

## *External and Internal Effects of How Austria Has Handled the Refugee Crisis*

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Austria had already developed an integration policy when the refugee crisis hit the country in 2015. However, 600,000 refugees in transit in Austria and 88,340 requests for asylum had serious repercussions on public opinion. The Austrian government responded with a series of external measures to secure the borders and to curb uncontrolled migration, while at the same time internally refining the legal and organisational structures for the integration of recognised asylum-seekers and persons in need of subsidiary protection. In this context, an increasingly restrictive approach to the policy field may be observed, which will presumably continue to be pursued following the national election in October 2017.

*Keywords:* refugee crisis, migration, integration

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## 1. Austria and the Refugee Crisis of 2015: Introduction

Due to its geographical location as one of the countries at the end of the Western Balkans route, Austria was directly confronted with the consequences of the refugee crisis of 2015. While more than 600,000 refugees passed through the country – often unregistered – to other destinations like Germany and Sweden, 88,340 requested asylum in Austria. This was the highest annual number of applications for asylum in the Second Republic and represented a sharp increase in comparison with the previous year (28,064 cases). Relative to its population size, Austria became the second country of destination in the European Union (preceded only by Sweden) with 10.3 asylum seekers per 1,000 inhabitants. A total of 72% of the asylum applications were filed by refugees from Afghanistan (29%), Syria (28%) and Iraq (15%). This explains the high number of applications granted (52%) to either asylum-seekers or persons in need of subsidiary protection, who also cannot be sent back due to a deteriorating human rights situation or internal warfare in their countries of origin (Integrationsbericht 2016, pp. 23–31).

At first, the government and the security forces seemed to be surprised by this development. Chaotic scenes at the border and at transit railway stations, notably in Vienna and Salzburg, finally led to the introduction of military personnel alongside the police force. This exceptional situation had serious repercussions on the opinion of the Austrian population. A representative survey in October 2015 showed that 83.7% of Austrians were concerned because of the current immigration of refugees. To a certain degree this was true for the majority of voters of all political parties: while 96.3% of the voters of the right-wing populist FPÖ party were very or rather concerned, this also applied to 75.8% of the voters of the conservative ÖVP, 72% of the voters of the social-democratic SPÖ, and as many as 58.2% of the voters of the Greens. While 23.1% of the interviewed were engaged either personally or financially in helping the refugees, 54.6% saw only negative consequences of the immigration of refugees into Austria. Sixty-nine per cent feared growing pressure on the social systems, 65.3% feared more social conflict, and 60.1% feared the growing “Islamisation” of the country. Alarming for the government, 61.7% criticised the corresponding policies of the great coalition of SPÖ and ÖVP and 73.7% were not convinced that the government could come up with a useful strategy regarding the refugee crisis. However, 24.2% were convinced that such a strategy could be successfully elaborated by the opposition FPÖ party (Marketagent.com, 2015, pp. 1-5).

At the same time, the additional costs of the refugee crisis strained the national budget with € 0.4 billion in 2015 and €0.8 billion in 2016. The Ministry of Finance put the total annual expenditure for refugees at €1.67 billion in 2016 and €1.71 billion in 2017 (Fiskalrat, 2017, p. 19). The municipalities directly affected by the refugee crisis in 2015 were compensated with €37.5 million for their expenditures (*Millionen Euro für Länder und Gemeinden*, 2017).

The government reacted to the refugee crisis by a series of external and internal measures, which on the one hand were designed to secure the border in order to control and curtail immigration, and on the other hand to foster the integration of the migrants who had already arrived as well as of future refugees into the Austrian system.

## 2. External Effects: Securing the Borders

### 2.1. Re-establishment of border controls (September 2015)

Following the often chaotic situation of refugees arriving uncontrolled at the Austrian border via Hungary and Slovenia, the government took the first measure of introducing the re-establishment of border controls between 16 September 2015 and 10 November 2017 under the Schengen regime (Verordnung der Bundesministerin für Inneres über die vorübergehende Wiedereinführung von Grenzkontrollen an den Binnengrenzen, BGBl. II Nr. 260/2015). In the subsequent months, the main border crossings were equipped with new installations of a so-called “border management”, allowing for the channelling of refugees through the first stages of police and administrative procedures.

