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**Migrants and their
Descendants:
Social Inclusion and
Participation in Society**

Austria, 2015

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Executive summary

Main findings

Legislation and policy instruments

- The National Action Plan for Integration (NAP.I) includes a definition of integration, stating that integration is a mutual process, based on mutual respect. Clear rules secure the societal cohesion and social peace. Successful integration is meant to be achieved, when there is sufficient knowledge of the German language, economic independence as well as respect for the basic Austrian and European legal- and value order.
- Reference to human rights is made, stating that: respect for democracy, fundamental and human rights, human dignity as well as equal treatment of men and women are indispensable basis for integration and societal participation. The National Action Plan on Integration furthermore makes an explicit reference to combating racism. In the chapter on "language and education" a reference on human rights is included, stating that school teaching has to actively contribute to a democracy bound by human rights.
- The target groups of the national action plan are the entire society, foreign nationals, who are permanently residing in Austria, Austrian citizens, who were born abroad as well as persons with migration background who are permanently settled in Austria or hold Austrian citizenship, but their parents were born abroad.
- Besides respective EU laws and policies, the main drivers are the structural, demographic development (ageing society), as well as the need of business and economy for workforce. Barriers are unemployment, low educational achievements and the situation of deprived immigrant communities on the one hand and a negative and hostile climate within the majority population, triggered, fuelled and instrumentalised by xenophobic or racist political parties.
- Particularly the Austrian Integration Funds provides a large offer for language learning. There are several other institutions with special offers for their target groups, as the Universities or the Labour Market Agencies. Language and integration tests are required for long-term residence permits and for the acquisition of citizenship. First-language education is within the competence of the federal provinces.
- Accompanying to the National Action Plan for Integration a set of indicators was developed and is used for assessment and monitoring of integration progress. A set of 25 quantitative indicators was developed by an expert panel in cooperation with the Commission for Migration and Integration Research of the Austrian Academy of Sciences, the Austrian Integration Fund and Statistics Austria. Most of the indicators are based on official statistical data, one indicator is based on a survey to allow to measure the subjective reception of the integration climate. The findings are published annually in the

report 'migration&integration, numbers.data.indicators' (*migration&integration, zahlen.daten.indikatoren*) by Statistics Austria. Some of the Zaragoza indicators were included in the development of the national action plan indicators. Regarding welcoming society, the Austrian indicator shows how the population perceives the 'integration climate'. Data for this indicator is collected by a survey, in 2014 1,953 persons with and without migration background were asked. For instance, respondents with migrant background were asked whether they agree with the way most people in Austria live and the values and goals that people follow (22% agree, 61% rather agree, 14% rather disagree, 4% disagree (3% did not answer).

Equal treatment and discrimination

- The key developments in legislation and policy development concerning integration in general and equal treatment in particular since 2010 are marked by the following milestones. In 2010, The Ministry of the Interior established the independent Expert Council for Integration (since 2013 at the Ministry for Europe, Integration and International Affairs). The expert council was mandated to further develop measures in the framework of the NAP.I. In 2011, the State Secretariat for Integration at the Federal Ministry of the Interior was established. With the Aliens Law Amendment Act 2011 the residence titles Red-White-Red-Card and Red-White-Red-Card Plus for TCNs were introduced. Furthermore, the obligation to proof A1-level German language competence prior to entry into Austria for TCNs aiming at a permanent residence was introduced. The Amendment of the Equal Treatment Act 2011 prohibits discrimination by association. It also includes the provision of independence of the Ombudspersons. In 2012, the Administrative Procedure Act was amended by introducing the shift of burden of proof. In 2015, the Austrian parliament passed the new Islam Law, which replaces the Islam Law from 1912. The Islamic Religious Community in Austria (Islamische Glaubensgemeinschaft in Österreich IGGiÖ) gave its consent to the law. It was criticised of unequal treatment of religious communities.
- Some outreach initiatives have been taken to reach the migrant population in respect to equal treatment legislation. The Federal Ministry for Europe, Integration and Foreign Affairs introduced a hotline for persons affected by discrimination. The Equal Treatment Bodies published information sheets in various languages. The Litigation Association of NGOs Against Discrimination offers workshops and seminars on equal treatment law.
- The Equal Treatment Commission does not keep statistics on the citizenship of its clients. Statistics are available on complaints on ethnic discrimination (number of cases on the ground of ethnic discrimination / total number of cases). The Ombud for Equal Treatment does neither document nationality, ethnic affiliation or migrant background of its clients. Statistics are available on the number of consultations by ground of discrimination.
- The Ombud for Equal Treatment provides for an interpreter on request. An „easy-to-read“-certified brochure as well as freecards with pictures of typical situations of discrimination lower the threshold for persons with limited knowledge of German language to make use of the Ombud's offers.

- There is no explicit legal protection on grounds of nationality, but discrimination on the ground of nationality is subsumed under the notion of ethnic discrimination.
- Long term residence status holders are equal to citizens concerning all social security law matters (welfare aid, social housing etc.); however, in some municipalities access to social housing is restricted to Austrian nationals only or to EU citizens. Practical problems for single permit holders have been reported by the Migrant Counselling Centre for persons with more than one employer, for persons who are not "settled" (*niedergelassen*), but hold an "other residence status" (*sonstige Aufenthaltsberechtigung*) and for persons applying for prolongation of old residence permits. In 2013, there were 214 Blue Card holders (0.05% of all forms of residence status). Applicants prefer the Red-White-Red Card (*Rot-Weiss-Rot Karte*), because of the lower income requirements. However, also the number of these applications remains far below the expectations. Holders of family reunification permits have free access to the labour market from the beginning. But as the permit is firstly issued for temporary residence, social rights are restricted to the respective period, which leads to problematic situations if permit prolongation decision takes long time. While persons with subsidiary protection status receive childcare allowance only if they have an employment, refugees are not required to be self-employed or employed in order to be entitled.

Political and Societal Participation

- Policies to foster the political and societal participation of migrants are driven by a positive integration climate and the creation of institutions responsible for designing, implementing and assessing these policies. These institutions are the State Secretariat for Integration, the Austrian Integration Fund and the Expert Council for Integration. Measures to foster the integration of migrants into the (skilled) labour market and the recognition of their qualifications from abroad are influenced by the lack of skilled employees in Austria. A barrier for the political participation of migrants is the linkage of the right to vote and to stand as a candidate with Austrian citizenship. This is called the principle of homogeneity and it is implemented at constitutional level. There are no legal barriers for the participation of migrants as members in political parties or in civic associations. Another barrier is the governance structure in Austria, which foresees the responsibility of different institutions for migrant participation policies. This is not only but also due to the federalist system. E.g. regarding the recognition of qualifications acquired abroad, different institutions are responsible for different sub-areas of a comprehensive process. Another barrier – in the sense of evidence-based policy making – is the absence of official data and surveys on the participation of migrants and even more on their descendants. The findings of this project indicated severe data gaps regarding the political rights and the representation of the descendants of migrants at the national/regional/local level. Regarding the participation of migrants and their descendants in trade-unions and professional associations, a lack of official data is identified, while few surveys exist. The same is valid for their participation in social, cultural and public life. When it comes to their election as representatives of professional organisations, not even surveys exist. A major data gap also exists on

diversity in the public sector. The only exception is the Viennese Diversity Monitor in the frame of which data on the participation of migrants and their descendants in the public sector is collected. Official bodies repeatedly justified the lack of data by referring that a migratory background does not matter.

