



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Austria

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN FOR AUSTRIA

Part I: OVERVIEW

Protection and socio-economic operational environment

In Austria, the role of UNHCR is closely linked to its protection mandate. Considerably growing numbers of annual asylum requests (2001: 30,127, 2002: 39,354, 2003: 32,359, 2004: 24,676) caused increased delays in the determination procedure leading to a substantial backlog in the asylum procedure (2005: 38,262). This development made the refugee and asylum issue a subject of intensive public debate and led to extensive legislative reforms in 2003 and in 2005. At the same time, the annual number of refugees granted asylum increased from some 1,073 (2002) to 2,084 (2003) and to 4,986 (2004) with the expectation that due to the huge backlogs the numbers will remain high.

Against the background of extensive legislative changes, the Representation will continue to put a particular focus on the promotion and preservation of a fair and functioning asylum system. The monitoring of political, judicial and possible further legislative developments as well as of the implementation of the new asylum related laws affecting the protection situation of refugees will remain at the centre of the operation. This will entail close cooperation with all actors of the asylum system, including the Ministry of Interior, the first and second instance asylum authorities, judges of the national Higher Courts, Parliamentarians, Provincial Governors, NGOs and others. A training component will need to be implemented.

Years of negative and often controversial public and political debate about asylum-seekers, their reception and number as well as alleged motives require that UNHCR undertakes efforts to counter intolerance and discrimination against asylum-seekers and refugees (notably single males and those of African origin) to ensure an environment which is conducive to the sustainable integration of those who are granted asylum in Austria. This will be of particular importance during the campaign for the national elections which are due in autumn 2006.

In the first half of 2006, Austria will hold the EU Presidency. After the first phase of the harmonisation process in the field of asylum had been finalised and the national transposition process had, to a large extent, been completed in 2005, Austria will concentrate her respective initiatives on the implementation of the Hague Programme and the relevant Commission Action Plan including *inter alia* support for UNHCR's "EU Prong" as well as pilot projects for the protection of refugees in their regions of origin. Consequently, lobbying steps will be undertaken to ensure that UNHCR standards and views are respected in this regard and that closer cooperation on the operational level between asylum authorities of EU Member States can be established with the aim to improve the quality of the decision making process.

The beneficiary population of the Representation in Austria consists of asylum-seekers, refugees and persons falling under the subsidiary protection scheme and stateless persons, in total some 55,000 persons. In its approach, the Representation will pay particular attention to the situation of separated children, single women and

other particularly vulnerable groups (traumatised, also as a result of flight, including implementation of Dublin II).

The government of Austria facilitates the monitoring and protection tasks of UNHCR by having granted full access to registration data and the decisions taken about asylum requests at the various instances of the procedure. In addition, the Representation is, by law, involved in the airport procedure with regard to manifestly unfounded claims. It will continue to advise the authorities on the importance of keeping adequate statistics also on asylum-seekers in detention, including gender and age breakdowns.

NGOs have so far not managed or been willing to develop an umbrella association or council and will continue to be encouraged to enhance their cooperation.

In view of the EU, the Representation will closely cooperate with UNHCR operations in neighbouring countries and coordinate protection and capacity building responses including the mobilisation of Austrian political and institutional support. The cooperation with UNHCR operations in neighbouring countries will be further enhanced in the response to the expansion of the EU, the Dublin mechanism and in preparation of the movement of the Schengen to the EU external border probably in early 2007.

The Organisation for Security and Cooperation in Europe (OSCE) is a security organ that includes all European States along with the USA and Canada. Particularly important to UNHCR is its comprehensive approach to security, which includes a human dimension that deals with issues and concerns for which UNHCR is mandated. UNHCR-OSCE cooperation was institutionalised in a MoU in October 1998. Along with conflict prevention and early warning, a common goal to both organisations is to ensure that durable solutions for the displaced (refugees, asylum-seekers, IDPs and stateless people) are actively sought and included in peace-building processes and confidence building measures.