### 2.2. Western Balkans Conference in Vienna (February 2016)

However, the new “border management” was never really put to the test because on 24 February 2016 the Western Balkans Conference in Vienna adopted far-reaching decisions, which finally resulted in the closing down of the Western Balkans route. With the notable exception of Germany and Greece, who had not been invited, the Ministers of Foreign Affairs and Ministers of the Interior of Austria, Albania, Bosnia-Herzegovina,

Bulgaria, Kosovo, Croatia, Macedonia, Montenegro, Serbia, and Slovenia adopted a resolution called *Managing Migration Together* (Federal Ministry of Interior, 2016). Collateral damage, like the withdrawal of the Greek ambassador from Vienna, was obviously subordinate to the dominant security issues. Item 3 of the ministerial declaration clearly states that it is not possible to process unlimited numbers of migrants and asylum applicants due to limited resources and reception capacities, potential consequences for internal security and social cohesion, as well as challenges with regard to integration. "Therefore, the migration flow along the Western Balkans route needs to be substantially reduced with a view to alleviating disproportionate burdens on the partners along the route" (Item 5). To reach this goal the signatories agreed to further intensify their border cooperation (Item 8), while at the same time referring to measures of deterrence as described in Item 18: "Austrian experiences have shown that targeted information may reduce the influx of illegal migrants from particular countries of origin. Therefore, joint communication strategies in relevant countries of origin will be developed, aiming at the dissemination of accurate information on the risks of migrant smuggling and human trafficking as well as on the consequences of illegal entries to and stays in another country." (Federal Ministry of Interior, 2016, pp. 2–3).

### 2.3. Police and Military Missions to Hungary, Macedonia, Serbia, and Slovenia

Furthermore, during the Vienna West Balkans Conference "the Ministers took note of the Joint Statement of Heads of Police Services from Austria, Croatia, Macedonia, Serbia and Slovenia agreed upon at the meeting held in Zagreb on 18 February 2016" and confirmed that "[t]he included operational measures [were] a decisive contribution for the implementation of this Ministerial declaration" (Federal Ministry of Interior, 2016, p. 4). The Joint Statement of Heads of Police underlined "that the migration flow along the Western Balkans route [had] to be reduced to the greatest possible extent" and tried, inter alia, to unify the registration forms and registration procedures for refugees (Joint Statement, 2016, pp. 1–2). The statement strongly emphasized security issues and police cooperation as a way to control and deter migration coming from Greece via the Western Balkans route: "The deployment of foreign police officers along the Macedonian–Greek border already yields positive results and conveys a strong message that the countries concerned are resolute in jointly coping with the migration crisis" (Joint Statement, 2016, item 10, p. 2).

Accordingly, at the end of February 2016 Austria deployed seven police officers to Macedonia, having already sent small police forces to Slovenia, the Hungarian–Serbian and Serbian–Macedonian borders in 2015 (Bundesministerium für Inneres, 2016 a, n.p.). From March 2016 onwards, the Austrian military also conducted the AUTCON HUN mission, which stationed 50 Austrian soldiers in Hungary (Bundesheer, n.d., n.p.).

All these measures taken together were designed to ensure the permanent closure of the Western Balkans route by forging a national and international alliance to prevent the possible repetition of the refugee crisis of 2015. The signal to the refugees as well as to the Greek (and Italian) partner(s) was clear: the closing and guarding of the borders externalised the pressure under which the national systems had come in the summer and autumn of 2015 and placed it again on the countries of the first safe arrival. In this context, however, it should also be noted that Austria was not only a country of transit like the Western Balkan states, but had already taken in a considerable number of asylum-seekers. In the absence of a common and solidary European solution, Austria and its southeastern neighbours took uni- and multilateral steps designed to keep the migration pressure external and complemented these with internal measures in the field of security and integration policies.