Social Cohesion and intolerance

- The National Action Plan Integration and the national legal framework on citizenship acquisition refer explicitly to integration and social cohesion. Measures in practice rather aim at supporting migrants and their descendants in order to strengthen their integration than fostering social cohesion. The deficit-oriented approach of the National Action Plan on Integration is criticised by civil society organisations.
- The Austrian Integration Fund has implemented integration centres in all Austrian Provinces, which provide information and counselling on issues of migration and integration. Their target groups are migrants, asylum seekers, Austrians with a migratory background and the overall Austrian population. Apart from counselling and informing, these centres also carry out projects to foster integration, they collaborate with migrant organisations, they inform the general population on migrant and integration issues and support the implementation of the National Action Plan Integration.

1. Legal and policy instruments for migrant integration

1.1. Description of existing instruments and target groups

	<p>This section should present the overall state of play concerning national and, where applicable, regional legal and policy instruments focusing on how they address fundamental rights, core EU values and principles, as well as international legal standards and related EU law and policies, such as the Common Basic Principles and the Common Agenda on integration of migrants. Please complete the template in Annex 2.¹</p> <p>Please make sure the brief information you provide in the table includes the following aspects:</p>		
	<table border="1"> <tr> <td data-bbox="303 757 590 1792"> <p>Does the national strategy on migrant integration contain a definition of integration? If so, please include it in the original language and full English translation.</p> </td> <td data-bbox="590 757 1436 1792"> <p>According to the National Action Plan for Integration (NAP.I), "integration is a mutual process, based on mutual appreciation and respect, whereby clear rules secure the societal cohesion and social peace. Successful integration is achieved, when there is sufficient knowledge of the German language for working life, for further education as well as the contact with public institutions and economic independence is present as well as the respect for the basic Austrian and European legal- and value order on which the constitutional state is based" (<i>Integration ist ein wechselseitiger Prozess, der von gegenseitiger Wertschätzung und Respekt geprägt ist, wobei klare Regeln den gesellschaftlichen Zusammenhalt und den sozialen Frieden sichern. Erfolgreiche Integration liegt vor, wenn jedenfalls ausreichende Kenntnisse der deutschen Sprache für das Arbeitsleben, für die Aus- und Weiterbildung sowie für den Kontakt zu öffentlichen Einrichtungen vorhanden sind, die wirtschaftliche Selbsterhaltungsfähigkeit gegeben ist sowie die Anerkennung und Einhaltung der dem Rechtsstaat zugrundeliegenden österreichischen und europäischen Rechts- und Werteordnung vorliegen.</i>).²</p> <p>Integration "is an individual as well as societal process, which is to be established through self-dependent engagement as well as through official basic conditions" (<i>Integration ist ein individueller ebenso wie ein gesellschaftlicher Prozess, der durch eigenverantwortliches Engagement sowie durch staatliche Rahmenbedingungen permanent zu gestalten ist</i>).³</p> <p>Furthermore integration is "the task and responsibility of each individual. Only if all persons show readiness, integration can be successful" (<i>Integration ist Aufgabe und Verantwortung jedes Einzelnen. Nur wenn alle Beteiligten</i></p> </td> </tr> </table>	<p>Does the national strategy on migrant integration contain a definition of integration? If so, please include it in the original language and full English translation.</p>	<p>According to the National Action Plan for Integration (NAP.I), "integration is a mutual process, based on mutual appreciation and respect, whereby clear rules secure the societal cohesion and social peace. Successful integration is achieved, when there is sufficient knowledge of the German language for working life, for further education as well as the contact with public institutions and economic independence is present as well as the respect for the basic Austrian and European legal- and value order on which the constitutional state is based" (<i>Integration ist ein wechselseitiger Prozess, der von gegenseitiger Wertschätzung und Respekt geprägt ist, wobei klare Regeln den gesellschaftlichen Zusammenhalt und den sozialen Frieden sichern. Erfolgreiche Integration liegt vor, wenn jedenfalls ausreichende Kenntnisse der deutschen Sprache für das Arbeitsleben, für die Aus- und Weiterbildung sowie für den Kontakt zu öffentlichen Einrichtungen vorhanden sind, die wirtschaftliche Selbsterhaltungsfähigkeit gegeben ist sowie die Anerkennung und Einhaltung der dem Rechtsstaat zugrundeliegenden österreichischen und europäischen Rechts- und Werteordnung vorliegen.</i>).²</p> <p>Integration "is an individual as well as societal process, which is to be established through self-dependent engagement as well as through official basic conditions" (<i>Integration ist ein individueller ebenso wie ein gesellschaftlicher Prozess, der durch eigenverantwortliches Engagement sowie durch staatliche Rahmenbedingungen permanent zu gestalten ist</i>).³</p> <p>Furthermore integration is "the task and responsibility of each individual. Only if all persons show readiness, integration can be successful" (<i>Integration ist Aufgabe und Verantwortung jedes Einzelnen. Nur wenn alle Beteiligten</i></p>
<p>Does the national strategy on migrant integration contain a definition of integration? If so, please include it in the original language and full English translation.</p>	<p>According to the National Action Plan for Integration (NAP.I), "integration is a mutual process, based on mutual appreciation and respect, whereby clear rules secure the societal cohesion and social peace. Successful integration is achieved, when there is sufficient knowledge of the German language for working life, for further education as well as the contact with public institutions and economic independence is present as well as the respect for the basic Austrian and European legal- and value order on which the constitutional state is based" (<i>Integration ist ein wechselseitiger Prozess, der von gegenseitiger Wertschätzung und Respekt geprägt ist, wobei klare Regeln den gesellschaftlichen Zusammenhalt und den sozialen Frieden sichern. Erfolgreiche Integration liegt vor, wenn jedenfalls ausreichende Kenntnisse der deutschen Sprache für das Arbeitsleben, für die Aus- und Weiterbildung sowie für den Kontakt zu öffentlichen Einrichtungen vorhanden sind, die wirtschaftliche Selbsterhaltungsfähigkeit gegeben ist sowie die Anerkennung und Einhaltung der dem Rechtsstaat zugrundeliegenden österreichischen und europäischen Rechts- und Werteordnung vorliegen.</i>).²</p> <p>Integration "is an individual as well as societal process, which is to be established through self-dependent engagement as well as through official basic conditions" (<i>Integration ist ein individueller ebenso wie ein gesellschaftlicher Prozess, der durch eigenverantwortliches Engagement sowie durch staatliche Rahmenbedingungen permanent zu gestalten ist</i>).³</p> <p>Furthermore integration is "the task and responsibility of each individual. Only if all persons show readiness, integration can be successful" (<i>Integration ist Aufgabe und Verantwortung jedes Einzelnen. Nur wenn alle Beteiligten</i></p>		

¹ You can use and update the information as in the Table 1.7 of the FRA Annual Report 2012 (pp.62-63). You should add more detail, for example, instead of identifying 'education' under the category 'focus area' be more specific, e.g. review of curriculum in secondary education to address integration issues, etc, provided this level of detail is specifically mentioned in the relevant policy instruments.

