

UNIVERSITY OF VIENNA, DEPARTMENT OF SOCIOLOGY

Austria country report

Government responses to increased influx of protection seekers in 2015/16 and 2022/23

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OSLO METROPOLITAN UNIVERSITY STORBYUNIVERSITETET

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Abstract: This country report describes asylum, immigration and

integration governance and policy changes from 2015-June 2023 in Austria. It particularly focus on developments in the periods of high influxes of protection seekers to Europe in

2015/16 and 2022/23

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Table of contents

Acknowledgements	
Table of contentsFigures	
List of abbreviations	
1 Welfare regime, immigration history and political situation	
1.1 Political situation and main policy processes in 2015/16 a	and 2022/235
2 Asylum flows to Austria, 2012- July 2023	
2.1 Asylum flows and permits 2012–2023	
2.2 Situation in 2015/16	
2.3 Situation in 2022/23	10
3 Governance and multilevel responsibilities	12
3.1 Public organisation and funding prior to 2015	
3.2 Organisational and financial changes in 2015/16	
3.3 Organisational and financial changes in 2022/23	14
4 Protection statuses and permits	16
4.1 Protection statuses and connected rights before 2015	
4.2 Changes in 2015/16	
4.3 Changes in 2022/23	18
5 Registration and application process	19
6 Accommodation and services during application process	
6.1 The Basic Welfare Support before 2015	
6.2 Diversification of centres and increasing of capacities in 2	
6.3 No change in 2022/2023: A persisting responsibility confl	ict21
7 Settlement and intra-national distribution	22
7.1 Policies before 2015	
7.2 Changes in 2015/16: A distribution crisis	22
7.3 No distribution model for Ukrainians	22
8 Permanent residency requirements	23
9 Family reunification	
10 Integration measures	27
10.1 Policies before 2015	
10.2 Policy changes in 2015/16	
10.3 Policy changes in 2022/23	28
11 Financial assistance to the protection seeker	
11.1 Basic Welfare Support and unequal Needs-Based Benef	
11.2 Changes in 2015/16: Increased funding and restricted ac	
11.3 Changes in 2022/23: Increased funding and permissive r	
Ukrainians	30
12 Healthcare services	
13 Pre-school and mandatory schooling for minors	
13.1 General educational policy prior to 2015	
13.2 Changes in 2015/16: The integration politics of schooling	
13.3 Policy changes in 2022/23: Adapting existing structures.	
14 Overall analysis	
References	
Appendix	42

Figures

Figure 1:	Persons granted protection in Austria by protection decision vs. lodged asylum applications 2012–2023.	. 8
Figure 2:	Relative shares of asylum seekers from the five largest sending countries to	
	Austria, by asylum grants (blue) and rejections (red) in the period 2015–2017	. 9
Figure 3:	Asylum applicants, persons granted temporary protection after the invasion of	
	Ukraine, and resettled persons in Austria since Feb 2022	10

List of abbreviations

ANS Abreitsmarktservice ASVG Allgemeines Sozialversicherungsgesetz Asylg Asylgesetz 2005 AußG Anerkennungs- und Bewertungsgesetz Aet Concerning the Granting of Asylum AußG Anerkennungs- und Bewertungsgesetz Act On Recognition and Evaluation BBU GmbH Bundesagentur für Betreuungs- und Unterstützungsleistungen BFA Bundesamt für Fremdenwesen und Asyl-Verfahrensgesetz BFA-W Bundesamt für Fremdenwesen und Asyl-Verfahrensgesetz BFA-W Bundesamt für Fremdenwesen und Asyl-Verfahrensgesetz BFA-W Bundesamt für Fremdenwesen und Asyl-Verfahrensgesetz BMASKG Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumertenschutz BMBWF Bundesministerium für Bildung, Wissenschaft und Forschung BMBWF Bundesministerium für Eindung, Wissenschaft und Forschung BMEIA Bundesministerium für Europa, Integration und Außeres BMEIA Bundesministerium für Luropäische und internationale Angelegenheiten BMI Bundesministerium für Inneres CERF CERF - Common European Framework of Reference for Languages Initial Reception Center ERF - European Refugee Fund European Refugee Fund European Refugee Fund European Refum and Reintegration Network PPÖ Freiheitlich Partei Österreichs FrÄG Fremdenrechtsänderungsgesetz 2017 Austrian freedom's Party Federal Act for the Integration of Persons without Austrian Nationality Legally Resident in Austria Integrationsgesetz Federal Act for the Integration of Persons without Austrian Nationality Legally Resident in Austria NAG Niederlassungs- und Aufenthalstgeset Appl. Nationaler Aktionsplan für Integration NAG Niederlassungs- und Aufenthalstgeset Appl. Nationaler Aktionsplan für Integration NAG Niederlassungs- und Aufenthalstgeset Appl. Nationaler Aktionsplan für Integration NEOS Das Neue Österreich und Liberales Forum The New Austrian Integration Fund OVP Osterreichischer Integrationsfonds Austrian Integration Fund Vor Osterreichischer Volkspartei Austrian People's Party Spö Sozialdemokratische Partei Österreich UMA - Unnaccompanied Minor Asylum seekers UNHCR - Verein Menschenrechte Österreich Human Rights Associa	Abs.	Absatz	Subparagraph/Point
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SPÖSozialdemokratische Partei ÖsterreichsSocial Democratic Party of AustriaTPD-Temporary Protection DirectiveUMA-Unaccompanied Minor Asylum seekersUNHCR-United Nation's High Commissioner for Refugees	ÖIF		Austrian Integration Fund
TPD - Temporary Protection Directive UMA - Unaccompanied Minor Asylum seekers UNHCR - United Nation's High Commissioner for Refugees	-	Österreichische Volkspartei	Austrian People's Party
UMA - Unaccompanied Minor Asylum seekers UNHCR - United Nation's High Commissioner for Refugees	SPÖ	Sozialdemokratische Partei Österreichs	Social Democratic Party of Austria
UNHCR - United Nation's High Commissioner for Refugees		-	·
	UMA	-	
VMÖ Verein Menschenrechte Österreich Human Rights Association Austria		-	
	VMÖ	Verein Menschenrechte Österreich	Human Rights Association Austria

Welfare regime, immigration history and political situation

After the end of the multinational Austrian Empire and the Habsburg Monarchy, post WWII Austria's immigration history took a turn in the 1960s with the Raab-Olah Agreements. From this point onwards, migration policies targeted guest workers, offering labour market access but hardly any long-term integration. This stayed the paradigm for the late 20th century until geopolitical shifts in the 1990s such as the Yugoslav Wars.

Despite this long history of international migration and internal multi-ethnicity, there is a continued cleavage in Austrian politics and public opinion pertaining to Austria's status as a host country for migrants and asylum seekers. Indeed, some politicians put much effort into negating the country's migration history: "Österreich ist kein Einwanderungsland und wird auch keines werden" – Austria is not an immigration country and never will be, claimed Peter Westenhaler in 2002, in a National Council led by a right-wing coalition of the Austrian People's Party (ÖVP) and the Freedom Party (FPÖ) (Rosenberger 2017, p 485). 18 years later, the ÖVP Minister of the Interior Karl Nehammer launched the study "Zielland Österreich" (2020-2022) to understand migrants' motives for coming to Austria. The goal is to manage migration and effectively combat what is framed as an economic burden and threat: namely, the so-called "irregular migration". (Bundesministerium für Inneres 2020)

The Migrant Integration Policy Index 2020 offers a good characterisation of the Austrian case as "halfway unfavourable" host country:

"These countries [e.g., Austria] go only halfway towards granting immigrants with basic rights and equal opportunities. Furthermore, they do not provide immigrants with a secure future in the country. Policies in these countries encourage the public to see immigrants as foreigners and not fully as equals and neighbours". (Solano & Huddleston 2020)

The FPÖ's right-wing populist rhetoric had been shaping political debates and agendas on migration and asylum long before 2015. The "Heimatliebe statt Marokkaner-Diebe" Campaign of 2012, which translates as Love for the Nation, not Thieves from Morocco, is an example of a trend set in the 1990s. However, it would be misleading to limit criticism to the far-right, as Austria's extensive corporatist welfare regime is considered by some to broadly rely on 'welfare chauvinism' (Landini 2022). Nevertheless, migration politics is recently being reframed at the blurry intersection of security, religion, and sovereignty politics, thereby turning into a comparative electoral advantage for the FPÖ leading up to their renewed participation in government from 2017 to 2019. Despite sovereignty cleavages, Austria is an EU member and thus follows EU directives. Moreover, it is part of the Schengen border cooperation and the Dublin Regulation.

1.1 Political situation and main policy processes in 2015/16 and 2022/23

Austria has a quite unique history of left-right cooperation, and the post-WWII politics of its second republic can be considered part of a consensus democracy. Since the 1980s, the former "two-and-a-half party system" (Pelinka, p 623) has undergone considerable changes. The Freedom Party (FPÖ) emerged as a competitive political force involved in government formation, and diverse parties entered parliament (e.g. the Greens and liberal NEOS).

Austria has thereby evolved into a more typical majority democracy in which *small coalitions* govern. However, the traditional *big coalition* SPÖ-ÖVP government took office again in the late 2000s, this time without having the majority for constitutional law-making (66 %). In addition, it is worth noting that the asylum system was reformed to be even more restrictive when the FPÖ's seat share increased in 2017, which enabled them to form a coalition government with the ÖVP and cling onto the Ministry of the Interior (BMI) until 2019.