### 3. Internal Effects: Security and Integration Policies

#### 3.1. Austrian Integration Policy

Several years before the refugee crisis became acute, Austria had elaborated a national integration policy. The SPÖ–ÖVP government program of 2008 included a chapter on migration and integration, significantly under the rubric “Interior, Justice and Defence”. Herein, integration was defined as a cross-sectional and cross-social matter which affects all levels of the state. The government also announced the elaboration of a National Action Plan for Integration (Regierungsprogramm 2008–2013, 2008, p. 107). This document was finally adopted in 2010 and defined general guidelines for the integration policy, as well as seven concrete operational fields: language and education, work and profession, rule of law and values, health and social affairs, intercultural dialogue, sports and leisure, and housing and the regional dimension of integration. From the begin-

ning integration in this sense encompassed two dimensions: support for and demands on migrants. The fundamental basis for integration was thus described as learning the German language; economic self-preservation; commitment to Austria, its norms and values; and the willingness of the migrants to integrate into Austrian society (Nationaler Aktionsplan für Integration, 2010, p. 8). To monitor migration and integration, a yearly status report consisting of 25 indicators in the fields of language and education; work and profession; social affairs and health; security; living and spatial context; family type; naturalisations; and subjective questions on the integration climate was introduced (e.g. Statistik Austria, 2016).

The year 2010 also saw an autonomous Expert Panel on Integration and a supplementary Advisory Board on Integration installed under the auspices of the Ministry of the Interior, with the board encompassing representatives of federal and regional administrations, associations of towns and municipalities, social partners, the industrial association, and NGOs. Both bodies were designed to develop the integration policy further and to ensure the overall implementation of the National Action Plan for Integration (Expertenbeirat für Integration, n.d., n.p.; Integrationsbeirat, n.d., n.p.). The institutional setting was completed in 2011 with the establishment of a State Secretariat for Integration within the Ministry of the Interior and its transformation in 2013 to the Foreign Ministry, when State Secretary Sebastian Kurz became foreign minister. Consequently the ministry was renamed as the Ministry for Europe, Integration and Foreign Affairs. In the ministry a new section VIII Integration was formed, which consists of a General Policy Division (Dept. VIII.1), a Coordination of Integration Division (Dept. VIII.2) and a Support for Integration Division (Dept. VIII.3) (Bundesministerium für Europa, Integration und Äußeres a, n.d., n.p.).<sup>1</sup> In addition, there is the Austrian Integration Fund, which is responsible, inter alia, for the organisation of language and values courses and general counselling for migrants (Österreichischer Integrationsfond a, n.d., n.p.). The fund has regional centres in all *Länder* and monitors the fulfilment of the so-called *Integrationsvereinbarungen* (agreements for integration) that non-EU migrants have had to sign since 2011. The agreements obligate the migrants to take German language courses up to B2 level according to the CEFRL (Österreichischer Integrationsfonds b, n.d., n.p.). This Austrian structure for integration has particularly been studied by German institutions and has been labelled as advanced

<sup>1</sup> For the actual distribution of functions in Dept. VIII following the national election of October 2017 see Bundesministerium für Europa, Integration und Äußeres b, n.d., n.p.

and successful in a bilateral and European comparison (Herold, 2017, p. 10; Sachverständigenrat deutscher Stiftungen für Integration und Migration, 2016, p. 23).

### 3.2 The Fifty-Point Plan for Integration (November 2015)

The framework described above was, however, not designed to cope with a mass phenomenon like the refugee crisis of 2015. Therefore, in November 2015 the Ministry for Europe, Integration and Foreign Affairs, in cooperation with the Expert Panel on Integration, published the Fifty-Point Plan for the Integration of Recognised Asylum-Seekers and of Persons in Need of Subsidiary Protection in Austria (*“Fünfzig Punkte-Plan zur Integration von Asylberechtigten und subsidiär Schutzberechtigten in Österreich”*). This plan was approved by the government in its session of 9 January 2016 and thus became the foundation for the official policy of Austria towards recognised refugees. Like the National Action Plan of 2011, the Fifty-Point Plan of 2015 strongly emphasized the performance criterion as a prerequisite for integration, which links access to the benefits of the European welfare state with a quid pro quo on the part of the legally accepted refugees. In this sense, integration requires the ability and the willingness of the refugees to make an active effort to integrate into Austrian society, while it is the duty of the state to arrange for the necessary background conditions (Fünfzig Punkte-Plan, 2015, p. 3).