² Austria, Europe, Integration, Foreign Affairs, Federal Ministry, National Action Plan Integration (*Nationaler Aktionsplan Integration, NAP.I*) available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 2.

³ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, p.3.

		<i>eine entsprechende Bereitschaft zeigen, kann Integration erfolgreich sein</i>). ⁴
Are there specific references in the national strategy or relevant legal or policy instruments to fundamental rights in relation to migrants?	Yes, regarding the basic principles in the field of "constitutional state and values" a clear reference is made to human rights, stating that: respect for democracy, fundamental and human rights, human dignity as well as equal treatment of men and women are indispensable basis for integration and societal participation. ⁵ The National Action Plan on Integration makes an explicit reference to combatting racism. ⁶ Furthermore in the chapter on "language and education" a reference on human rights is included, stating that "school teaching has to actively contribute to a democracy bound by human rights". ⁷	
Which are the target groups of the national integration strategy? Please provide any definitions relevant or the determination of the persons that are entitled to or beneficiaries of the relevant action plans and policy measures (e.g. 'integration agreements': who signs them and what do they contain). Please specify any residence requirements (e.g. which migrant and/or residence status counts or not for "legally residing third country nationals" that eventually would be covered by these policies) for persons to be	The target groups of the national action plan are defined widely: the entire society, foreign nationals, who are permanently residing in Austria, Austrian citizens, who were born abroad as well as persons with migration background who are permanently settled in Austria or hold Austrian citizenship, but their parents were born abroad. ⁸ The so-called Integration Agreement (<i>Integrationsvereinbarung - IV</i>) serves the integration of settled aliens in Austria with the goal to receive deepened knowledge of the German language. The IV is part of the Settlement and Residence Act (<i>Niederlassungs- und Aufenthaltsgesetz - NAG</i>). In its current version, it concerns migrants, who have entered Austria since 1 July 2011. Although the migrant needs to sign it, it is no agreement but a legal obligation to language learning. ⁹ The integration agreement itself is made up of two modules. Module 1 is mandatory for TCNs with the first issuance of the following residence titles: red-white-red card plus (<i>Rot-Weiß-Rot - Karte plus</i>), settlement permit (<i>Niederlassungsbewilligung</i>), settlement permit-employment excluded (<i>Niederlassungsbewilligung-ausgenommen Erwerbstätigkeit</i>), settlement permit-relative (<i>Niederlassungsbewilligung - Angehöriger</i>), and residence permit family member (<i>Familienangehöriger</i>). Migrants are obliged to reach A2-German level within two years. Exempted from this obligation are minors below the age of 14, persons who are not able to do so due to their psychological or physical status of health (a certificate of the public health officer (<i>Amtsarzt</i>) has to be provided as proof) or persons who declare in writing, that they do not plan to stay longer than 12 months within 24 months in Austria. This declaration includes waiving for prolongation. ¹⁰ In special cases, considering the life-circumstances of the	

⁴ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, p.8.

⁵ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, p. 25.

⁶ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, p.3.

⁷ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, p. 18.

⁸ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, p.7.

⁹ Pöschl, M. (2012), 'Die Österreichische "Integrationsvereinbarung" – Rechtswissenschaftliche Einordnung und Beurteilung, *Zeitschrift für Ausländerrecht und Ausländerpolitik*, No. 3, p. 60-65,

http://staatsrecht.univie.ac.at/fileadmin/user_upload/inst_staatsrecht_poeschl/MitarbeiterInnen/Poeschl/die_oesterr._integrationsvereinbarung_opt_01.pdf.

¹⁰ Austria, help.gv.at, Integration Agreement (*Integrationsvereinbarung, IV*), available at: www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120500.html.

	<p>considered members of the targeted groups.</p>	<p>person a prolongation of 12 months can be granted for fulfilling module 1.</p> <p>There is no general obligation to fulfil module 2 for holders of residence permits. But permanent stay and citizenship can only be received when fulfilling module 2.</p> <p>Basic German language knowledge is necessary already prior to immigration as prerequisite for some residence titles (according to § 21 Settlement and Residence Act¹¹ third country nationals who for the first time apply for the Red-White-Red Card plus (<i>Rot-Weiß-Rot Karte plus</i>), as family member (<i>Familienangehöriger</i>), for settlement permit (<i>Niederlassungsbewilligung</i>), settlement permit-employment excluded (<i>Niederlassungsbewilligung-ausgenommen Erwerbstätigkeit</i>) or settlement permit-relative (<i>Niederlassungsbewilligung – Angehöriger</i>) have to proof German language knowledge on level A1). This is not part of the integration agreement.</p> <p>The national action plan on integration gives reference to the integration agreement within the focal area of language and education and states goals in this regard. The integration measures regarding new-immigrations shall be further developed. New immigrants shall be assisted to gain basic knowledge about the basic information of the legal order, history and culture of Austria. Quality standards and comparability of language tests shall be guaranteed through adequate measures. Furthermore when further developing the offerings of material to language improvement in the course of the integration agreement already existing pedagogical material should be taken into account and synergies should be used.¹²</p>
	<p>In reference to the CBP 1¹³</p> <p><i>'Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States':</i></p> <p>please specify if and how the majority population is explicitly targeted; distinguish, if possible, between</p>	<p>As already stated above the entire society is also defined as a target group. For example in the thematic area of language and education the further education of pedagogues with regard to intercultural competence is stated, especially the wide promotion of multilingual children is mentioned.¹⁴ In the thematic area on the state and basic values it is stated that the basic norms of the Austrian legal order and the constitution are to be brought forward to persons with migrant background as well as the majority population.¹⁵ Furthermore the intercultural understanding of public administration (especially police and judiciary) is to be improved according to the action plan.¹⁶ Furthermore modern education for religion teachers is laid down. Also in this area the improvement of victim protection is stated, especially for women and children being victims of violence. Also in the thematic area of health and social</p>

¹¹ Austria, Settlement and Residence Act (*Bundesgesetz über die Niederlassung und den Aufenthalt in Österreich (Niederlassungs- und Aufenthaltsgesetz - NAG)*), BGBl. I Nr. 100/2005, last amended by BGBl. I Nr. 40/2014.

¹² Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 15.

¹³ Common Basic Principles for Migrant Integration Policy in the EU (2004) available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf

¹⁴ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 18.

¹⁵ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 26.

¹⁶ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 26.

	<p>policies or measures targeting the general population and specific target groups, such as public authorities, e.g. teachers, police, judiciary, etc.; outline the objectives of such policies and measures, and their duration.</p>	<p>issues intercultural competences shall be fostered within the hospitals and care facilities. In the thematic area of housing the issue of integration policies shall be dealt with continuously within all spheres of public administration. Social housing shall be designed that way that segregation is hindered.¹⁷</p>
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1.2. Drivers & barriers in developing, implementing and assessing legal and policy instruments

	<p>On the basis of material collected, including past research, studies, assessments, evaluation and contacts with the authorities, public officials and key actors for social inclusion and participation of migrants, outline the main drivers and barriers for social inclusion and integration policies in general. Please mention also any important differences at regional level. A more detailed outline of specific drivers and barriers for specific policy areas will be required in the following sections.</p>	<p>Besides respective EU laws and policies, the main drivers are the structural, demographic development (ageing society), as well as the need of business and economy for workforce. Barriers are unemployment, low educational achievements and the situation of deprived immigrant communities on the one hand and a negative and hostile climate within the majority population, triggered, fuelled and instrumentalised by xenophobic or racist political parties.</p>
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1.2.1. Drivers

	<p>The key drivers for successful integration policies,</p>	<p>Integration policies were mainly driven by the EU and the local governance level institutions.</p>
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¹⁷ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 44.

