TRANSNATIONAL EXCHANGE V

# Field visit to Austria
# Report

Date: 14. – 17. March 2022
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Participants: Elena Cavagni (Dutch Council for Refugees), Edris Omer (Norwegian Organization for Asylum Seekers), Igor Anicic (IOM Croatia), Lukas Dederen (Caritas International Belgium), Manuela Maximiano (State Office of the Canton Vaud), Özge Algül (IOM Germany)
Host: Federal Agency for Reception and Support Services (BBU)

*Photo 1: from left to right: Michael Hajek (BBU), Ivana Tomic (BBU), Elena Cavagni, Manuela Maximiano, Salome Maxeiner, Özge Algül, front left to right: Igor Anicic, Edris Omer, Lukas Dederen*

## Goal of the field trip

Assisted voluntary return and reintegration counselling for (rejected) asylum seekers is offered in several European countries. The counselling services vary, however, greatly due to different governmental structures and agendas, financial priorities of the donors and the profile of the dominating asylum seeking groups. This is the reason why different counselling providing states have developed best practice and expertise in different areas. Austria was selected as the country to be visited during the 2. Transnational Exchange V field trip.

The group of six European return and reintegration counsellors was hosted by the newly opened Federal Agency for Reception and Support Services in Austria. In 2020 the Austrian government remodeled the AVRR counselling structure completely after 20 years. The host arranged an agenda, which allowed the participants to learn about the Austrian asylum system, to exchange with return and reintegration counsellors as well as to encounter all actors involved in the Austrian return field. This report gives an overview of the Austrian return counselling system.

**Key players of voluntary return in Austria**

a. Federal Ministry of the Interior (MoI; in German: BMI)

The MoI is responsible for the overall return policy in Austria. A new Return Department was founded to focus better on a strategic plan for return – voluntary and forced return. The work entails mainly to initiate legislative changes in favor of a smoother return process as well as to manage the third-country cooperation regarding readmission agreements and reintegration services for voluntary returnees. The MoI oversees the implementation and (co)funding of the reintegration programs and projects offered to migrants who are leaving Austria voluntarily.

b. Austrian Federal Office for Immigration and Asylum (in German: BFA)

The BFA is mainly in charge of the asylum procedures and of issuing the return decisions and reentry bans (when applicable) for rejected asylum seekers. Aside from issuing the return decision, the BFA is also responsible for the implementation of the return decision meaning confirming voluntary returns or organizing forced returns. In case of voluntary returns, the BFA also supports the returnee in the pre-departure phase when he or she is organizing the travel documents. The close cooperation between the BFA and several consulates is a great benefit to the organizing of the voluntary return. The competencies of the BFA do neither include the topics of legal migration and residence permits nor the coordination of the Aliens Police. For the sake of a better implementation of the voluntary return and reintegration assistance, the counselling field was restructured in 2019/2020.

c. Federal Agency for Care and Support Service (German: BBU)

History

For 20 years, until 2020, return and reintegration counselling was offered by two main actors in Austria: Caritas Austria and the Human Rights Association Austria (German: VMÖ). The focus laid on a low-threshold access for migrants interested in return offered by NGOs. The two NGOs offered its services in all federal states. Due to political and strategic changes, the decision was made by the government to create a new, centralized agency solely in charge of return.

Legal establishment of the BBU

The legal framework of the BBU was laid in the BBU Establishment Act in 2019 ( (https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20010683). The agency is a company with limited liability owned by the BMI. The BBU Establishment Act also determines the specific tasks to be carried out by the agency. The BBU started offering its services officially on the 01.01.2020. The transfer period of the return

counselling was finished by the 01.01.2021. The BBU continued to employ many of the return and reintegration counsellors from Caritas Austria and the VMÖ with the main purpose to keep the counselling expertise and the smooth continuation of return counselling processes for the clients.