These conditions were defined in the form of eight action fields – language and education, work and profession, rule of law and values, health and social affairs, intercultural dialogue, sports and leisure, living and the regional dimension of integration, and general structural measures – encompassing 50 concrete measures. The Ministry declared language training, integration into the labour market, and the acceptance of values as the central elements of its strategy (Bundesministerium für Europa, Integration und Äußeres c, n.d., n.p.). For example, in the field of language and education a second compulsory kindergarten year was foreseen for refugee children with a language deficit, as well as structured programmes for adults learning German. For better integration into the labour market refugee qualifications should be checked as early as possible (“competence check”) and where required should be complemented by job-specific language courses. Language acquisition also plays a vital role in the acceptance of values and orientations, which should familiarise refugees with Austrian culture (inter alia democracy, rule of law, and

equal rights) and clarify “what society expects from them and what is not negotiable in order to guarantee the peaceful coexistence of all people in Austria” (Fünfzig Punkte-Plan, 2015, pp. 6, 9, 10–12). Perhaps surprisingly, the security issue was rather marginally mentioned in the chapter on intercultural dialogue. Here the prevention of radicalisation refers to the circumvention of Islamisation, the promotion of a “European Islam” and counter-measures against racism, anti-Semitism, and Islamophobia (Fünfzig Punkte-Plan, 2015, p. 16).

### 3.3 Asylum Summit (January 2016)

The asylum summit which took place on 20 January 2016 between the federal government, the *Länder* governments, cities, and municipalities showed, however, to what extent Austrian politicians were actually concerned with security issues. The first sentence of the corresponding document states that Austria must sustainably reduce the inflow of refugees and migration into the country. The orderly control of entries is referred to as the “first and supreme goal” which requires comprehensive and flexible border management. These measures should ensure that applications for asylum are only possible in EU hotspots and no longer directly in Austria (Asylgipfel, 2016, p. 2).

The politically and legally most controversial decision of the asylum summit was the introduction of an annual “refugee quota”. Thus Austria would take in refugees equivalent to no more than 1.5% of its own population over a period of 4 years. This quota allowed for 37,500 asylum applications in 2016; 35,000 in 2017; 30,000 in 2018; and 25,000 in 2019 (Asylgipfel, 2016, pp. 2–3). The legally non-binding decision – a draft law which has not yet been approved and has apparently been withdrawn in the meantime due to the current coalition crisis (Verordnung zur Feststellung der Gefährdung der Aufrechterhaltung der öffentlichen Ordnung und des Schutzes der inneren Sicherheit – geplante Neuerungen (“Asylnotverordnung”) – Begutachtungsentwurf für Asyl-Notverordnung (2016))<sup>2</sup> – was an important political signal that Austria would not accept uncontrolled and unlimited migration flows any longer. This led to

<sup>2</sup> Such a decree can be based on Art. 36 paras. 1 and 2 Asylum Law, which state that in the case of an endangerment of public order and internal security, the rules of border management can be changed. Particularly the number of asylum-seekers arriving at the borders shall be taken into account.



a modification of “border management” as Austria began to only accept 80 asylum applications per day and only allowed a maximum of 3,200 refugees pass through the country each day in transit to other reception destinations (e.g. Flüchtlinge: Tägliche Obergrenzen sind nun in Kraft, 2016, February 19). Austria was heavily criticised by the European Commission for these steps (e.g. Flüchtlinge: EU wirft Österreich bei Obergrenzen Rechtsbruch vor, 2016, February, 18) but due to the Western Balkans Conference and the closure of the Western Balkans route (see 2.2) the numbers of asylum-seekers given above have not been reached, so the quota has not yet been put to the test.

Furthermore, the asylum summit decided that in the case of denied asylum applications, the repatriation of refugees to their countries of origin or safe third countries should be enforced (Asylgipfel, 2016, p. 3). The document also stressed the fact that the handling of the refugee crisis required supplementary police forces. In this context it is said that the Austrian police has expanded by 1,500 posts, of which 750 are envisaged for the coverage of border- and refugee-related issues (Asylgipfel, 2016, p. 4). Finally, the Austrian understanding of integration was reiterated in the sense that asylum-seekers were expected to show respect for the social order and social values, as well as the willingness to cooperate and personal responsibility. Positive measures like the additional allowance of €75 million for integration were combined with the intention to elaborate a strategy against radicalisation and the possible extension of a so-called “integration year” for recognised asylum-seekers (Asylgipfel, 2016, p. 4).