	<p>therefore factors that are considered to contribute positively in the design, development, implementation, assessment and accomplishment of policy goals and in strengthening social inclusion and participation of migrants and their descendants. For example, are these policies mainstreamed in other public policies, for example in employment, education, housing, etc. and how is this achieved?</p>	<p>EU integration and anti-discrimination policies (e.g. “for diversity-against discrimination”) were an important back-up for more practically informed local level efforts to integration policies. Another example of local level efforts is that the city of Graz (followed by others) introduced an integration department and integration strategy in 2005/6 in the context of its membership in the UNESCO coalition of cities against racism. Furthermore, federal states (<i>Länder</i>) started to set up integration strategies, including mission-statements and strategic plans mainstreaming integration through all fields within their competences (most importantly education and housing). The establishment of a federal integration department at the Ministry of the Interior was a driver too as the resources were bundled since then. ¹⁸</p> <p>Note that the board of experts on integration (Expertenrat) at the federal integration authority did not react on any request for information concerning this topic.</p>
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1.2.2.Barriers

	<p>Barriers, limitations, constraints or resistance faced in designing, developing and implementing such policies and measures, therefore factors that may hinder their effectiveness and influence negatively their outcomes. For example, budgetary limitations, or problems of coordination of governance levels, priority of interventions, lack of training or lack of mainstreaming of relevant policies, lack of action by</p>	<p>At the structural level, the most important barrier is the restrictive aliens’ (residence, labour market, recognition of qualification, sanctions for non-compliance only directed to foreigners) and citizenship legislation (citizenship and electoral rights).</p> <p>Note that the board of experts on integration (Expertenrat) at the federal integration authority did not react on any request for information concerning this topic.</p>
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¹⁸ A good summary of the current state of integration progress is provided in Zusammen: Österreich 01/2015, Austria, Integration Funds, Magazine for Migration, Integration and Cohesion, particularly at p. 9.

	<p>competent actors or limited data about the interested population, could be factors that may function as obstacles or affect negatively the implementation of selected migrant integration measures.</p>	
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1.2.3. Language learning and integration tests

	<p>Please provide information about:</p>	
	<p>Main language learning support programmes and courses. Provide details about organisation of such programmes and actors implementing them, funding support, location, duration, frequency, numbers of beneficiaries, entitlements and limitations for accessing courses.</p>	<p>The Austrian Integration Fund (<i>Österreichischer Integrationsfonds</i>) offers a variety of German language classes; on the one hand the classes to fulfil the integration agreement (see above) and on the other hand individual support for different target- and age groups. It offers individual funding for German classes from literacy to level B1 as well as higher levels if it is needed for a job. Furthermore topic-specific language classes for vocational training, learning aid for pupils as well as preparatory classes for university (<i>Vorstudienlehrgänge</i>).¹⁹ At <i>sprachportal.integrationsfonds.at</i> (language portal Austria) the available courses can be looked at, the information is available in eight languages (German, Englisch, French, Turkish, Bosnian/Croatian/Serbian, Polish, Hungarian and Romanian).²⁰ The Directive on the Integration Agreement²¹ foresees that the Austrian Integration Fund may certify the following institutions as courses carriers for the German integration courses: adult education institutions, which have offered German as a foreign language (<i>Deutsch als Fremdsprache</i>) for a minimum of two years; adult education institutions which are recognised as fundable institutions due to the law on funding of adult education (BGBl. Nr. 171/1973); other adult education centres which deal with advice and care for foreigners and are funded by the federal state or the province or the municipality; private or humanitarian institutions which at least for five years dealt with advice and care of foreigners and who also deal with teaching the German language; legally recognised churches and religious communities which deal with advice and care for foreigners.</p> <p>There is a large variety of German courses available all over Austria, there are various providers for German courses. For example the Employment Service Austria (<i>Arbeitsmarktservice</i>) offers German courses for</p>

¹⁹ Austria, Integration Fund (*Integrationsfonds*), Linguistic Integration (*Sprachliche Integration*), available at: www.integrationsfonds.at/individualfoerderung/sprachliche_integration/.

²⁰ Austria, Integration Fund (*Integrationsfonds*), Sprachportal, available at: sprachportal.integrationsfonds.at

²¹ Austria, Directive of the Federal Minister of Interior on the Integration Agreement (*Verordnung der Bundesministerin für Inneres über die Integrationsvereinbarung (Integrationsvereinbarungs-Verordnung – IV-V)*), BGBl. II Nr. 449/2005, last amended BGBl. II Nr. 205/2011, available at:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004468>.

		<p>unemployed migrants. Furthermore German courses are provided by carriers like Caritas, several universities, other institutions offering courses for "German as a foreign language" (<i>Deutsch als Fremdsprache</i>). "Mums learn German" is the title of a special basic German language course for mothers of school and kindergarten children (in Annex 7 the Viennese concept of "Mums learn German" is described as a promising practice. The city and region of Salzburg also offers special courses for mothers but in a different setting (not at the child's school))</p> <p>Family members (spouses and minor children of Austrian citizens, EU/EWR-citizens or Swiss citizens) and TCNs holding a residence permit that requires signing the integration agreement (see 1.1) can ask for a voucher (blue voucher (<i>blauer Gutschein</i>) for signing the integration agreement NEW, since 2011). The holder of a voucher is entitled to cost reimbursement, if he/she takes a German course at a certified institute and passes the test on A2-level within 18 months (module 1 of the Integration Agreement). Cost reimbursement encompasses max 300 course units or 50% of costs, but max 750 €. With a valid yellow voucher (<i>gelber Gutschein</i>) for signing the integration agreement OLD (until 2012) vouchers are valid for three years) literacy courses can be refunded up to 100%, but max 750 €.²²</p>
	<p>Knowledge level of the language achieved through such programmes (please use the <u>Common European Framework Reference levels - CEFR</u>)</p>	<p>Integration Fund Tests foresee normally level A2 German classes for asylum seekers and persons subject to subsidiary protection have a goal to reach A2 (or higher).²³ German intense classes (including a module on employment seeking) have a goal to reach A2 and prepare for labour market access. Target group: youth or adults, who are already sufficiently literate in German writing.²⁴ There are also literacy courses with the goal to prepare 'primary illiterate persons' (no literacy skills) or 'secondary illiterate persons' (literacy skills in a language system other than latin-script) for the courses for level A1. (Literacy) mother&child courses: target group asylum seekers and persons subject to subsidiary protection, goal to reach level A1. Employment specific courses (planned) to prepare persons for ongoing or future employment, level B1 is the goal.²⁵ Mum-learns German courses: levels offered until A2</p>
	<p>Language tests required for migrants to access residence or other legal status affecting equal treatment and</p>	<p>The so called integration agreement (<i>Integrationsvereinbarung</i>) (see 1.1.) serves the linguistic integration of migrants, who want to permanently stay in Austria. Module 1 is mandatory for several residence permits and requires language knowledge A2 (see 1.1). Module 2 is a prerequisite for a permanent residence permit and citizenship and requires level B1. The person has to</p>

²² Austria, Integration Fund (*Integrationsfonds*), FAQ - Questions and Answers, available at: <http://www.integrationsfonds.at/iv/faq/>

²³ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 75.