**Services offered by the BBU**

1. Basic Care by the BBU

On 1st of December 2020, the operational provision of basic care for asylum seekers, refugees and other vulnerable aliens in need and assistance (asylum seekers, persons granted asylum, displaced persons and other people who cannot be deported for legal or de facto reasons) became the responsibility of BBU GmbH. The basic care includes providing accommodation and food, social, medical and psychological support, necessities for daily use (hygiene articles, clothing) and the required information. The BBU basic care team runs most of the reception centers in Austria with the biggest one being located in Traiskirchen in the district of Baden in Lower Austria, 20 km south of Vienna. During the Transnational Exchange V field trip, the group had the opportunity to meet up with three return counsellors who work inside the Traiskirchen reception center. At the time of the visit, 940 asylum seekers were living inside the reception center. The 140 non-accompanied minors were placed in a separate house inside the reception center premises.

*Photo 1: The Transnational Exchange V field trip group on the premises of the Traiskirchen Reception Center*

2. Legal advice and legal representation by the BBU

Many migrants flee to Austria for various reasons and claim asylum upon arrival. They often come from less privileged regions with little access to education or job opportunities and struggle to navigate the complex asylum system in Austria. Therefore, the Austrian government decided that legal advice and legal representation at the Federal Office for Immigration and Asylum (BFA) and before the Federal Administrative Court (BVwG) shall be provided for free to every asylum seeker. The asylum seekers receive assistance with the application for international protection (recognition and withdrawal procedures) including general advice on pending proceedings or procedural steps, including clarification about the prospects for success. Upon the reception of a rejection of the asylum claim, the migrant receives information on measures terminating the stay (decision to return, ban on entry, expulsion and ban on residence) and detention pending deportation from the legal counselling department. This information session is included in mandatory return counselling session. The legal representation in proceedings at the BVwG encompasses the complaints handling, preparation for and representation during the proceedings and drafting of opinions. The legal advice as well as the legal representation is always given in the native language by professional interpreters.

3. Return Counselling

Since 1st of January 2021, BBU GmbH has been offering return and reintegration counselling for foreigners who are interested in leaving the country and/or are obliged to do so. Asylum seekers in proceedings under the Dublin III Regulation can receive information about the option of a voluntary transfer to the responsible EU Member State. The client receives information about the return and reintegration programs. If the potential returnees are destitute, they are informed that the costs for the return journey will be fully covered. After the decision to return by the clients, the BBU counsellors also organize the return journey (e.g. flight bookings, travel documents), help before departure (e.g. transfer to and assistance at the airport) and sign up clients for reintegration programs in the country of origin. The counsellors also stay in touch with the clients after return. A special feature of the BBU counsellors is that most of the return counsellors themselves have a migration background and use this commonality as a means to build trust quickly. Most of the counselling sessions are offered in the mother tongue of the clients.

*Photo 3: Exchange with BBU return counsellors in Traiskirchen*

Locations of BBU return counselling
The BBU return counselling is offered in all of Austria. The counselling locations are listed in the following (source: https://www.bbu.gv.at/en/what-we-do/return-counselling-locations; 22.04.2022)

| **Federal province** | **Office location** |
|---|---|
| Wien | Wien |
| Niederösterreich | St. Pölten, Traiskirchen |
| Oberösterreich | Linz, St. Georgen/Attergau |
| Kärnten | Klagenfurt |
| Steiermark | Graz, Leoben |
| Burgenland | Eisenstadt |
| Salzburg | Bergheim |
| Tirol | Innsbruck, Kitzbühel |
| Vorarlberg | Feldkirch |

Eligibility criteria for assisted voluntary return and reintegration
The client needs to lack sufficient monetary resources to pay for the return. The assistance for voluntary return can only be received once in a lifetime and only one person of the nuclear family (children above 18 years old should apply separately for return and reintegration assistance). The client also needs to show during the counselling that it is his/her intention to return long-term and that a certain sustainability of the return is given. Reintegration

assistance is only available to (rejected) asylum seekers who have stayed longer than 3 months in Austria except for citizens of the Russian Federation. In their case, the clients must have stayed longer than 12 months in Austria to be eligible for reintegration assistance.