### 3.4. Reduction of Minimum Social Collateral in Lower and Upper Austria

The refugee crisis with direct costs of approximately €2 billion in 2016, of which two-thirds were social benefits (Integrationsbericht 2016, 2016, p. 34), also instigated a debate about the minimum social collateral for asylum-seekers. Two conservative *Länder* – Upper and Lower Austria – unilaterally decided to reduce the corresponding rights for recognised asylum-seekers. Upper Austria cut back the minimum social collateral from €914 to €365 per person, plus a €155 “integration bonus” linked to the fulfilment of an “integration agreement”. The avowed aim was to become less attractive for asylum-seekers (e.g. OÖ: Mindestsicherung für Asylberechtigten wird gekürzt, 2016, June, 16). Upper Austria was followed by Lower Austria. Instead of €838 per person, an upper limit of €1,500 per

household and a minimum social collateral of €572.50, including an “integration bonus” per person, were introduced for everybody “who in the last six years had stayed regularly in Austria for less than five years” (e.g. *Die Presse*, 19.10.2016). Since the other *Länder*, and notably Vienna, did not follow this line, the consequence was “secondary migration”, which primarily hit the capital city of Vienna, where 40.1% of all migrants and 70% of recognised asylum-seekers and persons in need of subsidiary protection had already been living (*Integrationsbericht 2016*, 2016, pp. 20–21). Of the latter groups, 31,505 received the minimum social collateral of €837 for Vienna in 2015, whereas in 2016 this number had already grown to 42,847 persons (Krutzler, 2017, January 18).

### 3.5. “For Austria” Government Programme (January 2017)

While the actual number of asylum-seekers decreased sharply after the closure of the Western Balkans route – 42,285 in 2016 compared to 88,340 in 2015, which is a reduction of 52.13% (Bundesministerium für Inneres, 2016 b, p. 8) – the internal debate linking integration and security intensified considerably. A witness to this is the preamble of the new “Für Österreich” (For Austria) government programme that was issued in January 2017. Here, the creation and securing of individually felt security is identified as a fundamental political task. The following sentences are even overtly populist in stating that “[i]n our country there must not be regions in which women are frightened to go along the streets in the evening. Integration must follow the premise of support and demands. We’re giving a chance and making an offer to people willing to integrate. But those who are not willing to accept the values of enlightenment will have to leave our country and our society” (Für Österreich, 2017, p. 1).

Chapter 4 of the government programme is labelled “Security and Integration” and contains the measures planned until the end of the legislative period. The government intended to elaborate an Integration Law as a new and legally binding form for the different approaches contained in the integration plans (see 3.1 and 3.2) as well as a “burka ban” and a Law on Integration into the Labour Market (Integration Year) (Für Österreich, 2017, p. 26). At the same time in point 4.6 of the document the government announced its plans to cut back migration. Elements of this policy were the enforcement of border controls, the assistance mission of the Austrian army at the borders, incentives for non-recognised asylum-seekers to return voluntarily to their countries of origin, and a

new regime for the expulsion of non-recognised asylum-seekers (Für Österreich, 2017, pp. 27–30). As the “*ultima ratio*” the government would introduce the “refugee quota” based on art. 36 Asylum Law (see 3.3) (Für Österreich, 2017, p. 30).

### 3.6. Integration Package (June 2017)

Following the new government programme, the Integration Package passed on 12 June 2017 consists of the Integration Law, the Federal Law Prohibiting the Concealment of the Face in Public, and some changes concerning other laws. The Integration Law as the most important part of this package thus became the new legal basis for the Austrian integration policy. At the beginning, the dichotomy of support for and demands on migrants as previously defined in the National Action Plan for Integration of 2010 and later in the Fifty-Point Plan for Integration of 2015 (see 3.1 and 3.2) is repeated (Integrationsgesetz, 2017, §1.1). It is also clearly emphasized that Austria is a liberal and democratic state, whose values and principles are not subject to debate and must be accepted (Integrationsgesetz, 2017, §1.2). The law defines integration as a process encompassing the whole of society, which requires the cooperation of all the people living in Austria. The migrants, however, have a special task of contributing actively to this process, participating in integration measures, and accepting and respecting the fundamental values of a democratic European state. At the same time, public institutions at all levels have the duty to offer systematic integration measures that should be harmonised between public and civil society actors (Integrationsgesetz, 2017, §2.1).