At the time of the "long summer of migration", the so-called asylum crisis of 2015, the government was built on a traditional majority coalition of the conservative People's Party (ÖVP) and the Social Democratic Party (SPÖ). In most instances, the role of the opposition was played by either the Greens and NEOS on one side or the FPÖ on the other, and the parliament's voting behaviour indicates no consensus towards finding the best solutions to the asylum crisis. (Parlament Österreich 2016a; Parlament Österreich 2016b)

In 2022-2023, a left-right majority coalition of the conservative ÖVP and the Green party is leading the way, with a somewhat cross-partisan consensus in parliament. Indeed, although the FPÖ has been successful in building opposition (Parlament Österreich 2022b), the non-governing SPÖ mostly approves of governmental decisions. However, this cross-partisan consensus seems to have slowly eroded as the war in Ukraine continues and the short-term problem-solving of the initial emergency measures begin to be questioned. For instance, the NEOS occasionally criticise government responses for being insufficient and inadequate (e.g. in December 2022). (Parlament Österreich 2022a)

2 Asylum flows to Austria, 2012- July 2023

In 2015/16, Austria was one of the largest receiving countries of protection seekers. Like in many other European countries, the size and composition of asylum flows have changed considerably over time. Here we present an empirical background on these asylum flows and permits, which provide context to the government response to the situation in 2015/16 and 2022/23, respectively.

2.1 Asylum flows and permits 2012–2023

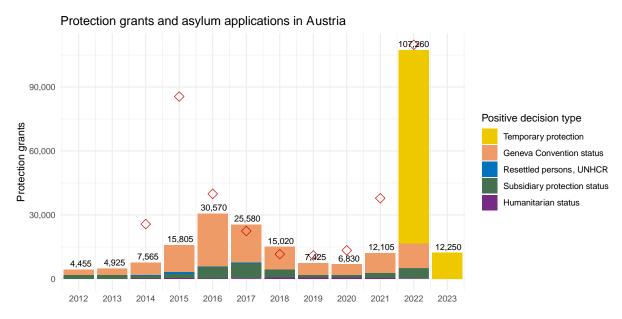
Like the compound EU reception of refugees, the two major displacement events during 2015/16 and 2022/23 constitute considerable peaks in Austrian asylum application flows over the past 12 years. When arrivals to the EU doubled from 2014 to 2015, they tripled in Austria, to nearly 86,000 (Fig. 1, red diamonds). That year, close to 16,000 were granted protection, up from some 5000-7000 in the years before. While many countries with a Mediterranean border saw rising arrivals in 2016, the number of protection seekers to Austria - like other northern nations - fell considerably in 2016, though more than 30,000 were granted protection that year, due to the processing of the caseload from the year before. Asylum claims fell below 15,000 after 2017 and towards the pandemic lockdown years of 2020 and 2021, but there is no discernible impact of lockdowns on the asylum flows, which in 2021 climbed to the 2016 level.

Data on asylum flows

Data on asylum flows are sourced from Eurostat Asylum Statistics. These data are based on administrative sources. supplied to Eurostat by statistical authorities, interior ministries, or related immigration agencies. The data presented in this chapter is a combination of five different datasets provided by Eurostat: decisions on and beneficiaries of temporary protection, firsttime asylum applications, resettlement refugees, and firstinstance decisions on asylum applications.

Source: <u>Information on data - Migration and asylum - Eurostat</u> (europa.eu)

Figure 1: Persons granted protection in Austria by protection decision vs. lodged asylum applications 2012–2023.



Red diamonds: Number of lodged asylum applications.

Number above bars: Sum of granted permits.

Data: Eurostat (migr_asydcfsta, migr_asytpfm, tps00195, migr_asyappctza).

Following the onset of the invasion of Ukraine in Feb 2022, displaced persons were granted immediate and collective protection when the EU triggered the Temporary Protection Directive (TPD), and more than 100,000 Ukrainians have taken refuge in Austria since. Coinciding with this spike in protection seekers, non-TPD asylum arrivals rose to 110,000 in 2022.

The residence permits given in the decade preceding the TPD trigger event (2012–2021) were mostly for Refugee Convention status (termed the Geneva Convention), of which a majority (60 % of 88,000) was given to Syrians, the largest group. About 11,000 refugees from Afghanistan, the second largest group in this decade, were provided subsidiary protection status, while the other half were granted Convention status. Similarly, a relative balance between these two permit types were granted to Iraqis and Somalis. A larger share of arrivals from Russia and Iran, the fourth and fifth largest groups, received convention status.

Before 2022, the share of women among those granted protection has been relatively stable: Except for 2013, when it fell from 40 % ~34 % in 2014–2015, it has remained around 46 % in the following years, before dropping to 29 % in 2021 and increasing significantly to 62 % with the influx of Ukrainian women in 2022.

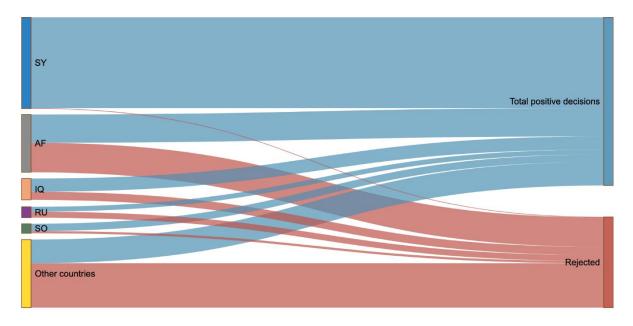
2.2 Situation in 2015/16

In 2015, the number of asylum seekers to the EU soared to 1.25 million, up from 560,000 the year before. Another 1.2 million arrived in 2016. In both years, half of the ~1.2 million were Syrians, Afghans and Iraqis (Eurostat 2016). From 2014 to 2015, asylum arrivals to Austria tripled, and nearly 7 % of the total EU flow applied for protection in the country. Austria had a higher ratio of arrivals (9970 applicants per million inhabitants) than the EU average (2470), and was the third largest receiving country relative to population in 2015 (Eurostat 2016).

Arrivals dropped by half from 2015 to 2016 (<u>Eurostat 2017</u>). The dominant countries of origin in this period were Afghanistan (29 %), Syria (25 %), and Iraq (10 %), aligning Austria with the EU average, though it received about twice the EU's share of Afghans.

In the three-year period, 65 % of processed asylum applications were approved (Fig. 2). Nearly all decisions on Syrian asylum applications were positive, while approval rates were somewhat lower for applicants from Somalia (77 %), Iraq (62 %), Afghanistan (49 %) and Russia (45 %).

Figure 2: Relative shares of asylum seekers from the five largest sending countries to Austria, by asylum grants (blue) and rejections (red) in the period 2015–2017.



Data: Eurostat (migr_asydcfsta, migr_asytpfm, tps00195, migr_asyappctza).

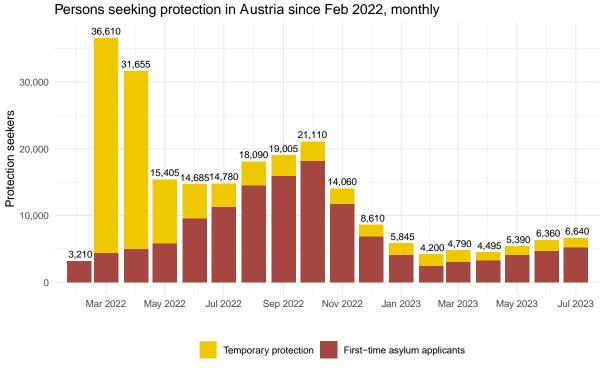
There were some demographic differences between those who were denied and those who were granted asylum in this period. Of the positive decisions in 2015–2017, 37 % of adults were women, compared to 19 % for those who were denied asylum; for children under 18, the respective figures were 46 % and 22 %. Many of the young were unaccompanied migrants (unaccompanied and separated children, UASC). In 2014, 2000 arrived (8 % of arrivals), and the number climbed to 8000 in 2015 (10 % of arrivals) and 4000 in 2016 (10 %) (Eurostat 2023). The number of UASC then dropped significantly after 2017, before climbing to a ten-year record high of 13,000 in 2022.

Among refugees granted protection in 2015–2017, the dependency ratio, defined as the ratio between young and old divided by the working age population, was relatively low for the fifth largest group of persons granted protection, Iranians (21 %), meaning that 79 % were of working age. Due to large numbers of children under 14 years of age, refugees granted protection from other main sending countries had a somewhat lower share of working-age refugees: the dependency rates of Syrians (63 %), Afghans (53 %) and Iraqis (48 %) were very similar to those in Germany, except for Syrians, who had a noticeably higher dependency ratio in Austria. Nearly 40 % of permits to Syrians were granted to children under 14 during these three years.

2.3 Situation in 2022/23

During 2022 and 2023 (until August), more than 142,000 migrants were granted protection in Austria, of which 102,000 were Ukrainians (Fig. 1, above). This was the largest single-year influx in the 15 years preceding the Russian invasion and made Ukrainians the largest sending country of protection seekers to Austria, followed by asylum applicants from Syria. While almost all Ukrainians arrived in the first months after the invasion in February 2022, they were soon surpassed by protection seekers from other countries (Fig. 3, below). The number of protection seekers each month climbed to approximately 21,000 in October 2022, and dropped to some 4000–6000 in 2023. Among TPD holders, about 33 % are minors, and 72 % of adults are women, in contrast to other protection seekers in Austria, of which 19 % are underage and 8 % of adults are women. The dependency ratio of Ukrainians is 48 %. Though most of them are young children (25,800 under 14 years), a significant percentage is older (7500 over 64 years), constituting a larger percentage of elders than in many other host countries.

Figure 3: Asylum applicants, persons granted temporary protection after the invasion of Ukraine, and resettled persons in Austria since Feb 2022.



Numbers above bars: Sum of protection seekers each month.

Data: Eurostat (migr_asyappctzm, migr_asytpfm, tps00195).