Return and reintegration budget

The return assistance for the immediate needs after arrival in the country of origin consists of a cash amount ranging from 250€ to 900€ per person depending on the status of the asylum application. The Austrian government decided to work with a digressive model to incentivize an early departure from Austria. However, in the past several exceptions have been made by the BFA upon an official request by return counsellors. In vulnerable cases temporary special assistance can go up to 1500€ per person. Citizens from Western Balkan countries, with a visa-free entry status in Austria (Ukraine, Georgia, Moldovia) and from EEA- MS and EU-MS are not eligible for the return assistance.
The reintegration assistance (cash and in-kind) varies slightly depending on the country of return and the provider of the reintegration program. The Austrian Federal Ministry of the Interior (BMI) provides in cooperation with local services providers in most countries reintegration assistance through the ERRIN program and the French Office for Immigration and Integration (OFII). IOM Austria and Caritas Austria are the other two providers of reintegration assistance. The following chart presents the reintegration budget and providers up until the end of 2022 (source: BMI)

Overview: Reintegration Programms

Programmes in 31 Countries

| State: 11.03.2022 | ERRIN Austria | ETTC - Syria | OFII – France/Austria | RESTART III | IRMA plus II |
|---|---|---|---|---|---|
| Organisation | Federal Ministry of the Interior Austria (BMI) | Federal Ministry of the Interior Austria (BMI) | Federal Ministry of the Interior Austria (BMI) | IOM | Caritas Austria |
| Term | 01.06.2016 – 30.06.2022 | 01.01.2022 – 31.12.2022 | 01.09.2018 – 31.08.2022 | 01.01.2020 – 31.12.2022 | 01.01.2020 – 31.12.2022 |
| Country of return | • Egypt<br>• Bangladesh<br>• Irak Central/ South<br>• Irak KRG (Kurd. territory)<br>• Morocco<br>• Nigeria<br>• Pakistan | • Syria | • Benin<br>• Cote d'Ivoire<br>• Cameroon<br>• Kongo RDC<br>• Mali<br>• Senegal<br>• Burkina Faso<br>• Gabun<br>• Guinea<br>• Cape Verde<br>• Kongo Brazzaville<br>• Togo | • Iran<br>• Tunesia<br>• Somalia/ Somaliland<br>• Uzbekistan | Support for vulnerable returnees only:<br>• Ghana, Kyrgyzstan, Mongolia, Tadzhikistan, Russian Federation<br>Also for non-vulnerable:<br>• Armenien<br>• Gambia<br>• India |
| Participation criteria additional to national requirements | • Min. 3 months of continuous stay in AT<br>• only for one person per family | • Min. 3 months of continuous stay in AT<br>• only for one person each family<br>• unaccompanied minors are not eligible to participate | • Min. 3 months of continuous stay in AT<br>• only for one person each family<br>• unaccompanied minors are not eligible to participate | • Min. 3 months of continuous stay in AT<br>• only for one person per family | • Min. 3 months of continuous stay in AT<br>• Russian Federation: 12 months of continuous stay in AT<br>• only for one person per family |
| Type of reintegration support | • € 200 cash + € 2.800 in kind support | • € 200 cash + € 2.800 in kind support<br>• NO airport support and NO temporary housing | • € 3.000 in kind support | • € 500 cash<br>• € 2.800 in kind<br>• Additional support if needed | • € 3.000 in kind support |

Since the ERRIN project is coming to end in 2022 and Frontex with the Joint Reintegration Service (JRS) is taking over in April 2022, the BFA is expecting major changes in 2022 / 2023 with regards to the reintegration providers in Austria.