²⁴ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 77.

²⁵ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 81.

	<p>access to rights. Please provide information about their content and character, level of knowledge required, numbers of participants, and rates of success/failure</p>	<p>proof his/her language knowledge by passing an exam at a certified institution.²⁶ According to information received by the Austrian Integration Funds in 2013 8,698 persons took the language test A2 or B1, between January and September 2014 6,218 persons took the tests. There is no information available on success rates (please note, this is not the only institute conducting these tests, so this is not the total number).²⁷</p>																																	
	<p>Integration tests for access to residence or other status affecting equal treatment and access to rights. Please provide information about their content and character, range of knowledge required, numbers of participants, and rates of success/failure.</p>	<p>If someone wants to hold Austrian citizenship a test has to be conducted in the province where the person is staying.²⁸ The test contains questions on the history of Austria, the democratic basic rules of Austria as well as a separate part on of questions on the province where the person is staying.²⁹ The part on Austrian history contains information about early settlers, reign of the Habsburgs, changes in the 19th century, the era of 1918-1938 of the first republic and <i>Ständestaat</i>, the Nazi Regime and 2nd world war, the modern Austria and the way towards Europe. The part on democratic basic rules contains the topics of human dignity, Austria as a liberal state, Austria as a constitutional state, Austria as a democracy, Austria as a republic, Austria as a federal state, division of state powers, and Austria as a member of the EU.</p> <p>In 2010 6,135 persons were naturalised, in 2011 6,690 persons, in 2012 7,043 persons and in 2013 7,354 persons.³⁰ The majority of naturalised persons came from European third countries (including Turkey). There are no official statistics on failure rates. Therefore, provincial governments, which are the competent authorities, have been requested to provide data. Vorarlberg did not respond to the request for information. Lower Austria responded that no statistics are recorded. The others reported as follows:³¹</p> <table border="1" data-bbox="655 1346 1378 1550"> <thead> <tr> <th>Vienna</th> <th>Total</th> <th>Succeeded</th> <th>Failed</th> </tr> </thead> <tbody> <tr> <td>2010</td> <td>1087</td> <td>1034</td> <td>53</td> </tr> <tr> <td>2011</td> <td>2090</td> <td>2016</td> <td>74</td> </tr> <tr> <td>2012</td> <td>1440</td> <td>1406</td> <td>34</td> </tr> <tr> <td>2013</td> <td>1289</td> <td>1257</td> <td>33</td> </tr> <tr> <td>2014</td> <td>2036</td> <td>2003</td> <td>33</td> </tr> </tbody> </table> <table border="1" data-bbox="730 1583 1302 1713"> <thead> <tr> <th>Upper Austria</th> <th>Total</th> <th>Failed</th> </tr> </thead> <tbody> <tr> <td>2011</td> <td>522</td> <td>29</td> </tr> <tr> <td>2012</td> <td>530</td> <td>28</td> </tr> </tbody> </table>	Vienna	Total	Succeeded	Failed	2010	1087	1034	53	2011	2090	2016	74	2012	1440	1406	34	2013	1289	1257	33	2014	2036	2003	33	Upper Austria	Total	Failed	2011	522	29	2012	530	28
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²⁶ Austria, Austrian Integration Fund (*Österreichischer Integrationsfonds*) (2014), What is the Integration Agreement? ('*Was ist die Integrationsvereinbarung?*'), available at: www.integrationsfonds.at/iv/ivneu/.

²⁷ Information received from the Austrian Integration Fund on 12 November 2014. The Austrian Language Diploma German (*Österreichisches Sprachdiplom Deutsch*) stated in an email on 18 November 2014 that it does not collect data in this regard.

²⁸ Austria, Preparation for Citizenship (*Vorbereitung zur Staatsbürgerschaft*), www.staatsbuergerschaft.gv.at.

²⁹ Austria, Europe, Integration, Foreign Affairs, Federal Ministry (2013), *Mein Österreich- Lernunterlage zur Staatsbürgerschaftsprüfung*, available at: www.staatsbuergerschaft.gv.at/fileadmin/user_upload/Broschuere/StaBuBro.pdf.

³⁰ Austria, Statistik Austria, Naturalized Persons since 2003 according to selected characteristics (*Eingebürgerte Personen seit 2003 nach ausgewählten Merkmalen*), available at: www.statistik.at/web_de/statistiken/bevoelkerung/einbuengerungen/.

³¹ Information requests sent out on 18 February 2015, responses by the authorities from 4/5 and 6 March 2015.

2013	455	15
2014	569	52

The authority remarked that nobody was ever denied the citizenship because of test failure.

Styria	Total	Succeeded	Failed	Quote
2010	237	228	9	3,7 %
2011	252	241	11	4,5 %
2012	177	175	2	1,1 %
2013	323	317	6	1,8 %
2014	358	333	25	6,9 %

Tyrol	Total	Succeeded	Failed
2010	246	227	19
2011	308	255	24
2012	195	190	5
2013	225	214	11
2014	265	234	31

Salzburg	Total	Succeeded	Failed
2010	229	223	6
2011	167	165	2
2012	180	172	8
2013	170	167	3
2014	176	161	15

Burgenland: reported failure rates

2010: 2,41%
 2011: 0,00%
 2012: 0,00%
 2013: 0,00%
 2014: 0,96%

Carinthia: reported failure rates

2010: 10 %
 2011: 6 %
 2012: 10 %
 2013: 8 %
 2014: 5 %

Mother tongue learning programmes for children of migrants

This topic lies within the competences of the provinces. Mother tongue learning programmes can basically be provided in any language. To help parents, registration forms are provided in two languages. The form in German can be used for languages which are not yet provided for, if enough persons register then this language might be taken up. In all schools of secondary school and higher the language might be classified as an optional subject (*Freigegegenstand*) or an exercise with no strings attached (*unverbindliche Übung*). In primary schools language classes may only be foreseen as exercises with no strings attached.³²

Please provide insights about key issues, debates,

In 2012 the usefulness of the citizenship test (*Einbürgerungstest*) was harshly criticized by historians and

³² Austria, Ministry of Education, Mother Tongue Education in Austria (*Muttersprachlicher Unterricht in Österreich*), available at: www.schule-mehrsprachig.at/index.php?id=15.

