECRI
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Multidisciplinary Platform Against Criminal Threats	EMPACT	Europäische multidisziplinäre Plattform gegen kriminelle Bedrohungen	EMPACT
European Return and Reintegration Network	ERRIN	Gemeinsames europäisches Rückkehr- und Reintegrationsprogramm	ERRIN
European Travel Information and Authorisation System	ETIAS	Europäisches Reiseinformations- und Autorisierungssystem	ETIAS
European Union	EU	Europäische Union	EU
Federal Act Establishing the Federal Agency for Reception and Support Services as a Private Limited Company	–	BBU-Errichtungsgesetz	BBU-G
Federal Basic Care Act 2005	–	Grundversorgungsgesetz - Bund 2005	GVG-B 2005

Federal Chancellery	–	Bundeskanzleramt	BKA
Federal Law on the Regulation of Advanced Medical-Technical Services	–	Bundesgesetz über die Regelung der gehobenen medizinisch-technischen Dienste	MTD-Gesetz
Federal Ministry for Europe, Integration and Foreign Affairs	–	Bundesministerium für Europa, Integration und Äußeres	BMEIA
Federal Ministry of Labour, Social Affairs and Consumer Protection	–	Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumentenschutz	BMSGPK
Federal Ministry of the Interior	–	Bundesministerium für Inneres	BMI
Federal Office for Immigration and Asylum	–	Bundesamt für Fremdwesen und Asyl	BFA
Federal Office for Immigration and Asylum Procedures Act	–	BFA-Verfahrensgesetz	BFA-VG
Federation of Austrian Industries	–	Industriellenvereinigung	IV
Federal Law Gazette	FLG	Bundesgesetzblatt	BGBI
Foreign Disaster Fund	–	Auslandskatastrophenfonds	AKF
gross national income	GNI	Bruttonationaleinkommen	BNE
Group of Experts on Action against Trafficking in Human Beings	GRETA	Expertengruppe des Europarats für die Bekämpfung des Menschenhandels	GRETA
Health Care and Nursing Act	–	Gesundheits- und Krankenpflegegesetz	GuKG
integrated border management	IBM	Integriertes Grenzmanagement	–
Integration Act	–	Integrationsgesetz	IntG
International Centre for Migration Policy Development	ICMPD	Internationales Zentrum für die Entwicklung von Migrationspolitik	ICMPD
International Federation of Red Cross and Red Crescent Societies	IFRC	Internationale Föderation der Rotkreuz- und Rothalbmond-Gesellschaften	–
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
Intervention Center for Trafficked Women	LEFÖ-IBF	Interventionsstelle für Betroffene von Frauenhandel	LEFÖ-IBF
Joint Operational Office	JOO	Joint Operational Office	JOO
list of shortage occupations	–	Mangelberufsliste	–
Ludwig Boltzmann Institute of Human Rights	–	Ludwig Boltzmann Institut für Menschenrechte	BIM
National Action Plan	NAP	Nationaler Aktionsplan	NAP
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
NEOS – The New Austria	–	NEOS – Das Neue Österreich	NEOS
Office of the United Nations High Commissioner for Human Rights	OHCHR	Hoher Kommissar der Vereinten Nationen für Menschenrechte	OHCHR
Official Development Assistance	ODA	Öffentliche Entwicklungszusammenarbeit	ODA
Official Journal of the European Union	OJ	Amtsblatt der Europäischen Union	ABl.
Organisation for Economic Co-operation and Development	OECD	Organisation für wirtschaftliche Zusammenarbeit und Entwicklung	OECD
polymerase chain reaction	PCR	Polymerase-Kettenreaktion	PCR
Programme for International Student Assessment	PISA	Programm zur internationalen SchülerInnenbewertung	PISA
Public Employment Service	–	Arbeitsmarktservice	AMS
Red-White-Red Card	RWR Card	Rot-Weiß-Rot – Karte	RWR – Karte
Regulation for Skilled Workers	–	Fachkräfteverordnung	–
Regulation on Countries of Origin	–	Herkunftsstaaten-Verordnung	HStV
Regulation on Rights of Entry from Neighboring Countries	–	Verordnung über die Maßnahmen bei der Einreise aus Nachbarstaaten	–

Regulation on the Employment of Foreigners	–	Ausländerbeschäftigungs-Verordnung	AuslBVO
Regulation on Entry by Air into Austria	–	Verordnung über die Einreise auf dem Luftweg nach Österreich	–
Regulation on the Implementation of Brexit	–	Brexit-Durchführungsverordnung	Brexit-DV
Regulation on the Employment of Foreigners	–	Ausländerbeschäftigungs-verordnung	AuslBVO
Regulation: Admission of Very Highly Skilled Workers	–	Verordnung über die Zulassung von Besonders Hochqualifizierten	–
Regulation: Entry into Austria in Connection with the Containment of SARS-CoV-2	–	Verordnung über die Einreise nach Österreich in Zusammenhang mit der Eindämmung von SARS-CoV-2	–
Regulation: Temporary Employment of Foreign Nationals in Tourism, Agriculture and Forestry	–	Verordnung über die befristete Beschäftigung von Ausländerinnen und Ausländern im Tourismus und in der Land- und Forstwirtschaft	–
Regulation: Temporary Reintroduction of Border Control at Internal Borders	–	Verordnung über die Vorübergehende Wiedereinführung von Grenzkontrollen an den Binnengrenzen	–
Research Funding Amendment 2020	–	Forschungsfinanzierungsnovelle 2020	–
School Organization Act	–	Schulorganisationsgesetz	SchOG
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz	NAG
Settlement Regulation	–	Niederlassungsverordnung	NLV 2019
Social Democratic Party of Austria	–	Sozialdemokratische Partei Österreichs	SPÖ
unaccompanied minors	UAM	unbegleitete Minderjährige	–
United Nations International Children's Emergency Fund	UNICEF	Kinderhilfswerk der Vereinten Nationen	UNICEF
United Nation's High Commissioner for Refugees	UNHCR	Hoher Flüchtlingskommissar der Vereinten Nationen	UNHCR
United Nations Office on Drugs and Crime	UNODC	Büro der Vereinten Nationen für Drogen- und Verbrechensbekämpfung	UNODC
United Nations	UN	Vereinte Nationen	VN
Vienna Institute for International Dialogue and Cooperation	VIDC	Wiener Institut für Internationalen Dialog und Zusammenarbeit	VIDC
The Vienna Institute for International Economic Studies	wiiw	Wiener Institut für Internationale Wirtschaftsvergleiche	wiiw
water, sanitation and hygiene	WASH	Wasser, Sanitärversorgung und Hygiene	WASH
Withdrawal Agreement between the United Kingdom and the European Union	–	Austrittsabkommen zwischen der EU und dem Vereinigten Königreich	–

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