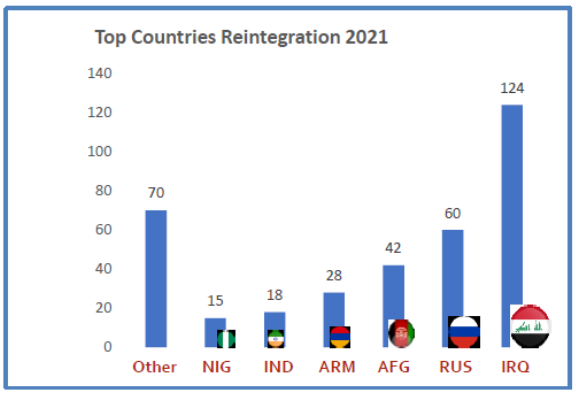
Organizing the departure

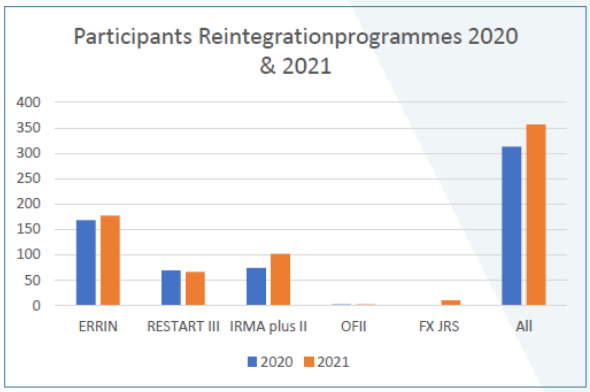
The BBU counsellors are the case managers in the pre-departure phase. In case the client needs a travel document, the counsellors can request help from the BFA with the procurement of the travel document. The BBU counsellors afterwards request the flight booking from the BBU flight booking team or from IOM Austria when vulnerable returnees need special assistance during the return journey. The counsellors always accompany the returnees to the airport and disburse the return cash assistance there. The invoices are all sent to the BFA upon the closure of the file.

Return figures (source: BMI)

**Development voluntary return**

| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|---|---|---|---|---|---|---|
| **Voluntary return** | **5.917** | **5.198** | **5.846** | **5.728** | **4.551** | **4.805** |
| Assised voluntary return | 4.434 | 3.229 | 3.320 | 2.782 | 1.751 | 2558 |




Training for counsellors

The leadership of the return counselling department is currently focusing on developing measures to ensure a standardized high quality counselling. For this purpose a special training department "BBU Bildungscampus" was founded but is still in its infancy shoes. The training includes intercultural awareness, role-plays about counselling situations and much more. The language skills, which counsellors offer, will be tested through official language exams. Only if the counsellors can prove a certain level of language commands, they can continue to do the counselling in the tested languages. A mandatory, annual training for return counsellors will be put in place soon.

After a lengthy overview of the return and reintegration counselling by the BBU, further services of the BBU shall be introduced in the following.

4. Human rights monitoring

The task of the human rights observers of BBU is to accompany and observe the entire process of deportations/forced returns by charter flights or buses from the beginning until the persons

to be returned are handed over to the authorities in their home country. In case of violations of the human rights, the observer must report to the Austrian authority. The observer already joins the talk between the escort leader and the deportee (in case of a forced return from the detention center) one day prior to the forced return. After every deportation, the observer writes a report on the course of the deportation.

5. Interpretation and translation services

In the field of legal counselling as well as return and reintegration counselling, building trust with the client is vital. The client needs to understand the information given in the counselling sessions and engage in discussions about future prospects in Austria and the home country. Therefore, the BBU counsellor can always call interpreters from the BBU department of interpretation and translation services. The BBU GmbH interpreters assist the legal and return and reintegration counsellors in their activities. The interpreter pool consists of eight full-time hired staff and self-employed interpreters on call.

**Closure**

The BBU, the main provider of AVRR counselling in Austria, is still relatively young and will develop its services and structure further within the next coming years. The motivated leadership team is focused on standardizing the AVRR counselling offers as well as on establishing a certain counselling quality. A revisit to the BBU after few years will be helpful to see which ideas about the standardization and the quality control were successfully implemented and which ideas were discarded.

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