	<p>challenges or problems related to the implementation of the above measures and policies. The findings should be substantiated through existing assessments, research or studies and case law (use template in Annex 9).</p>	<p>political scientists.³³ The learning materials were revised following this criticism. A focus in the new tests is now put on Austrian "values and principles".³⁴ Already in 2007 the tri-national expert colloquium "language and integration" (<i>Sprache und Integration</i>) criticized that a formal proof of language knowledge via language tests is a prerequisite for residence permits or naturalization, but those language tests do not give any evidence of the readiness of the migrants to be part of the community in the country. According to the expert colloquium alien law and language tests should not be linked.³⁵ According to scientists it is controversial whether the language requirements in the integration agreement lead to factual societal participation or if it is only a pretended argument to justify a measure which shall hinder immigration.³⁶</p> <p>In the evaluation of effects of integration policy measures by the ICMPD the integration measures as well as language tests are critically assessed by the authors also for Austria. The case study on Austria describes in detail what is done; that there is a variety of measures in place.³⁷</p> <p>An issue raised within the study is that there is no long-term evaluation of the measures regarding language and the integration agreement. There is also room for improvement regarding evaluation of language measures, which was stated e.g. by the head of an advice centre for migrants.³⁸</p> <p>One case in front of the Administrative Court (<i>Verwaltungsgerichtshof</i>) dealt with a woman who was extremely weak-eyed. She stated that she could not take the language test as well as the citizenship test as she was not able to read or write. The Court nullified the decision of the first instance.³⁹</p>
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1.2.4. Monitoring and assessment – Use of indicators

	<p>In this section please outline monitoring and</p>	<p>Accompanying to the National Action Plan for Integration a set of indicators was developed and is used for assessment and monitoring of the situation. The Expert Council on</p>
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³³ Austria, orf.at (2012), 'Ministerium gesteht Fehler ein', 26 April 2012, available at: <http://orf.at/stories/2117294/2117285/>.

³⁴ Austria, Europe, Integration, Foreign Affairs, Federal Ministry (2013), *Mein Österreich- Lernunterlage zur Staatsbürgerschaftsprüfung*, available at: www.staatsbuergerschaft.gv.at/fileadmin/user_upload/Broschuere/StaBuBro.pdf.

³⁵ Germany, Austria, Switzerland, South Tyrol, 3. Trinationalen ExpertInnenkolloquiums „Sprache und Integration“ (April 2007), Abschlusserklärung, *Integration fördern – Menschenrechte verwirklichen – Förderung des Sprachenlernens statt Selektion durch Prüfen*, available at: http://v004107.vhost-vweb-02.sil.at/wp-content/uploads/2014/09/20091204212653_AbschlusserklaerungZuerich07_1.pdf.

³⁶ Dorostkar, N. (2014), '(Mehr-)Sprachigkeit und Lingualismus, Die diskursive Konstruktion von Sprache im Kontext nationaler und supranationaler Sprachenpolitik am Beispiel Österreichs' in: Menz, F., de Cillia, R., et al. (eds.), *Kommunikation im Fokus – Arbeiten zur angewandten Linguistik*, V&R Unipress, p.144.

³⁷ ICMPD (2012), *Wirkungsanalyse von integrationspolitischen Maßnahmen – Praxis und Bedarf*, International Centre for Migration Policy Development, available at: http://research.icmpd.org/fileadmin/Research-Website/WIKAN/Bericht_WIKAN_ICMPD.pdf, pp. 109 seq.

³⁸ ICMPD (2012), *Wirkungsanalyse von integrationspolitischen Maßnahmen – Praxis und Bedarf*, International Centre for Migration Policy Development, available at: http://research.icmpd.org/fileadmin/Research-Website/WIKAN/Bericht_WIKAN_ICMPD.pdf, p. 115.

³⁹ Austria, Verwaltungsgerichtshof (2013), 2010/01/0030, 27 February 2013, available at: www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vwgh&Dokumentnummer=JWT_2010010030_20130227X00&ResultFunctionToken=97122a89-b37b-4491-989b-6c9dfeaf3a1&Position=1&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&AenderungenSeit=Undefined&SucheNachRechtssatz=True&SucheNachText=True&GZ=&VonDatum=&BisDatum=17.02.2015&Norm=&ImRisSeit=Undefined&ResultPageSize=50&Suchworte=Einb%C3%BCrgerungstest.

	<p>evaluation procedures applied by public authorities at national and regional level, as applicable, for migrant integration. In particular, please present any indicators used for the monitoring, assessment and review of integration policies in the areas of political and social participation, social cohesion, and intolerance, inclusive and welcoming society. Please make sure to report here the link of such indicators with fundamental rights and the way their use reflects to the review of such policies.</p>	<p>Integration (Expertenrat für Integration) monitors the implementation of the NAP.I. ⁴⁰ The Expert Council publishes a report on integration of migrants in Austria and provides suggestions for improvement.⁴¹</p> <p>In 2010 a set of 25 quantitative indicators was developed by an expert panel in cooperation with the Commission for Migration and Integration Research of the Austrian Academy of Sciences, the Austrian Integration Fund and Statistics Austria. Most of the indicators are based on official statistics (Statistics Austria, Employment Service Austria (<i>Arbeitsmarktservice, AMS</i>) (unemployment rate), Federal Institute of Educational Research, Innovation and Development of the Austrian School Sector (<i>Bundesinstitut BIFIE Bildungsforschung, Innovation und Entwicklung des österreichischen Schulwesens</i>) (assessment of literacy skills (<i>Sprachstandserhebung</i>)), Federal Ministry of the Interior (Bundesministerium für Inneres BMI) (police crime statistics)), one indicator is based on a survey conducted by the polling institute GfK (Association for Consumer, Marketing and Sales Research Austria (<i>Gesellschaft für Konsum-, Markt- und Absatzforschung (GfK) Austria</i>)) to allow to measure the subjective reception of the integration climate.⁴² The findings are published annually in the report 'migration&integration, numbers.data.indicators' (<i>migration&integration, zahlen.daten.indikatoren</i>) by Statistics Austria.⁴³ The indicators are subdivided in the following categories: population; immigration&emigration; language and education; work and occupation; social and health care; security; housing and systemic context; identification; subjective questions on integration climate.</p> <p>The city of Vienna has carried out integration and diversity monitoring since 2008. The monitoring looks at nine areas of life (equality&participation; education; employment&labour market; health&care; housing; infrastructure; culture&leisure; public space, cohabitation&social climate). It analyses the degree of equality and integration of migrants and the host society as well as participation and access to social positions, goods and services (integration monitoring), and the diversity management in the city's departments and institutions (diversity monitoring).⁴⁴</p> <p>The link to fundamental rights is clearly given in the fields of equality, equal treatment and non-discrimination. Furthermore, links are obviously given in the area of economic, social and cultural rights.</p>
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⁴⁰ Austria, Federal Ministry of Europe, Integration and Foreign Affairs, National Action Plan Integration, available at: www.bmeia.gv.at/integration/nationaler-aktionsplan/

⁴¹ Austria, Expert Council on Integration (2014), Integration Report 2014: Integration Issues in Focus, available at: www.bmeia.gv.at/integration/integrationsbericht/

⁴² Austria, Federal Ministry for Europe, Integration, Foreign Affairs (*Bundeministerium für Europa, Integration und Äußeres*) (2014), *Integrationsbericht 2014, Integrationsthemen im Fokus, Expertenrat für Migration*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2014/Integrationsbericht_2014.pdf.

⁴³ Austria, Statistik Austria (2014), *migration&integration. zahlen.daten.indikatoren 2014*, available at: www.statistik.at/web_de/services/publikationen/2/index.html?id=2&listid=2&detail=621.