Regarding regular (non-TPD) asylum applications in 2022, 110,000 asylum claims were lodged, comprising one ninth of all non-Ukrainian arrivals to the EU, an unprecedented peak in recent times, exceeding even the influx of 2015 and 2016. However, only 17,000 asylum seekers were granted protection in 2022, while 22,000 were denied asylum. The main sending countries were Syria (11,000 refugees, second largest after Ukraine) and Afghanistan (2300, seventh largest), at near full approval rates, while large groups (4000–7000) of protection seekers from other major origins were denied asylum: Tunisia (0 %), India (0 %), Pakistan (1 %) and Morocco (0 %).

The Austrian authorities track the number of temporary protection holders who leave the country and provide an estimate of the number of currently residing protection holders every month. Many Ukrainians have moved on from their initial host countries since they first obtained a temporary residence permit. According to these stocks data, which may be biased or incorrect, more than 78,000 displaced persons from Ukraine resided in Austria as of August 2023, dropping from 89,000 at the start of 2023, and now comprising 0.9 % of the Austrian population, matching the EU average.

3 Governance and multilevel responsibilities

3.1 Public organisation and funding prior to 2015

3.1.1 National organisational structure

The Austrian federal ministries responsible for immigration and integration policy development have been quite constant since 2015. Moreover, the rare notable changes are a matter of partisan coalition arrangements and of individual career-paths rather than a policy-oriented reconfiguration of governmental bureaucracy. As a matter of fact, immigration policy has been conducted by the Federal Ministry of the Interior for several decades (BMI). It is in charge of border politics, including return and deportation procedures, and is primarily responsible for the development of asylum system policies. By contrast, the integration portfolio has been relocated twice since 2013 (see 3.2.1). Since 2010, integration policy development has been monitored by an independent Expert Council for Integration and the NAP.I cooperation platform with state and non-state stakeholders at all levels. In comparison, immigration policy is more centrally designed with a special office coordinating the process within the BMI.

If policy development at the federal level mostly happens in the Ministries, policy implementation is in turn the responsibility of several federal agencies. The Federal Office for Immigration and Asylum (BFA), founded in 2014, processes applications for protection (asylum), issuing residence permits for humanitarian reasons and taking decisions on rejection and expulsion. BFA is also the body deciding on the allocation of Basic Welfare Support (*Grundversorgung*) to protection seekers (§3 BFA-VG). National integration policies are implemented by the Austrian Integration Fund (ÖIF) which was founded in 1960 at the initiative of the UNHCR and the BMI. The ÖIF detached itself from the BMI in 2002 and, having diversified its services, has been responsible for the national integration agenda since 2014. ÖIF thus finances and manages integration projects on behalf of the Federal Ministry such as language courses, counselling and information offices, various reports on integration, and a wide range of teaching certifications for workers in relevant fields by contracting them to both public and private organisations.

Another relevant federal ministry is the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (BMASKG), which issues work permits and fosters protection seekers' participation in qualification courses (free of charge) in cooperation with the Public Employment Service (*Arbeitsmarktservice*, AMS) which is an affiliated partner of ÖIF.

3.1.2 Multilevel governance

First and foremost, as stated in the Integration Agreement of 2002, the states are responsible for the provision of the nationally regulated Basic Welfare Support benefits to protection seekers, which they also co-finance with the federal state at a ratio of 40:60. Furthermore, the states are even entitled to their own regulation regarding some other benefits such as the Needs-Based Minimum Benefit. Indeed, protection seekers with different statuses do not have equal access rights to this benefit across states, which has been identified as a problem for both protection seekers who are assigned to states once they settle, and for the federal state which endures additional strain because of uneven distribution of recipients (Gahleitner-Gertz 2023). In the field of immigration policy, the states implement the Aliens

Law, the Federal Act Concerning the Granting of Asylum (AsylG 2005), and the Residence and Settlement Act (NAG) organising and financing accommodation.

As fostered by the multi-level cooperation platform NAP.I, the federal states have committed themselves to supporting municipalities, which have to locally implement integration policy following the principle of subsidiarity (i.e. the logic behind the recourse to federal states in welfare provision since the Integration Agreement of 2002; Biffl 2019; Rheindorf & Wodak 2018). In that sense, the NAP.I involves municipalities in a more managerial approach to what has been identified as the 'local turn' in integration policy (Schnelzer et al. 2023). While labour market integration is entrusted to the regional programmes of the AMS, the NAP.I originally came up with an exhaustive list of locally implemented projects intended to encourage social integration: day-care for children of migrants, tutoring initiatives, German courses, courses in the home countries' languages as a way to preserve diversity, and other instruments are delegated to the municipalities. (Bundeskanzleramt/Agenda/Integration)

The Austrian Association of Municipalities and the Austrian Association of Cities are two interest groups inherent to Austria's federalism. They represent municipalities in regional groups in the multi-level governance of immigration and integration. It is important to keep in mind that these associations are crisscrossed by historical cleavages, to the point that municipalities of Burgenland and Lower Austria are represented by both a social democratic group and a conservative group.

3.1.3 Non-public actors

Austria has several very active NGOs and Associations (*Vereine*). Even prior to 2015, the government was working together with various NGOs on migration topics. NGOs provide consultative work within asylum procedures, the provision of certain basic welfare services, integration programmes or voluntary return programmes (Josipovic & Reeger 2018), cooperating by means of service contracts. The *Verein Menschenrechte Österreich* and the *Diakonie Flüchtlingsdienst* were assigned by the federal government for counselling. *Caritas* and the *Diakonie Flüchtlingsdienst* provided care services, acting as "operative partners of the provinces for the performance of care tasks" (Langthaler & Trauner 2009, p 460). For accommodation, public financing is provided (*Grundversorgungsvereinbarung*), whereas for counselling, care services and integration programmes, funding comes from the European Refugee Fund (ERF) and the Ministry of Interior (BMI) (Josipovic & Reeger 2018). The activities of private for-profit organisations such as European Homecare GmbH and, after 2012, ORS Service GmbH are co-funded (nationally/federally) to accommodate protection seekers per capita.

3.2 Organisational and financial changes in 2015/16

3.2.1 National organisational structure

In 2014, the Ministry of Foreign Affairs was modified in order to include the integration portfolio. When Sebastian Kurz (ÖVP), former Minister of State for Integration at the BMI, was appointed Foreign Affairs Minister, the ministry was renamed the Federal Ministry for Europe, Integration and Foreign Affairs (BMEIA). Kurz thus took on the responsibility of the BMEIA, with its pre-existing competences in visa and permits issuance, until he became Chancellor of Austria in 2017. Following the formation of a new green-right coalition in the

aftermath of the Ibiza scandal involving Vice-Chancellor Heinz-Christian Strache (FPÖ)¹, the integration portfolio was moved to the Federal Chancellery under the Federal Minister for Women, Family, Integration and Media in 2019. From 2014 to 2020, the ÖIF operated as a close partner of the BMEIA, and since then of the Integration Federal Minister at the Federal Chancellery. The main financial response to the strain put on a rather unprepared immigration bureaucracy was directed towards the personnel employed by the Minister of the Interior and its national immigration agency, as the staff was increased by 250 % in 2016. (Rechnungshof Österreich 2022, p. 103)

3.2.2 Multilevel governance

During 2015 and 2016, a temporary "refugee coordinator" (*Flüchtlingskoordinator*, officially *Regierungsbeauftragter für die Bereitstellung menschenwürdiger Unterbringung von Flüchtlingen*) was installed at the BMI. Christian Konrad, former general attorney for the Raiffeisen Bank, was appointed to this position in September 2015. He was in charge of this voluntary service until September 2016 and coordinated the distribution of protection seekers across national territories. This position did not find any successor after Konrad, as it was meant to be in effect for the "long summer of migration" only. (Faymann 2015)

3.2.3 Non-public actors

In order to manage the influx of protection seekers in 2015 and 2016, the Austrian government worked together with many NGOs that were already established in the field of asylum and migration (see 3.1.3). Many of those organisations advanced funding to open more centres and accommodation for the large number of people, without having finished contracts with the government. This resulted in them not getting full refunds for their spending from the government, which would impact the willingness to act swiftly and advance money to open more centres down the line (especially in 2022 for Ukrainian protection seekers). (Gahleitner-Gertz 2023)

State governments supported volunteers and private initiatives in some cities. The ÖIF started projects to organise and support volunteers for language teaching, especially in smaller towns and communities outside of Vienna. Private households offered accommodation and could charge up to 200 Euros rent per month per adult, which was paid out to refugees from the government (see section 11 and Appendix for clarifications).

3.3 Organisational and financial changes in 2022/23

3.3.1 National organisational structure

One major change that comes with far-reaching consequences on immigration and integration policy and its outcomes is the foundation of BBU GmbH in 2021, the public enterprise "Federal Agency for Reception and Support Services". This agency replaced former for-profit organisations in the administration of federal reception centres and other functions. The rationale behind this intervention in the formerly private system is one of nationalisation and cost efficiency, as FPÖ Herbert Kickl's 2017 campaign's focus on

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¹ In 2019, a video from a party in Ibiza showed Strache admitting the government's involvment in corrupted activities. The coalition ended and a new election led to the Greens' entrance in government, while activities of both the ÖVP and the FPÖ were being reviewed by a parlamentary committee (Parlament Österreich 2021).

sovereignty politics highlighted. The political implementation of this project, which has to be understood as a response to a shift in public opinion after 2015, took time, and it was not until January 1st of 2021 that the BBU began to operate

However, strictly speaking, no changes in the national organisational structure were made in Austria in 2022 or 2023. Policy responses included the implementation of the 2001 Temporary Protection Directive (TPD) to accommodate refugees from Ukraine and adaptions to specific needs and pressures while keeping the bigger organisational structure intact.