The integration measures shall enable migrants to participate in the social, economic, and cultural life in Austria, while self-sustained employment, learning opportunities, gender equality, and the ability to practise self-preservation are central elements in this context. The final result should be the bestowal of (exclusive) Austrian citizenship (Integrationsgesetz, 2017, §2.2). Articles 4 and 5 refer to language and values courses, while article 6 regulates the integration agreements which migrants are obliged to sign. They contain the obligation to complete language and values courses and the obligation to accept the fundamental values of the rule of law and the social order (Integrationsgesetz, 2017, §6.1). In the case of violation of these regulations, sanctions in the form of a reduction of social benefits or the minimum social collateral are foreseen, and these are equal to the sanctions for unwillingness to work (Integrations-

gesetz, 2017, §6.2). Article 7 ff. explicate the integration agreement and module 1 (i.e. German language courses up to level A2 and basic values courses) and module 2 (German language courses up to level B1 and a thorough understanding of the fundamental values of the legal and social order of the Austrian Republic). The uniformity and consistent organisation of these courses and the corresponding exams is the responsibility of the Austrian Integration Fund (see 3.1). Article 17 ff. apply to the Expert Panel on Integration and to the Advisory Board on Integration (see 3.1) and provide them with a legal basis. The same holds true for integration monitoring and a research coordination unit for integration within the Ministry for Europe, Integration and Foreign Affairs (Integrationsgesetz, 2017, Article 21–22). The failure to fulfil the obligations of module 1 of the integration agreements within two years will result in an administrative penalty amounting to €500 or a prison sentence of two weeks (Integrationsgesetz, 2017, Article 23.1).

Art. 2 of the Integration Package contains the Federal Law Prohibiting the Concealment of the Face in Public (*Bundesgesetz über das Verbot der Verhüllung des Gesichts in der Öffentlichkeit*), popularly called the “Burka Ban” even though it sanctions the concealment of the face in public places in general (e.g. Brickner, 2017, February 8). It is only in the accompanying explanations for the Council of Ministers that the integration context becomes indirectly visible. According to this, the law intends to strengthen participation – supposedly of Muslim women – in social life and peaceful coexistence in a pluralistic society (Beschlussprotokoll des 33. Ministerrats vom 28. Februar 2017; Erläuterungen zu 33/20, 2017, p. 12).

Even more obscured is the legal basis for the prohibition of the distribution of the Qur’an, which became a particular problem in Vienna due to the Salafist and radical background of the distributors (e.g. Imlinger, 2015, November 23). In order to prohibit such activities, road traffic regulations have been altered by the Immigration Package. A new §83.3 stipulates that in the case of any violation of public order, the security authorities shall be informed accordingly and a permission for the utilisation of roads for non-traffic purposes must be denied. The accompanying explanations for the Council of Ministers declare that this amendment shall, among other things, prohibit distribution activities which endanger public security (Beschlussprotokoll des 33. Ministerrats vom 28. Februar 2017, Erläuterungen zu 33/20, 2017, p. 14). However, only experts in this matter and careful newspaper readers are able to make a connection between this somewhat cryptic regulation and the distribution of the Qur’an (e.g. Österreich verbietet Burka und die Verteilung des Koran, 2017, March, 28).

### 3.7. The Law on Integration into the Labour Market (June 2017)

The growing emphasis placed on the demands on refugees also became clear with regard to the new Law on Integration into the Labour Market (“*Arbeitsmarktintegrationsgesetz*”). People eligible for asylum and people in need of subsidiary protection who have no valid work contracts are obliged to partake in measures provided for in the framework of the so-called integration year (*Integrationsjahr*). The voluntary integration year, which had already been offered previously as a qualification measure, thus became obligatory. Violations of the obligation to participate in the corresponding activities result in the reduction of the minimum social collateral (*Arbeitsmarktintegrationsgesetz, 2017, §3.2*). An innovation is §3.3, which stipulates that asylum-seekers who will supposedly be recognised in the future are also entitled to participate in integration year measures on a voluntary basis. For all the programme participants the employment bureau has to issue an “integration card”, which specifies the modules completed during the integration year (*Arbeitsmarktintegrationsgesetz, 2017, §§4.1–4.2*). The modules include the examination of competences, the recognition of qualifications, language and values courses, orientation and job application training, and vocational training. The module that attracted the most public attention was vocational training without the requirement of official employment for up to 12 months in public welfare institutions. Such institutions can belong to the federal, *Länder*, and municipal level, other public bodies, or NGOs (§5.3 *Arbeitsmarktintegrationsgesetz, 2017, §5.3* in conjunction with *Zivildienstgesetz, 1986, §4.2*).