⁴⁴ Austria, City of Vienna, Vienna integration and diversity management, www.wien.gv.at/english/social/integration/basic-work/monitoring.html.

		<p>Diversity management is an established guiding principle in Vienna's city management. In the diversity monitoring, a total of 42 of the city's departments and institutions are scrutinised as to the degree of implementation of diversity management. Results in 2014 showed that diversity management has improved in all areas investigated.⁴⁵</p>
<p>Provide full wording and translation in English of each indicator used per area and dimension covered as well as its full definition, legal basis, rationale, and link with fundamental rights or EU law (use table in the Annex 4).</p>		
	<p>Please provide data and evidence about the adoption of related Zaragoza indicators, especially in the dimensions of active citizenship and welcoming society. Please consult the publication Using EU Indicators of Immigrant Integration (ESN, MPG) and report more detailed and updated specific descriptions and mapping of indicators used in the Member States.</p>	<p>The Zaragoza indicators were included in the development of the national action plan indicators. Not all of the Zaragoza indicators were included in the list of the national indicators, but those which could be easily filled with data and could therefore be measured continuously. The list of Austrian integration indicators is available in the Annex.⁴⁶ Regarding the areas of active citizenship and welcoming society the naturalisation rate is part of the national indicator list. Regarding welcoming society, the Austrian indicator no. 25 asks how the population perceives the 'integration climate'. Data for this indicator is collected by a survey, in 2014 1,953 persons with and without migration background were asked. The indicator is made up of several questions, for example, respondents with migrant background were asked whether their personal situation improved or got worse in the last five years (31% situation improved, 46% no change, 24% situation got worse). Furthermore respondents with migrant background were asked whether they agree with the way most people in Austria live and the values and goals that people follow (22% agree, 61% rather agree, 14% rather disagree, 4% disagree (3% did not answer)).⁴⁷</p>
<p>1.2.5.Funding integration policies (EIF, ERF, EMIF)</p>		
	<p>Please provide information about the distribution of funds for integration of migrants, as well as their social inclusion and participation. In particular, provide specific breakdown of</p>	<p>The website of the Austrian Integration Fund provides a list of funded projects for the programming year 2013 (projects also running in 2014) for the ERF and the EIF.</p> <p>The EIF is clustered in 5 areas: Integration & Language (Integration & Sprache), Integration & Municipality (Integration & Kommune), Intercultural dialogue (Interkultureller Dialog), Indicators and evaluation methodologies to assess progress (Indikatoren und Bewertungsmethoden zur Messung von Integrationsmaßnahmen und Fortschritte), Domestic networking, exchange, and development of intercultural capacity (Innerstaatliche Vernetzung, Austausch und interkultureller Kapazitätenaufbau).</p>

⁴⁵ Austria, City of Vienna (2014), *3rd Vienna integration and diversity monitor*, available at: <https://www.wien.gv.at/menschen/integration/pdf/monitor-2014-kurzfassung.pdf>.

⁴⁶ Austrian Integration Indicators are available at: http://www.bmeia.gv.at/fileadmin/ZZZ_Medien_alt/bmeia/media/Integration/NAP/NAP_Indikatoren.pdf.

⁴⁷ Austria, Statistik Austria (2014), *migration&integration, zahlen.daten.indikatoren 2014*, p. 92, 98, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2014/migration_integration2014-web.pdf.

<p>funding per general area of integration policies – with particular focus on active citizenship, participation, welcoming society, social cohesion - in the last year and for the period 2010-2014 if available. (Use the table in the Annex 5).</p>	<p>The competent authority responded that not all measures can be classified as proposed in the table of Annex 5. To fill out Annex 5 the authority chose to classify as follows :</p> <ul style="list-style-type: none"> -‘Participation’ corresponds best to the area ‘Integration & Municipality’. Integration takes place locally and therefore the goal is to encourage participation at the local level. -‘Social cohesion/social inclusion’ corresponds best to the area ‘Intercultural Dialogue’, because social inclusion and rapprochement of migrants to the host society also needs the promotion of intercultural dialogue. -‘Active Citizenship’: no corresponding area could be identified; therefore the column remains blank. -‘Welcoming society’ corresponds best to the areas ‘Indicators and evaluation methodologies to assess progress’ and ‘Domestic networking, exchange, and development of intercultural capacity’, as those areas primarily address the host society and its institutions. -‘Employment’: no corresponding area could be identified; therefore the column remains blank. -‘Education’ corresponds best to ‘Integration & Language’, because language is a key foundation for education. -‘Healthcare’: there is no measure within the EIF that focuses on health. Projects that include health issues are spread over the other areas. Therefore the column remains blank. -‘Other’: no corresponding area could be identified; therefore the column remains blank. <p>To fill in data for the ERF, the competent authority chose to classify as follows :</p> <ul style="list-style-type: none"> -‘Social cohesion/social inclusion’ corresponds best to the area ‘Information for the local population’ (Information der ortsansässigen Bevölkerung) that serves the prevention of conflicts between the majority population and the ERF-target group and the promotion of mutual understanding. -‘Employment’ corresponds best to the area ‘Labour market integration’ (Integration in den Arbeitsmarkt). -‘Education’ corresponds best to the area ‘Language acquisition’ (Spracherwerb). -‘Healthcare’ corresponds best to ‘Psychological and psychotherapeutic care’ (Psychologische und psychotherapeutische Betreuung). -‘Other’: All other ERF-projects were included into this category, e.g. counseling in the asylum procedure (Beratung im asylrechtlichen Verfahren), counselling concerning the transfer of persons according to the Dublin Regulation (Beratung zur
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		Unterstützung der Überstellung nach der Dublinverordnung) and measures for quality assurance in the asylum procedures.
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2.Promoting equal treatment and non-discrimination

2.1.The implementation of anti-discrimination legislation and equal treatment

	Briefly provide information on the following:	
Outreach and awareness raising campaigns, training schemes, etc. undertaken by national or regional public authorities (including national equality bodies) targeting migrants and their descendants on the national anti-discrimination legal framework.		<p>The Federal Ministry for Europe, Integration and Foreign Affairs (<i>BMEIA</i>) installed a telephone hotline for persons affected by discrimination on the grounds of ethnic affiliation, origin or religion in 2014. The hotline aims at raising awareness that discrimination is no trivial offense and refers callers to one of two partner organisations, the Ombud for Equal Treatment (<i>Gleichbehandlungsanwaltschaft</i>) or ZARA, an NGO that offers counselling for victims and witnesses of racism.⁴⁸</p> <p>The Ombud for Equal Treatment realised a freecard-campaign in 2013, illustrating five situations of discrimination, including ethnic discrimination in housing and in access to nightclubs. 425.000 freecards were distributed in bars, university-restaurants and cinemas.⁴⁹ The Ombud for Equal Treatment offers workshops for special target groups on request, e.g. by migrant-NGOs for employees, clients or multipliers. The subject "headscarf at work" was taken up in workshops in 2011.⁵⁰ The Ombud published a special brochure on the topic in German, Turkish and Bosnian/Serbian/Croatian.⁵¹</p> <p>Under the heading "My rights make me strong!", the Litigation Association of NGOs Against Discrimination (<i>Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern</i>) offers four full-day workshops on anti-discrimination law for specific target group (multipliers, Muslims, migrants and Roma) from April to June 2015. Additional workshops are announced to start in autumn 2015.⁵² Institutions of the Austrian social partnership (<i>Sozialpartnerschaft</i>) offer counselling on equal treatment in the area of work and corresponding activities</p>

⁴⁸ Austria, Federal Ministry for Europe, Integration, Foreign Affairs (*Bundeministerium für Europa, Integration und Äußeres*), Hotline gegen Diskriminierung, www.bmeia.gv.at/integration/hotline-gegen-diskriminierung/.