3.3.2 Multilevel governance

In March 2022, Chancellor Nehammer (ÖVP) created a special office named "Stabsstelle Ukraine – Flüchtlingskoordination" at the Federal Chancellery and appointed major general Michael Takasz to its direction. Takasz previously worked with refugee coordinator Konrad in 2015/2016. However, in contrast to the coordinator of 2015, the office of 2022 employed 5 co-workers with a full-time contract. Federal Chancellor Nehammer affirms there was no additional budget allocated to this temporary structure (Nehammer 2022). In July 2022, the direction was handed over to Andreas Achrainer, but it was just a formal change of responsibility as their prior cooperation ensured continuity. In addition to inter-ministerial coordination and communication with the government's crisis committee, the refugee coordination office aims at systematic exchanges between the federal government and chairpersons of the state governments (ibid.).

One major difference in multilevel governance is that Ukrainian protection seekers fall directly under the responsibility of the states, and not the federal state, as they do not go through the normal asylum procedure. Four states held state parliamentary elections in 2022/23, which seems to have influenced distribution conflicts over the accommodation of protection seekers. Indeed, some chairpersons of state governments were reluctant to cooperate with the federal state's efforts in the event of upcoming elections in Lower Austria and Tirol. (Gahleitner-Gertz 2023)

3.3.3 Non-public actors

As stated in 3.2.3, NGOs were more reluctant to make any form of advancements without fixed government contracts and funding. This resulted in centres staying closed longer, as the bureaucratic aspects had to be figured out and finalised first. As for private citizens, there was a big outpour of support with people donating money and various items as well as providing accommodation, for which there was no compensation apart from the Basic Welfare Support's rent assistance. Up to today, private accommodation plays a major role in housing integration for refugees from Ukraine, which underpins the need for long-term solutions. (Haase et al. 2023)

4 Protection statuses and permits

4.1 Protection statuses and connected rights before 2015

Being a member of the European Union since 1995, Austria adheres to the regulations set forth by the EU, incorporating them in its own legislation. The Dublin Regulation (1990), the Schengen Convention (1990), the Safe Third Countries Regulation (1998) as well as the Charter of Fundamental Human Rights of the European Union (2009) have informed Austrian regulations concerning protection statuses and the granting or rejecting of individual applications (Bundesministerium für Inneres 2019; Josipovic & Reeger 2018; Merhaut & Stern 2018).

At the federal level, there are three seminal acts that regulate migration and asylum seeking: the Federal Act Concerning the Granting of Asylum (Asylum Act – AsylG 2005), the Integration Agreement Decree (2002; in §14 NAG since 2006), and the Aliens Law Amendment Act (FrÄG 2017).

In Austria there is one application system for all protection seekers, and cases get checked individually. The Asylum Authority (*Asylbehörde*) decides if they fall under the convention or subsidiary protection category. If a protection seeker falls into neither category, they might still qualify for humanitarian status, and receive a "residence permit for reasons worthy of consideration" (*Aufenthaltstitel aus berücksichtigungswürdigen Gründen*). This permit corresponds to the upholding of §8 of the European Convention on Human Rights, the right to "respect for one's private and family life". The status might be granted in special case constellations which are assessed case-by-case. Basic requirements for the granting of a humanitarian residence permit in the jurisprudence include a residency of at least 5 years and special integration (Gahleitner-Gertz 2023) as well as – depending on the residence permit – further requirements (Bundesamt für Fremdenwesen und Asyl 2023). In 2014 for example, 1,739 out of a total of 27,163 legally binding decisions (around 6 %) were made in the category of "humanitarian status". Of those, only 184 were positive decisions (Bundesministerium für Inneres 2014).

4.1.1 Voluntary and temporary returns

Policies and strategies concerning voluntary returns were first developed and implemented in Austria in the late 1990s after the conflicts in former Yugoslavia. Initially, assistance for voluntary returns was co-funded by the European Refugee Fund and later by the European Return Fund. The implementation was realised in cooperation with the International Organisation for Migration (IOM) various other NGOs, such as Caritas, the Human Rights Association Austria (VMÖ), European Home Care and many others. The NGOs and the IOM jointly make the arrangements for the return. The IOM introduced reintegration programmes to an expanding list of countries since 2003. In 2014, more funding became available through the European Asylum, Migration and Integration Fund (Internationale Organisation für Migraiton (IOM) Landesbüro für Österreich 2022).

The BMI describes voluntary returns as follows: "Persons whose application for asylum is legally rejected in Austria are obligated to return to their country of origin within a certain period. Only if this obligation of voluntary return is not met, deportation will occur." (Bundesministerium für Inneres 2021). As such, voluntary returns mainly refer to the proactive return of migrants who were denied protection status and want to avoid deportation. Therefore, it might be called pseudo-voluntary.

Assistance for voluntary returns encompasses four areas: information tools, return counselling, return support and reintegration offers (Bundesministerium für Inneres). "The BFA will ask the alien to depart voluntarily. The alien may (and in certain circumstances must) avail himself of return counselling." (Bundesamt für Fremdenwesen und Asyl, p 22). (Bundesamt für Fremdenwesen und Asyl) The responsible organisation will inquire at the BFA on behalf of the returnee if expenses necessary for a return will be covered by the Republic of Austria, including potential travel, fees for obtaining documents and possible financial aid for returning.

If protection beneficiaries have a valid permit, they are generally allowed to travel abroad, however, visiting their home country might be grounds for stopping the asylum procedure (§§ 24, 25 AsylG idFv. 2013).

4.1.2 Unaccompanied minor asylum seekers

There is no specific legislation for unaccompanied minor asylum seekers (UMA) in Austria. Only in October 2005 did the Austrian Supreme Court declare that UMA had to have a legal guardian appointed to them. Responsibilities include three areas: care and education (§ 160 ABGB), asset management (§ 164 ABGB) and legal representation (§167 ABGB). Prior to 2005, "legal responsibility of care" (*Obsorgepflicht*) for UMA was not seen as an issue; the Child and Youth Welfare Services seldomly got involved (Asylkoordination Österreich 2019).

4.2 Changes in 2015/16

In 2015 and 2016, the highest proportions of protection seekers were from Syria and Afghanistan and a decision on their protection status was made within the same year. The most common form of decision was on whether asylum should be granted or not. In 2015, there were 10,079 cases for Syrians (8,114 of which were positive) and 6,867 cases for Afghans (of which only 2,083 were positive). The negative decision on asylum for Afghan protection seekers gives no information whether they received a different form of protection that provided them with the right to stay in Austria. Both subsidiary and humanitarian status were the expectation for Syrians, with only 183 and 8 cases respectively in 2015. That number increased to 585 cases of subsidiary protection, which is partially explained by the increase in overall cases of Syrian refugees. Notably, Afghan protection seekers were granted subsidiary protection far more often, with 1263 cases in 2015 and 1693 cases in 2016.

Policies for border control are not within the scope of this report, however, it seems noteworthy that Austria asked for sovereignty back from EU to systematically control its borders, which it actively did at least until 2019. Additionally, Austria passed a law enabling a crisis decree (Notverordnung) in 2016 in case of an overwhelming of the Austrian asylum system, a maximum limit would be introduced. However, this never came into effect (Josipovic & Reeger 2021).

4.2.1 Unaccompanied minor asylum seekers

Austria saw a big surge in asylum applications of unaccompanied minors in 2014, 2015, and 2016, especially UMAs coming from Afghanistan and Syria. While the legislation for UMAs did not change during that time, flaws in the system became more evident. In Austria, Child

Welfare is the responsibility of the states, not the federal state. The initial registration process, however, is organised by the federal state, only during the application process do refugee seekers become the responsibility of the states. Therefore, during this initial registration process, child welfare responsibilities remain unclear, as no one is responsible for them during this time. Once their application process has started, the Child and Youth Welfare Agencies of the federal states submit an application for the transfer of custody to the state, provides them with a legal guardian and places them in specialised care facilities.

4.2.2 Voluntary and temporary returns

In 2016, Austria joined the European Return and Reintegration Network (ERRIN) which has joint contracts with partners in various countries of return that make local reintegration support available to voluntarily returning protection seekers.

As a delayed consequence of FPÖ government participation and its coalition agreement with the ÖVP, and by the initiative of Herbert Kickl (FPÖ Minister of the Interior 2017-2019), the BBU took over various roles and responsibilities within the asylum system, including the supervision of return counselling for voluntary returnees. As such, NGOs like Caritas no longer offer return counselling as of 31.12.2020. This centralisation and monopolisation are currently being inspected for potentially being unconstitutional (see section 14).

4.3 Changes in 2022/23

In 2022, out of a total of 146,309 protection status decisions made, 30,896 – roughly 20 % - were for humanitarian status and the "Residence permit for noteworthy/reasons worthy of consideration". Of those, 2531 decisions were positive and 28,356 negative. Most cases came from Tunisia (6461 cases), India (4478 cases), Pakistan (4161 cases), Morocco (3471 cases) and the Russian Federation (1078 cases).

As for Ukrainian temporary protection seekers, their protection statuses are regulated through the EU Temporary Protection Directive. In Austria, they received the right of temporary residence through the "Blue Card", an ID for displaced persons. However, foreign inhabitants of Ukraine seeking protection in Austria need to follow the road of asylum application as they do not fall under the EU TPD in Austria.

4.3.1 Unaccompanied minor asylum seekers

The legislation for UMAs did not change during that time in Austria. During 2018 and 2019, the number of asylum applications for UMAs declined, which led to specialised care facilities being closed since funding was provided on a per child per day basis. This led to a shortage of available spaces and capacities when the numbers rose again in 2020 and 2021.

4.3.2 Voluntary and temporary returns

The Austrian government modified the Residence and Settlement Law to further postpone the exemption from normal regulation of "Daueraufenthalt – EU" in case of prolonged absence. Thus, temporary returns to Ukraine for Ukrainian temporary protection holders are allowed, with no effect on their protection status (§82 Abs. 34 NAG).