### 3.8. Law Concerning the Modification of Rules Relating to Foreigners (June 2017)

The last step (at present) in the design of integration and refugee legislation is the Law concerning the Modification of Rules relating to Foreigners (“*Fremdenrechtsänderungsgesetz – FrÄG*”). The law stipulates, inter alia, that the delinquency of third-country nationals has to be taken into account when deciding on administrative detention prior to deportation. The detention time can now be up to 18 months (*Fremdenrechtsänderungsgesetz, 2017, Art. 2, §76.2a and §80.7*). Foreigners who do not leave the country voluntarily after a corresponding administrative decision has been taken and communicated to them have to pay a penalty

between €5,000 and €15,000. Foreigners who have forged documents or given false information in order to obtain asylum status also have to pay a penalty between €1,000 and €5,000 (*Fremdenrechtsänderungsgesetz, 2017, Art. 2; Art. 120 paras 1b and 2*).

#### 4. Policy Field Under Political Pressure

The refugee crisis of 2015 can be seen as the direct trigger for multiple external and internal measures of the Austrian political system. These have resulted in securing the borders against refugees and in the successive legal regulation of migration and integration. However, the question may be posed why the government still continues to tighten the framework conditions for recognised asylum-seekers and persons in need of subsidiary protection following the factual end – at least for Austria, in comparison with Greece and now primarily Italy – of the refugee crisis in the winter of 2015. While the number of refugees has decreased sharply, the legal initiatives placing demands on migrants and threatening them with sanctions have notably increased. The responsibility for this most probably lies in internal political motives, with almost all parties trying to react to the negative attitude of the majority of the Austrian population towards migration in general. Before the snap election of October 2017, the SPÖ and ÖVP coalition government has thus been able to show a tough stance on migration issues. The price for this was the implicit adoption of demands formerly rather strongly associated with the right-wing populist FPÖ party. Within the government, a coalition of hard-liners – the former Ministers of the Interior (Mickl-Leitner and Sobotka, both ÖVP), the former Minister for Europe, Integration and Foreign Affairs (Kurz, ÖVP), and the former Minister for Defence (Doskozil, SPÖ) – from both government parties dominated the political discourse on refugees and migration. While a comprehensive legal framework regulating the rights and obligations of foreigners in Austria is now in place, the political discussion before the elections grew harsher. One sign was the debate on the possible border closure towards Italy because of the influx of refugees via the Mediterranean. Before any real escalation had taken place at the border, the Minister of Defence prepared soldiers and tanks for a border mission at Brenner Pass with the explicit support of the Minister for Europe, Integration and Foreign Affairs. Although consultations with the Austrian ambassador had been requested by the Italian foreign ministry, the Austrian election campaign of 2017 was the dominant factor for the relevant

Austrian actors regarding the refugee policy (e.g. Grenzschutz: Doskozil will „eindeutige Signale nach Brüssel senden“, 2017, July, 4; Österreich will Brenner kontrollieren, Italien reagiert verstimmt, 2017, July, 4).