Operational goals and potential for durable solutions

Derived from UNHCR's global strategic objectives as well as the priorities for 2006 of the Bureau for Europe, the following are the relevant themes and goals of the Representation's programme:

Theme 1: Strengthening Asylum

*Goal 1: Persons seeking asylum have access to the territory of Austria
(BE Goal 1)*

- The principle of *non-refoulement* is respected
- Measures to combat irregular migration and smuggling include appropriate safeguards
- Asylum officials receive necessary training and information updates
- Adequate reception facilities are in place
- Austria establishes a small resettlement quota

*Goal 2: The quality of asylum systems is safeguarded and misuse of asylum procedures is avoided
(BE Goal 2)*

- Access to asylum procedures is ensured
- Asylum procedures are efficient, fair and properly resourced
- Conformity with international standards and best practices is ensured
- Institutions and services develop to become independent of external support
- Governmental institutions consult more with EU counterparts in neighbouring countries

*Goal 3: Asylum systems and practices are responsive to issues of gender and age
(BE Goal 3)*

- Gender based, age and child-specific forms of persecution receive enhanced recognition in administrative procedures, but especially in the decision making of the first second instance asylum authorities
- Reception facilities have necessary safeguards against SGBV and special reception facilities are foreseen for particularly vulnerable groups
- Appropriate provisions are in place to address specific needs of vulnerable women, men in the asylum procedure
- Legal and social counsellors and officials display and increased awareness of and are responsive to gender and age issues

*Goal 4: Xenophobia and racism towards refugees and asylum-seekers decrease and the integration of refugees is effectively promoted
(BE Goal 4)*

- The public understands that refugees – contrary to migrants – cannot return to their countries of origin and that their integration is a two-way process offering opportunities also to the host society
- Xenophobic statements occur less frequently in public and are repudiated
- Media reports and politicians show enhanced awareness of the opportunities of a proactive approach to the integration of recognised refugees
- Media pay less and less attention to deliberately placed provocative racist statements and present prejudice talk as problematic

*Goal 5: Refugee protection in the EU is enhanced through the development of a common asylum system that conforms to international standards
(BE Goals 6 and 10, Global Strategic Objectives 2 and 6)*

- During its EU Presidency (first half 2006), Austria will intensify the operational cooperation between the asylum authorities of the Member States with the aim to achieve decision making standards reflecting international norms and best practices
- Pilot projects for the protection of refugees in their regions of origin will receive support by Austria in cooperation with UNHCR and the European Commission
- Austria will promote readmission agreements with countries of origin for rejected asylum-seekers in need of international protection

Theme 2: Promoting Solutions

*Goal 6: Durable solutions are implemented for recognised refugees and persons who receive subsidiary protection
(BE Goal 8)*

- Refugees have real opportunities for solutions as appropriate through local integration, voluntary return and, in limited cases, resettlement in Austria
- The policy of the Austrian Integration Fund (AIF) will focus on finding stable and sustainable solutions for refugees in Austria and secondary displacement is avoided
- Integration opportunities improve for beneficiaries of subsidiary protection

*Goal 7: Effective solutions for stateless persons are identified
(BE Goal 9)*

- In case that Austria has not acceded to the 1954 Convention relating to the Status of Stateless Persons already in 2005, she will do so in 2006
- Upon accession either in 2005 or 2006, respective national laws will be amended
- Stateless persons will acquire citizenship and appropriate solutions

Theme 3: Securing Support for UNHCR Worldwide

*Goal 8: European Governments, the European Union, non-governmental and regional organisations increase their political support for UNHCR and refugees worldwide
(BE Goal 10, Global Strategic Objective 1)*

- Cooperate closely in partnership with Headquarters and RR Brussels with the Government of Austria with regard to asylum and refugee issues during the Austrian EU Presidency during the first half of 2006
- OSCE Participating States increase their political support both nationally and internationally for UNHCR's international protection mandate
- OSCE coordination and decision making mechanisms and institutions (ODIHR and HCNM) incorporate and actively support UNHCR's concerns and priorities in the monitoring and review of participating States' implementation of OSCE principles and commitments

*Goal 9: Increase of financial support for UNHCR's activities by Austria
(BE Goal 10, Global Strategic Objective 6)*

- Continuation of discussion of financial contributions to the global programme of UNHCR with the government of Austria based on the strategic plan developed in cooperation with the government in 2005