5 Registration and application process

Prior to the high influx of 2015, the Austrian regular procedure for receiving asylum seekers was initiated by the protection seeker with any national police officer. The protection seeker is received at a police station, where a first registration interview is conducted. While the BFA studies the material to decide on the validity of the asylum application, the protection seeker receives Basic Welfare Support (see section 11) in one of the two initial reception centres (EAST), which the federal state is in charge of, or at the VIE Airport arrival centre directly. These EAST centers are under the responsibility of the BFA but run by the private for-profit organisations European Homecare (until 2011) and ORS service (from 2012). This first step in the procedure is done exclusively to determine whether Austria is responsible for the application, or the protection seeker is to be brought back to another state under the Dublin procedure. If the application is accepted, BFA organises the free transportation of the asylum seeker to one of the many reception centres of the states, in priority where minimum requirements are not yet met. These reception centres, which are contracted to both NGOs and private for-profit organisations, are providing the Basic Welfare Support until the final decision, i.e. the end of the asylum procedure. This is the only existing procedure for international protection, as the humanitarian status, although not widely used, is granted to particularly well integrated protection seekers whose asylum applications were rejected in first or second instance.

Strictly speaking, there has hardly been any change in the asylum procedure since the introduction of the Dublin regulation, as Austria follows international consensus of the 'refugee regime'. However, some adjustments were made to cope with increased applications in 2015/2016: The deadline for BFA's first instance decision was temporarily extended from six to twelve months, while that of the protection seeker for contesting the decision has in some cases been halved from four to two weeks (Parlament Österreich 2015). Additionally, an accelerated procedure has been introduced to reject more quickly some of the applications from countries whose success rates are low (§27a AsylG).

In comparison, the Austrian implementation of the EU TPD worked particularly well by enabling protection seekers from Ukraine to be directly recognised and thus under the responsibility of the states. No individual assessment was made by the BFA because the protection grant does not follow the regular asylum procedure. The registration, which includes the taking of fingerprints, must be done at certain police stations or in special reception or registration centres, almost half of which are located at the Hungarian border. The identity card is then issued to the registered address of the TP holder. Registering one's address is mandatory for every resident and must happen within three days upon arrival/moving.

6 Accommodation and services during application process

6.1 The Basic Welfare Support before 2015

The accommodation during the application period in reception centres is, as regulated by the Basic Welfare Support Agreement of 2004, co-financed by the federal and the regional state at a ratio of 60:40. However, if the procedure lasts more than a year, the federal state is fully responsible for the costs generated by the prolonged treatment. In addition to a logic of even distribution (see section 7), the delegation of reception centres to the states effectively leads to reduced costs because smaller sized facilities are more efficient than the bigger arrival centres. Furthermore, the law allows protection seekers in the procedure to live in private accommodation of their choice at the cost of forfeiting pocket money. However, Basic Welfare Support still includes monthly care money and rent assistance, although it cannot cover the full rent and benefits are not granted in the first place if the protection seekers were able to support themselves. Whereas there might be mobility during the application, a temporary obligation to stay in the arrival centre for the first five days of the registration was imposed on protection seekers from July 2011 to July 2015. Before 2015, there was no arrival or transit centre specifically for unaccompanied minor asylum seekers during the registration phase.

6.2 Diversification of centres and increasing of capacities in 2015/16

Further, as the massive influx of 2015/16 put the then unprepared system of accommodation for protection seekers under strain, temporary changes (either for an indeterminate period of time or from 2015 to 2018) as well as long-term adjustments were made to reorganise and upscale national and regional capacities. In 2015, seven distribution centres were created across the nine states, with Burgenland's and Vorarlberg's being integrated into respectively Vienna's and Tirol's distribution centres. As a result, the federal state operates centres of different types, including some for UMAs only, in all states but Vorarlberg. Specifically, these distribution centres were conceived as a measure to reduce travel costs from the territory to the two EASTs and to gain in overall efficiency. Protection seekers in the registration period who are under the responsibility of the federal state could be accommodated in these centres while waiting to be allocated to facilities of the states (Parlament Osterreich 2015). Thus, EASTs were used to accommodate asylum seekers in the Dublin procedure only. The BMI then opened additional centres to accommodate asylum seekers waiting for a place in state reception centres as well as those whose application was rejected. These additional centres were followed by emergency structures being created such as tent camps and container facilities, which faced manifold legal blockades by the municipalities until the federal state was empowered to intervene by the "right to crackdown" (Durchgriffsrecht), valid until the end of 2018 (Rechnungshof Österreich 2022). Lastly, the BMI also rented event infrastructures like conference halls and stadiums to contract out temporary camps with high capacity in the winter. For all of these new facilities, the BMI signed rental contracts with private for-profit organisations, state enterprises, private persons, as well as municipalities and states, and even with the Republic of Slovakia, where one camp hosted 500 asylum seekers. (Ibid.)

To increase the accommodation capacities in the states, NGOs opened new centres and expanded the existing ones, thus incurring increased expenses. Normally, the contractors present their bills to the state, which in turn receives 60 % from the federal state. However, the NGOs were not reimbursed to the extent of their spending, which made them reluctant to advance money without a definitive and a priori financial approval by the state in the future (Gahleitner-Gertz 2023). Nevertheless, in this context of a hesitant and conflictual multi-level bureaucracy, Austrian civil society was very involved in 2015, and the NGOs could count on its donations and volunteering. Moreover, the rate of private accommodation of protection seekers increased thanks to private households' solidarity: Some accommodated protection seekers in their home, either completely rent-free or by receiving the rent assistance of the Basic Welfare Support granted to the protection seekers. No new legal mechanism was introduced to support households in their contribution.

6.3 No change in 2022/2023: A persisting responsibility conflict

In 2022/23, the number of accommodation capacities in active federal and state reception centres was reduced by 36 % compared to 2017, since the financing system led to centres being not fully occupied and thus having to close down regularly (Asylkoordination Österreich 2022). This is the result of an economically unviable combination of per capita funding and long-term rental contracts with up to 15 years of waiver of termination right in several cases (Rechnungshof Österreich 2022). Further, NGOs were unwilling to advance money without reimbursement guarantee in an upscaling effort. The states used the position of the providers to declare their incapacity to accommodate more Basic Welfare Support recipients, which led to a conflict of responsibilities: The federal state had to reopen some 13 centres and open five additional ones to accommodate over 5000 asylum seekers who are in the procedure and under the responsibility of the states (Karner 2022). Accelerating the registration phase is not a priority of the BFA, since the accommodation shortage lies in the transition to facilities in the states, which as of 2022 still have not reached their maximum capacity (even including displaced Ukrainians).

Despite the persisting responsibility conflict of the general accommodation model for protection seekers, capacities were quickly increased through emergency centres, mostly in event infrastructure in Vienna, and thanks to the accommodation of displaced people from Ukraine in private households of family members and friends.

7 Settlement and intra-national distribution

7.1 Policies before 2015

The Austrian settlement model after granted protection is by default self-settlement. However, in most cases, asylum seekers receive the Basic Welfare Support benefits (see section 11) of the federal state when they register for the asylum procedure and are thereafter allocated to states by the BFA. The Basic Welfare Support is the only way for the federal state to steer the distribution of protection seekers during the procedure. The distribution criteria are quite simple: The Basic Welfare Support Agreement between the states and the federal state sets requirements as a proportion of the states' population. Self-settlement is co-financed, just like organised settlement, by the states (40 %) and self-settled Basic Welfare Support recipients are equally allocated to them depending on whether they already exceed the states' accommodation capacity. As of 2015, the accommodation of self-settled protection seekers is not tied to the territory of the state financing it. After the procedure, there is no mechanism to ensure a specific distribution.

7.2 Changes in 2015/16: A distribution crisis

The mobility of Basic Welfare Support recipients was restricted in 2017, obligating them to live in the state which oversees the provision. While this has been framed by some as necessary to ensure a better distribution, others argue it is the de facto creation of internal borders for asylum seekers (Josipovic & Reeger 2021, pp 67–68). Thus, asylum seekers in the procedure are tied to a state, whether they live in state facilities or are self-settled. However, once a protection permit has been granted, there is still no legal mechanism to steer distribution.

Even though the states did not exhaust their potential accommodation capacity for protection seekers in 2015, the high influx of 2015/16 led to a distribution crisis, rather than an asylum or accommodation crisis, since the states were not prepared to increase their capacities quickly enough. Even though this problem has been recognised, the Basic Welfare Support, its financing mechanism, and its corresponding distribution model at the heart of a responsibility conflict have not been reformed yet. During the distribution crisis, the allocation of protection seekers in the procedure was partially hindered at the local level by mayors and local protests until the *Durchgriffsrecht* was introduced. Indeed, most of the states still had not exhausted their maximum capacities.

7.3 No distribution model for Ukrainians

The high influx of 2022/23 did not lead to any changes in the distribution model or settlement policy. Protection seekers from Ukraine were collectively and immediately recognised as Displaced People and were never the subject of a distribution model. This explains, together with the geographical proximity in the East and previous settlement history of relatives, why there is a disproportionate concentration in Vienna which is even higher than that of asylum seekers in the BWS.

8 Permanent residency requirements

8.1.1 Permanent residence permit before 2015

In order to acquire the permanent residence permit for Austria, there are several stipulations to be fulfilled, outlined in the Settlement and Residence Act. The same requirements apply for convention and subsidiary protection seekers. There is a residence requirement of living in the federal territory for five consecutive years. The count is reset if a third-country national stayed outside the federal territory for a total of more than ten months or for more than six months continuously within this period (§45 NAG).