## 5. Conclusion: The Kurz Government and its Programme “Together. For Our Austria”

Following the national election of 15 October 2017, Sebastian Kurz, the former Minister for Europe, Integration and Foreign Affairs, formed a coalition government under his lead between the renamed conservative party “ÖVP – Die neue Volkspartei – Liste Kurz” (31.5 % of the vote) and the populist FPÖ party (26% of the vote) (Bundesministerium für Inneres, 2017, n.p.). The most important and finally decisive discussion points during the electoral campaign had been asylum and integration (very important for 58% of the electorate), social benefits (very important for 49% of the electorate), and security (very important for 40% of the electorate) (SORA/ISA, 2017, p. 11). Not surprisingly, the new coalition government has stressed these issues in its political agenda for 2017–2022. The second chapter of the new government programme is titled “Order and Security” and its first topic is internal security, which contains, inter alia, the political goals to “strictly align legal migration with Austrian needs” and “to fight against and stop illegal migration”. Other goals are the “consequent prevention of *Asylmissbrauch*” (abuse of asylum) and more rapid, efficient procedures for granting the right of asylum (Regierungsprogramm 2017–2022, pp. 32–35). The “Order and Security” chapter has integration as its second topic. Four pages list the basic principles of the government’s general approach – “integration through performance”, “upholding of our constitutionally fixed values”, “fight against political Islam” – as well as many concrete measures to further enhance “strategy, transparency and control” in the field of integration (Regierungsprogramm 2017–2022, pp. 37–40).

Initial announcements of intent to establish, for example, separate remedial classes for children with a German language deficit, to standardise and reduce the minimum social collateral for recognised refugees, or to adjust the legal framework in order to provide asylum-seekers only with non-cash benefits in the future, suggest that the increasingly strict Austrian approach towards migration and integration, particularly since 2015, will be tightened further under the new government. As Austria holds the presidency of the Council of the EU in the second half of 2018, it may also be assumed that a special focus will be placed on the fifth chapter

“Union of Freedom, Security and Justice” of the current 18-month work programme of the EU Council. Action fields such as migration management, strengthening of external EU borders, or an “effective return policy” (Council of the European Union, 2017, p. 12) are all very high on the agenda of the ÖVP–FPÖ coalition and constitute priority concerns for the majority of the Austrian electorate.

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## EXTERNAL AND INTERNAL EFFECTS OF HOW AUSTRIA HAS HANDLED THE REFUGEE CRISIS

### *Summary*

*Austria was hit especially hard by the refugee crisis of 2015, with the population reacting negatively to the influx of migrants and asylum-seekers. New “border management”, the closure of the Western Balkans route, and police as well as military missions to neighbouring countries were the external measures put into place by the Austrian government. At the same time the integration policy has been further regulated with a number of political and legislative actions. Political measures include the Fifty-Point Plan for Integration (November 2015), the Asylum Summit (January 2016) and the new “For Austria” government programme (January 2017). These became the basis for the Integration Law, the Federal Law Prohibiting the Concealment of the Face in Public, the Law on Integration into the Labour Market, and the Law Concerning the Modification of the Rules Relating to Foreigners (all introduced in June 2017). While the number of refugees has sharply decreased, the legal initiatives putting demands on migrants and threatening them with sanctions have thus notably increased – an attitude that persists and even has been further reinforced after the elections of 2017 and the formation of the new ÖVP-FPÖ coalition government.*

*Keywords: refugee crisis, migration, integration*

## VANJSKI I UNUTARNJI UTJECAJI AUSTRIJSKOGA PRISTUPA MIGRANTSKOJ KRIZI

### Sažetak

*Austriju je vrlo teško pogodila migrantska kriza 2015. godine, te je stanovništvo negativno reagiralo na priljev migranata i tražitelja azila. Vanjske mjere koje je uvela Austrijska vlada uključivale su nov način „upravljanja granicom“, zatvaranje zapadno-balkanske rute te slanje policijskih i vojnih izaslanstava u susjedne države. Integracijska je politika istovremeno doživjela nastavak regulacije uvođenjem brojnih političkih i zakonskih mjera. Političke su mjere uključivale Plan od pedeset točaka za integraciju (uveden u studenom 2015. god.), Sastanak o azilu (održan u siječnju 2016. god.) i novi program vlade pod nazivom „Za Austriju“ (donesen u siječnju 2017. god.). Ove su mjere predstavljale temelj sljedećih zakona donesenih u lipnju 2017. godine: Zakona o integraciji, Zakona o zabrani skrivanja lica u javnosti, Zakona o integraciji na tržište rada te Zakona o izmjenama pravila o stranim državljanima. Iako se broj pristiglih izbjeglica znatno smanjio, broj zakonskih inicijativa kojima se migrantima postavljaju zahtjevi i prijeti im se sankcijama se osjetno povećao. Takav se pristup održao i nakon izbora 2017. i formiranja nove koalicijske vlade.*

*Ključne riječi: izbjeglička kriza, migracija, integracija*