Additionally, third-country nationals must successfully complete German language courses within two years. Of the Common European Framework of Reference for Languages (CERF), different levels are to be achieved depending on the type of permanent residence permit. For some types, for example the "Red-White-Red Card" or the "Residence permit for family members", completing module one, which is up to level A2, is sufficient, while getting the "Permanent Residency Permit – EU" requires the completion of module 2, which corresponds to level B1 (§14b NAG). There was no additional civics course or test requirement up until the Integration Agreement 2017, which required passing a civics test, usually incorporated into the language exam.

As for economic requirements, applicants must be self-sufficient, meaning they must have a fixed minimum income which is mandated and regulated in the general social insurance law (§§ 293, 292 Abs. 3 ASVG). In addition, they must be entitled to adequate accommodation and have full social insurance rights.

8.1.2 Changes in 2015/16: Civic courses as a condition

During the period of 2015/2016, no significant changes were made to the general requirements to gain a permanent residence permit, regulated through the Settlement and Residence Act. In 2017, the Federal Act for the Integration of Persons without Austrian Nationality Legally Resident in Austria (Integration Act 2017 – IntG, Integrationsvereinbarung) introduced compulsory civics courses that had to be successfully completed within two years. The language and economic requirements remained the same as before.

The introduction of "Temporary Asylum" (Asyl auf Zeit) with the Amendments made in 2016 (FrÄG) is noteworthy, as it stipulated an initial three-year limitation of the right of residence. On the other hand, if the requirements to initiate a procedure or lawsuit to revoke the asylum status are not met, the residency permit is extended to an unlimited period of validity (Josipovic & Reeger 2021). This right of residency expires if the status of the person entitled to asylum is legally revoked (Bundesgesetzblatt für die Republik Österreich 2016a). As the situation in various home countries of protection holders is monitored yearly, significant improvements in the situation can lead to the revocation of protection titles. In a nutshell, the refugee status is preliminarily restricted to three years, before being prolonged without validity limit.

8.1.3 No permanent residence permit for Ukrainians TPs

Ukrainian temporary protection holders currently do not have the option to gain a special permanent residence permit. Otherwise, there have been no changes to permanent residency requirements.

9 Family reunification

9.1.1 The Austrian family reunification policy

Family reunification is possible for the following family members, as defined in (§35 AsylG):

- Parent of a minor;
- Legal guardian of a minor if legal guardianship already existed in country of origin and the minor is not married:
- Spouse or civil union partner if marriage or civil union already existed in the country of origin;
- Minor child (not married, still a minor at the point of the application).

Siblings and children that are over 18 years old and therefore not minors anymore at the time of the application do not fall under this categorisation and family reunification is not possible. Additionally, traditionally or religiously conducted marriages or civil unions might be difficult to prove and therefore most likely will not be recognised in Austria (Asylkoordination Österreich 2020). Furthermore, since 2009, spouses need to be at least 21 years of age to be allowed to apply for family reunification (Lukits 2016). In the case of "polygamous or multiple marriages" (Mehrfachehen), only one spouse is allowed to request family reunification in Austria (§2 Abs. 9 NAG). The government will require documents that prove the family relation, and in cases where these do not exist or cannot be provided, can ask for a DNA-Test to ascertain blood relation. Prior to the family members' entry into Austria, they are required to provide proof of elementary proficiency in German (Lukits 2016). Beyond that, no income or housing requirements were required. Generally, both refugees and people under subsidiary protection can apply for family reunification, however, people under subsidiary protection have to wait one year after their first renewal of the temporary protection permit (Lukits 2016). As post-flight family reunification (formation) is not possible under the Asylum Law, it falls under the general Residence and Settlement Act (§46 NAG).

9.1.2 Restrictions in 2015/16

With the drastic increase in applications for family reunification in 2016 to a total of 9494 applications (Asylkoordination Österreich 2020), changes were made to the Asylum Act. A three-month deadline to apply for family reunification after asylum had been granted was introduced (§35 Abs. 1 AsylG). After this deadline had passed, an application could still be made, but would no longer fall under the Asylum Law, but rather the general, stricter Settlement and Residence Act (NAG). Thus, additional requirements would have to be fulfilled, including "evidence of adequate health insurance coverage, of accommodation to local standards and of a secure means of subsistence" (Lukits 2016, p 11). Additionally, permits granted under the NAG are subject to quotas which are imposed on a yearly basis. If the yearly quota has already been reached, family reunification will have to be applied for again the following year. There is one exception, for which these extra requirements are seen as fulfilled, namely for parents of an unaccompanied minor refugee (§35 Abs. 2a AsylG). Subsidiary protection seekers now had to wait for a total of three years before being able to apply for family reunification and the income and housing requirements had to be fulfilled (§35 Abs. 2 AsylG; Josipovic & Reeger 2021).

9.1.3 Permissive policy for Ukrainians

Family members who are protection seekers from Ukraine are allowed to reunite. The definition of family members is also less strict than those for refugees or subsidiary protection holders. It includes "other close relatives, who lived in the same household and were reliant on the protection seeker prior to the displacement" (Bundesgesetzblatt für die Republik Österreich 2022a).

10 Integration measures

10.1 Policies before 2015

Prior to 2015, there were very few centralised and coordinated integration measures in Austria. Protection seekers did not have a right to language training or courses and civics courses or other integration measures did not exist. As for the access to the labour market, there was no formal access for protection seekers, however, they were allowed to do volunteer work as well as seasonal work with a special work permit in tourism, agriculture, or forestry for a maximum of six months. After being granted residence, refugees and subsidiary protection holders had free access to the Austrian labour market. There was the possibility to have foreign education and qualification recognised through the ENIC NARIC Austria, a centralised office led by the ÖIF and BMEIA, though the process was complex and not transparent. However, prior to 2015, there was no integration programme for protection seekers after they were granted their title and residence permits, so they still had no right to language training or courses, civics courses or other integration measures. While there was no centralised policy, different states and municipalities had different approaches and offers. The Municipality of Vienna, for example, introduced an accompanying programme called "Start Wien" in 2008, which provides information as well as various services for migrants and protection seekers such as coaching and counselling.

However, the federal level is still involved in the design of the courses and sets the certification criteria as well as evaluation scheme for the validation of integration modules (by decree). The federal state also finances, under certain conditions, 50 % of module 1 integration courses (A2 level) given by official course providers.

Emphasis de jure lies on non-state actors providing the language and integration courses.

10.2 Policy changes in 2015/16

The Austrian national government introduced the Integration Act in 2017 after having conducted a pilot project for «value and orientation courses» (*Wertekurse*) since 2015. The Integration Act mandates that once residency permits have been granted, migrants and refugees have two years to complete language (CERF level A2, in some cases B1) and value courses successfully. These value courses cover various important topics and values relevant to everyday life in Austria, such as democracy and equality, to ensure a "peaceful coexistence of all people" (BMEIA 2015, p 14). Voluntarily, refugees may participate in secondary courses on topics such as labour market, culture, health, or gender equality (Biffl, 2019; BMEIA, 2015). Critical voices pointed out that the national funding for language courses only up to A2 would not provide refugees with sufficient language skills for properly communicating in German and managing everyday life (Fóti et al. 2019).

During the application process, asylum seekers also had the right to attend civics classes, however, only 'asylum seekers with a high probability of staying' had the right to participate in literacy programmes and language courses A1 (Expertenrat für Integration Österreich 2016). There was no change in the right to work for asylum seekers, though voluntary work was seen as a possibility for them to prove their integration practices and could earn them an allowance of 200 €/month (allowance for charitable work). (FSW 2019)

Residency permit holders still had free access to the Austrian labour market. A change in policy in 2017 required those who were able to work but could not secure employment to

complete a one-year standardised integration programme focusing on language acquisition, career orientation and vocational qualification.

In July 2016, the Act on Recognition and Evaluation (AuBG) came into effect, which accelerated the procedure of recognition of education and professional qualifications obtained outside of Austria. It provided the possibility to apply for recognition, even without documentation of education or qualifications (Asylum Information Database | European Council on Refugees and Exiles 2023).

However, the process remained somewhat inefficient, as a study conducted in 2016-2017 shows. 1200 refugees in five Austrian states were asked about their integration in the labour market. Their qualifications varied greatly, from illiterate to highly qualified. The results indicated a devaluation of non-Austrian educational qualifications, with highly qualified refugees having great difficulties finding work. The recognition of qualifications did increase the chances in the labour market, however, not many refugees sought out an official recognition. The reasons for this were not mentioned in the study. Generally, a large mismatch between qualifications and employment was found. Over 75 % of respondents worked in a field that did not or only partially matched their education, even in jobs with a skilled worker shortage such as technicians. Of all respondents, 30 % had taken a civics course and 25 % competence checks by the AMS, neither of which showed an effect on integration into the labour market. German courses had an indirect impact on integration into the labour market due to an improvement in language competences. Refugees were mostly employed in auxiliary work, especially in states outside of Vienna. Overall, the study found a segregation in the labour market, with refugees working in low-status and atypical jobs that non-migrants avoid, such as kitchen helpers, cleaners and similar jobs (Bilger et al. 2017).

10.3 Policy changes in 2022/23

With the EU-wide Temporary Protection Directive coming into effect, Ukrainian temporary protection holders have full access to the Austrian labour market. While employers need an employment permit, no assessment of the labour market has to be done (Expertenrat für Integration Österreich 2022). While bureaucratic challenges remain, around 6700 Ukrainian temporary protection holders had entered employment in Austria by mid-June of 2022.

Temporary protection holders do not fall under the Integration Agreement (IVG), so they have no obligation to reach a certain language level or partake in civics courses. They can, however, take German classes voluntarily, which are funded by the ÖIF or held online in cooperation with language learning centres in Ukraine. To that end, the Austrian Integration Fund has funded an additional 35,000 places in German courses in June 2022 (Expertenrat für Integration Österreich 2022).

Additionally, (mobile) Service Points have been established, which offer orientation and a centralised access point to information in Ukrainian about various topics of relevance, such as entry into the labour market and the education system as well as on German courses. Other offers, such a buddy programmes funded by the Austrian Integration Fund, also exist for displaced Ukrainians between the ages of 12 and 35 (Dumont & Wonig 2022).

11 Financial assistance to the protection seeker

11.1 Basic Welfare Support and unequal Needs-Based Benefits across the states

During the application procedure, all protection seekers in need of financial support have the right to Basic Welfare Support only, which is co-financed by the state in charge and the federal state (Grundversorgungsvereinbarung - Art. 15a B-VG). If the protection seeker lives in an organised reception facility, their accommodation (daily per capita sum) and care costs (including 3 free meals a day and health expenditures), as well as clothing assistance, transport costs, and education services and material are paid by the provider of the service (private for-profit or NGO). Moreover, health insurance is paid directly by the state, and pocket money is given to the protection seeker. Specific expenses such as German courses for UMAs, collective free time activity, special accommodation for people in need of extensive care, or funeral costs may also be included. Lastly, counselling and return assistance are also available for free as a constitutive part of the Basic Welfare Support. For self-settled protection seekers, Basic Welfare Support does not include pocket money, but monthly care expenditures are financed for each individual, while rent assistance is double the amount of rent assistance for a single person household, regardless of the household's size. Since the introduction of the Basic Welfare Support in 2004 up until 2015, the level of financial assistance has been increased only once, namely in 2013. It is necessary to bear in mind that the increased financing of the Basic Welfare Support never applied to pocket money, clothing assistance or any other expense but accommodation and care costs. This is the result of active decision making, as the reimbursement/subsidy levels are not indexed to inflation but require a legal act to be voted in parliament. A detailed overview of both absolute levels and relative funding changes of the Basic Welfare Support (including 2015 and 2022) can be found in Appendix 1.

After the asylum procedure, there is no introductory programme which specifically supports protection seekers in the transition to post procedure life. Basic Welfare Support is provided for refugees to whom asylum has been granted for up to four months after recognition. Afterwards, they may qualify for the Needs-Based Minimum Benefit (Bedarfsorientierte Mindestsicherung), which varies across the states. Since refugees granted asylum are free to move without having to forfeit potential benefits, Vienna tends to be an attractive state because of its more generous Minimum Benefit. For instance, Viennese Minimum Benefit (949 €) is at the moment 40 % higher than that of Vorarlberg (670€) (Pratscher 2022). On the contrary, protection seekers who were granted a subsidiary protection status are still eligible for the Basic Welfare Support benefits, as well as for the Minimum Benefit. Despite federal regulation, restrictions of Minimum Benefit for subsidiary protection holders have been introduced in some states: In 2010, Burgenland reduced it to the amount of the Basic Welfare Support (Landesgesetzblatt für das Burgenland 2010), and Salzburg suppressed it altogether (Salzburger Landesgesetzblatt 2010), leaving Basic Welfare Support the only financial assistance available. Holders of humanitarian status are only eligible for the Basic Welfare Support, regardless of whether they are during or after the procedure. Lastly, it is worth highlighting that every state has its own regulations for the funding of the Minimum Benefit and the extent to which municipalities or political districts bear the costs through reimbursement.

11.2 Changes in 2015/16: Increased funding and restricted access

In response to the increased need for accommodation capacity, underfunding in the Basic Welfare Support has been observed since 2015. Contractors heavily rely on donations from civil society. As of July 2016, reimbursement rates, i.e. per capita grant levels to Basic Welfare Support providers were partially increased by federal law (Bundesgesetzblatt für die Republik Österreich 2016b): accommodation and care costs in organised settlements increased by 11 %. Accommodation and care fundings for UMAs were in turn increased by 23 % (this applies to the facilities with ten UMAs at most, compared to only 2 % and 4 % for group facilities of 15 and 20). Additionally, the reimbursement for these two expenses may only come into effect retroactively for a period prior to the adjustment (from respectively October 2015 and August 2015). Furthermore, rent assistance for self-settled asylum seekers increased by 25 %, care costs support by 8 % for adults, 11 % for minors, and 19 % for UMAs. It is worth noting that this increased funding of self-settlement (rent and care) is directly allocated to the protection seekers in question.

On the contrary, the Minimum Benefit available for protection seekers after protection grant has been further restricted for both subsidiary protection holders and refugees. Firstly, the introduction of the Integration Law rendered participation in integration courses a necessary condition across all states (§6 Abs. 2 IntG). Secondly, the Benefit itself was restricted in Upper Austria for refugees with the initial three year permit and subsidiary protection holders, so that an "integration bonus" on top of a cramped basic sum was made conditional on proof of integration progress (Landesgesetzblatt für Oberösterreich 2016). Thirdly, Lower Austria excluded subsidiary protection holders from the Minimum Benefit, despite explicitly allowing it in January 2015 when the law was activated (Landesgesetzblatt für Niederösterreich 2016). Lastly, a significant shift in federal policy was marked by the transition from the Needs-Based Minimum Benefit to Social Assistance in 2019 (Bundesgesetzblatt für die Republik Österreich 2019). The purpose of this federal reform is a new framework for the states in order to effectively mitigate striking subnational differences. The Social Assistance Principal Act limits the benefit to a maximum assistance instead of having a minimum benefit as found in the former regulation. This concerns refugees and subsidiary protection holders, although the latter thereby became eligible to benefits to the amount of Basic Welfare Support only. However, Vienna, Burgenland and Tirol still have not implemented this Principal Act in a state law on Social Assistance, and the less restrictive system of Minimum Benefit including subsidiary protection holders (except in Burgenland) still applies.

11.3 Changes in 2022/23: Increased funding and permissive regulations for Ukrainians

The increased influx of protection seekers in 2022/23 did not lead to major policy changes or a change of paradigm. Discussions have begun on a reform of the Basic Welfare Support system to ensure a better distribution of protection seekers across the states, i.e. to lever the political blockades by means of a cost-efficient and effective solution towards future flows of protection seekers (Karner 2022). Despite this relative continuity, here are the small adjustments one can observe regarding financial assistance.

In the context of energy crisis and high inflation, the levels of per capita funding had to be raised for the capacities to be increased. Centres and other facilities of the Basic Welfare System had to open, and providers made a point of receiving adequate resources. In December 2022, the first increases since 2016 were voted in parliament (Bundesgesetzblatt für die Republik Österreich 2022b): Funding for accommodation and care costs in organised settlement was increased by 19 %, whereas organised settlement for UMAs did not receive any additional budget. Funding of individual settlement, which disproportionately concerns displaced Ukrainians, increased quite substantially: rent assistance by 10 % and monthly funding for care costs by 21 % for adults and UMAs, and 45 % for minors. Additionally, these were adjusted a few months afterwards to an even higher inflation rate, with an additional funding retroactively covering the period from October 1st 2022 to March 31st 2023 (Bundesgesetzblatt für die Republik Österreich 2023).

As the integration of displaced Ukrainians into the labour market proved to be a challenge, the BMI exceptionally softened the regulation of Basic Welfare Support. Normally, any monthly earning superior to 110 € (and 80 € for each additional person in the household) results in a deduction from the Basic Welfare Support benefits. However, when it became clear that the war against Ukraine would last longer than expected, the non-integration appeared counterproductive and the provision of displaced people by the Basic Welfare Support system lost legitimacy. Thus, there is now the possibility to save additional earnings over the normal limit following a 65:35 model (Fonds Soziales Wien 2023). Over the usual threshold, only 65 % of the additional earnings are deducted from the benefits. Protection seekers in the regular asylum procedure have had the same limitation since the introduction of Basic Welfare Support, but it was not identified as a problem until displaced people arrived from Ukraine. This exception does not apply to other protection seekers.

12 Healthcare services

All protection seekers (once they have applied for asylum) in Austria are automatically integrated into the statutory health insurance system through the Basic Welfare Support. Therefore, they have full access to the local health care system, including emergency and specialist health care.

No amendments to existing legislation for asylum seekers or refugees concerning health rights were made in 2015/16 (Huber & Böhs 2016). After they have been granted permanent residency and found employment, their health insurance will be covered through the contributory system.

No amendments to existing legislation for asylum seekers or refugees concerning health rights were made in 2022/23. Ukrainian protection seekers were also integrated into the Austrian statutory health insurance system and therefore have the same access to the local health care system. (Expertenrat für Integration Österreich 2022)

13 Pre-school and mandatory schooling for minors

13.1 General educational policy prior to 2015

All children in Austria (no matter their nationality or asylum, protection, or residency status) have a right and obligation to receive education. Since 2010, this includes mandatory attendance of kindergarten for at least one year once the child reaches the age of five until they start school, for a minimum of 20 hours each week – usually Monday through Friday (European Commission 2023). According to the act of "Schulpflichtgesetz", school attendance is compulsory for all children until the age of 15, though it does not require them to graduate from school with a certificate (i.e. Matura).

13.2 Changes in 2015/16: The integration politics of schooling

In 2017, Austria introduced the "Ausbildungspflicht", which requires all children to pursue some form of education, schooling or training until the age of 18 (Wirtschaftskammer Wien 2020). This can include general education such as high school or going into the vocational education branch by doing for example apprenticeships (European Commission 2023).

On a policy level, there were no specific changes addressing the increased capacity challenges, however, different initiatives were undertaken. One example of such an initiative was the "Mobile Intercultural Teams", aimed at providing support for the integration of refugee children into the Austrian school system (Cerna & McBrien 2022). The project was led by the Ministry of Education and financed from an "Integration Fund" (*Integrationstopf*). Social workers, psychologists and educators who spoke multiple languages, especially those spoken by refugees, received extra training and would be sent to different regions and schools to help out as needed. Their tasks included assisting school administration and teachers with their integration efforts, offering advice and support as well as working with refugee children and families individually to support them in navigating the Austrian school system (Felder-Puig, Maier & Teutsch 2016).

Furthermore, "German Language Support Classes" (GLSC) (Deutsch-Förder-Klassen) were introduced in 2018/19 for children that could not follow along in classes held in German due to insufficient language skills. These classes are held parallel to and separate from regular classes and focus on the teaching of German until students reach the requisite language level. Usually, children attend these German support classes for a maximum of two school years. Only art and music classes as well as sports are taught together (Expertenrat für Integration Österreich 2022). This means that children are segregated and the time they can spend with children who have a good command of German or are native speakers of German is reduced. In the academic literature, this system has been heavily criticised (Döll 2019; Müller & Schweiger 2018; Schwab & Gitschthaler 2021), especially from language learning specialists and educational researchers, who argue that this system "goes against research-informed notions of language education as well as the promotion of inclusion and emotional wellbeing in education" (Erling, Gitschthaler & Schwab 2022). The authors show that the GLSC system, instead of accelerating the rate at which students learn German, hinders the reciprocal process of integration. Even within the report of the Expert Council for Integration 2022, these criticisms were acknowledged and listed, along with suggestions to improve the system. With GLSCs being only organised upon a minimum of eight children, clear regional differences can be observed, as smaller schools and towns with fewer children with migration or refugee backgrounds cannot offer GLSCs and provide courses or other formats instead. (Expertenrat für Integration Österreich 2022)

13.3 Policy changes in 2022/23: Adapting existing structures

Ukrainian children that are temporary protection holders have access to the Austrian school system, just like any other child in Austria. Until June 2022, 11,000 Ukrainian children were attending some form of schooling in the Austrian school system. The existing GLSC-model (as elaborated above) was expanded with the integration of Ukrainian language elements to supplement classes, for example with the help of Ukrainian teachers or teaching assistants. There are talks about potentially lowering German speaking requirements to hire Ukrainian teachers or extending the deadline for providing proof of qualifications in order to accelerate integration. Additionally, online courses are offered both from the Ukrainian schooling system as well as by the Austrian BMBWF, which set up an online platform for that purpose (Expertenrat für Integration Österreich 2022). Regarding school counselling and psychological help, the Austrian Ministry of Education launched a Ukrainian language hotline for that purpose to offer more support for Ukrainian children and young people in their mother tongue (Cerna & Jameson 2022).

14 Overall analysis

In 2015/16, policy changes were mostly temporary changes aimed at addressing the "emergency" with tentative initiatives. The asylum bureaucracy of the BFA was simplified by the accelerated procedure, and by the deadline extension for deciding on protection grants. To ensure a better coordination of policy implementation at all levels, a refugee coordinator was called at the BMI. This mainly served as a crisis committee to internally communicate on regional and local stakeholders' challenges and potential solutions, because there was no budget or decision-making function attributed to the position. Welcoming capacities were expanded through temporary facilities as well. Furthermore, more substantial and long-term changes were made: The possibility for extraordinary measures by Emergency Decree was introduced (but never came into effect), and the right to intervene at the local level was given to the federal state by the *Durchgriffsrecht* in 2015. On the one hand, welfare benefits were selectively cut back in different states for subsidiary protection holders. On the other hand, the federal state increased per capita reimbursement to welfare service providers. Lastly, asylum status has been restricted to an initial three-year permit, before becoming permanent. All these major changes result from a common legal act from 2016 (Bundesgesetzblatt für die Republik Österreich 2016a). The restriction imposed on the initial asylum permit changes nothing in the procedure, but provides states with an additional legal category of subnational discrimination like in Upper Austria.

In 2017, the electoral victory of the far-right FPÖ must be understood as a consequence of a shift in public opinion, i.e. as a right-wing backlash following 2015/16. Integration was hindered by a segregated educational path (GLSC system) for non-German speaking children, and commitment to integration from the protection seeker was made compulsory. While NGOs see the integration process as a reciprocal relationship, state measures put emphasis on integration as a duty of the protection seeker. Thus, A2 language requirements became a condition for social benefits (and are not financed beyond A2), next to civics courses on Austrian values and history. Overall, one can summarise the political response as "deferring access to rights and services" and "distributing cutbacks" (Gruber & Rosenberger 2023, pp 162–163). Additionally, the public enterprise BBU GmbH was created in 2021 to coordinate and implement federal asylum policies. This in turn centralised counselling activities previously carried out by various NGOs, and this act is now under review by the Constitutional Court to determine whether the BBU activities are unconstitutional. (Verfassungsgerichtshof Österreich 2023)

In 2022/23, although asylum applications are higher than at the 2015 peak, the situation is not comparable. Despite the political conflict of responsibilities between non-state actors (predominantly NGOs), states and federal state, the narrative of crisis has been avoided in general public opinion. What became visible instead are the shortcomings of the Basic Welfare Support and its corresponding long-lasting distribution crisis which become even more visible due to general inflation and rising costs of basic goods and services. In 2022, temporary measures and more liberal exceptions ensured the increasing of welcoming capacities for displaced Ukrainians (German courses, access to labour market and Basic Welfare Support conditions). Most policy changes have been selective, leaving the regular asylum system practically unchanged.

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Appendix

Table 1. Evolution of selected Basic Welfare Support provisions

Basic Welfare Support funding			individual settler	ment				
as in Art. 9 of	2.	care costs per mo	onth		3. rent c	osts		
Grundversorgungsvereinbarung	adult	minor	UMA	one	e person household	family (2+) total		
2004-2013	180		80	180	110	220		
2013-2016	200		90	180	120	240		
June 2016- December 2022	215		100	215	150	300		
2015/16 change	8%	:	11%	19%	25%	25%		
January 2023-	260		145	260	165	330		
2022/23 change	21%	4	45%	21%	10%	10%		
March 2023 (temporary):	-		-	-	up to 50€ more	up to 100€ more		
as in Art. 9 of				Olgai	nized settlement			
as in Art. 9 of Grundversorgungsvereinbarung (selection)	accomodation and care	costs per day			7. accomodation, care a	and assistance of UMAs p		
Grundversorgungsvereinbarung (selection)	1. accomodation and care	gro	oup (1:10)		7. accomodation, care a facility (1:15)		organized dorm (1	
Grundversorgungsvereinbarung (selection) 2004-2013	1. accomodation and care	17	oup (1:10)		7. accomodation, care a facility (1:15)	60	organized dorm (1	37
Grundversorgungsvereinbarung (selection) 2004-2013 2013-2016	1. accomodation and care	17 19	oup (1:10)		7. accomodation, care a facility (1:15) 75 77	60 62	organized dorm (1	37 39
Grundversorgungsvereinbarung (selection) 2004-2013 2013-2016 June 2016- December 2022	1. accomodation and care	17 19 21	oup (1:10)		7. accomodation, care a facility (1:15) 75 77 95	60 62 63,5	organized dorm (1	37 39 40,5
Grundversorgungsvereinbarung (selection) 2004-2013 2013-2016 June 2016- December 2022 2015/16 change	1. accomodation and care	17 19 21 11%	oup (1:10)		7. accomodation, care a facility (1:15) 75 77 95 23%	60 62 63,5 2%	organized dorm (1	37 39 40,5 4%
Grundversorgungsvereinbarung (selection) 2004-2013 2013-2016 June 2016- December 2022 2015/16 change January 2023-	1. accomodation and care	17 19 21 11% 25	oup (1:10)		7. accomodation, care a facility (1:15) 75 77 95 23% 95	60 62 63,5 2% 63,5	organized dorm (1	37 39 40,5 4% 40,5
Grundversorgungsvereinbarung (selection) 2004-2013 2013-2016 June 2016- December 2022 2015/16 change January 2023- 2022/23 change		17 19 21 11% 25 19%	oup (1:10)	7	7. accomodation, care a facility (1:15) 75 77 95 23% 95	60 62 63,5 2% 63,5 0%	organized dorm (1	37 39 40,5 4% 40,5 0%
Grundversorgungsvereinbarung (selection) 2004-2013 2013-2016 June 2016- December 2022 2015/16 change January 2023-		17 19 21 11% 25	oup (1:10)		7. accomodation, care a facility (1:15) 75 77 95 23% 95	60 62 63,5 2% 63,5	organized dorm (1	37 39 40,5 4% 40,5
Grundversorgungsvereinbarung (selection) 2004-2013 2013-2016 June 2016- December 2022 2015/16 change January 2023- 2022/23 change		17 19 21 11% 25 19%	oup (1:10)	7	7. accomodation, care a facility (1:15) 75 77 95 23% 95	60 62 63,5 2% 63,5 0%	organized dorm (1	37 39 40,5 4% 40,5 0%
Grundversorgungsvereinbarung (selection) 2004-2013 2013-2016 June 2016- December 2022 2015/16 change January 2023- 2022/23 change March 2023 (temporary):		17 19 21 11% 25 19%	oup (1:10)	7	7. accomodation, care a facility (1:15) 75 77 95 23% 95	60 62 63,5 2% 63,5 0%	organized dorm (1	37 39 40,5 4% 40,5 0%
Grundversorgungsvereinbarung (selection) 2004-2013 2013-2016 June 2016- December 2022 2015/16 change January 2023- 2022/23 change March 2023 (temporary): Pauschale Kostenbeitrag von		17 19 21 11% 25 19%	oup (1:10)	7	7. accomodation, care a facility (1:15) 75 77 95 23% 95	60 62 63,5 2% 63,5 0%	organized dorm (1	37 39 40,5 4% 40,5 0%