⁴⁹ Austria, Ombud for Equal Treatment (*Gleichbehandlungsanwaltschaft*) (2013) Freecard-Kampagne der Anwaltschaft, Archiv 29.03.2013, www.gleichbehandlungsanwaltschaft.at/site/cob_50837/currentpage_0/7248/default.aspx.

⁵⁰ Austria, Ombud for Equal Treatment (*Gleichbehandlungsanwaltschaft*) (2013) Tätigkeitsbericht der Gleichbehandlungsanwaltschaft 2011/12, available at: www.gleichbehandlungsanwaltschaft.at/site/7803/default.aspx.

⁵¹ Austria, Ombud for Equal Treatment (*Gleichbehandlungsanwaltschaft*), Informationsmaterial, Kopftuch am Arbeitsplatz, www.gleichbehandlungsanwaltschaft.at/site/7667/default.aspx

⁵² Austria, Litigation Association of NGOs Against Discrimination (*Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern*) (2015), 'My rights make me strong' (*Meine Rechte machen mich stark!*), Workshop-Series in anti-discrimination law, www.klagsverband.at/service/workshops.

		<p>targeting migrants (these activities are included in the NAP.I⁵³):</p> <ul style="list-style-type: none"> -The Chamber of Labour (<i>Arbeiterkammer</i>) provides mothertongue legal counselling in labour law matters in the most common migrant languages (offer depends on local office, Viennese office: Turkish, Bosnian/Serbian/Croatian, and Hungarian⁵⁴). The Viennese office counts 390.000 consultations per year⁵⁵, nearly half of the clients have migration background.⁵⁶ The office pays attention to communication needs of migrants when organizing information events on work related matters (e.g. for an information event on return to the labour market after maternity leave, interpreters for seven languages were present).⁵⁷ -The Federal Trade Union (<i>Gewerkschaftsbund</i>) offers mothertongue counselling in labour and social law (Turkish, Bosnian/Serbian/Croatian, Kurdish, Albanian, Spanish and English; offer depends strongly on the local office⁵⁸). -The Viennese office of the Chamber of Commerce (<i>Wirtschaftskammer Wien</i>) launched a TV-series portraying successful entrepreneurs with migrant background ("<i>bUnternehmen.Wien</i>" on OktoTV, 2009-2010)⁵⁹. It organises information events targeting emerging entrepreneurs with migrant background and provides consultations in languages other than German (500 consultations in 2013).⁶⁰ <p>The Austrian Integration Fund (ÖIF) offers various workshops on a wide range of topics integrating the corresponding legal questions (labour market, employment, consumer protection, health system etc.) in all regional offices.⁶¹</p> <p>In his report on measures taken to combat discrimination, Schindlauer states "the duty to disseminate information about the issues at stake is not given a high priority by the Federal Government, though there are some activities in this field. The Ministry for Economy and Labour has issued a brochure providing basic information about the principle of equal treatment as set down in the Equal Treatment Act. Most of the widely visible activities have been taking place between 2004 and 2007. During 2012 and 2013, the National Equality Body and some specialised NGOs have conducted series of workshops and seminars for many different target groups.</p>
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⁵³ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration – Measures*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p.190 et seq.

⁵⁴ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, Database Integration, Rechtsberatung in Arbeits- und Sozialrecht sowie KonsumentInnenschutz, www.bmeia.gv.at/integration/datenbank-integrationsprojekte/detail/project/rechtsberatung-in-arbeits-und-sozialrecht-sowie-konsumentinnenschutz/.

⁵⁵ Austria, Chamber of Labour Vienna (*Arbeiterkammer Wien*), Die AK Wien im Überblick, www.arbeiterkammer.at/ueberuns/leistungen/Die_AK_Wien_im_Ueberblick.html.

⁵⁶ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, Database Integration, Rechtsberatung in Arbeits- und Sozialrecht sowie KonsumentInnenschutz, www.bmeia.gv.at/integration/datenbank-integrationsprojekte/detail/project/rechtsberatung-in-arbeits-und-sozialrecht-sowie-konsumentinnenschutz/.

⁵⁷ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, Database Integration, Informationstätigkeit zu wichtigen sozialen, wirtschaftlichen und beruflichen Belangen, www.bmeia.gv.at/integration/datenbank-integrationsprojekte/detail/project/informationstaetigkeit-zu-wichtigen-sozialen-wirtschaftlichen-und-beruflichen-belangen/.

⁵⁸ Austria, Austrian Trade Union (*Österreichischer Gewerkschaftsbund*), Mitgliederservice, Beratungen, www.mitgliederservice.at/cms/S06/S06_50.5/beratungen.

⁵⁹ Austria, OKTO-TV, Archiv, bUnternehmen.Wien, <http://okto.tv/bunternehmen>.

⁶⁰ Austria, Chamber of Commerce Vienna (*Wirtschaftskammer Wien*), Presseaussendung 30.6.2014, www.wko.at/Content.Node/iv/20140630_PA_migrantische_Betriebe.pdf.

⁶¹ Austria, Austrian Integration Fund (*Österreichischer Integrationsfonds*), Integrationszentren, www.integrationsfonds.at/integrationszentren/die_integrationszentren_des_oeif/.

	Generally, basic information about the main functioning of the federal anti-discrimination legislation is now readily available on the Internet. Information about provincial legislation, bodies and structures are quite more complicated to find for some provinces (Burgenland, Vorarlberg) than others (Vienna, Upper Austria, Styria). ⁶²
Evidence through polls, surveys, academic research, etc. on the awareness of migrants and/or their descendants concerning the right to equal treatment. Please indicate differences between ethnic/migrant groups, living in different geographic areas, gender and age, as well as trends in time.	Experts of Austrian Integration Fund's scientific team do not know any research concerning awareness of migrants on their rights to equal treatment and assume a research gap. ⁶³ This was confirmed by a professor of Political Science ⁶⁴ , as well as by a professor of Sociology, specialized in research on migration. The latter added that there is hardly any research on the topic of rights awareness in general. ⁶⁵ The Litigation Association of NGOs Against Discrimination (<i>Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern</i>) estimates that only "an infinitesimal number" of victims of ethnic discrimination in the access to goods and services claim their right for damage compensation. Therefore there is very little case law. ⁶⁶
Evidence of complaints lodged by migrants and/or their descendants - % of total complaints to equality bodies, % of admissible complaints, statistics about outcomes of investigation, % of cases establishing	The Equal Treatment Commission (<i>Gleichbehandlungskommission</i>) does not keep statistics on the citizenship of its clients. ⁶⁷ Statistics are available on complaints on ethnic discrimination (number of cases on the ground of ethnic discrimination / total number of cases): Senate I (competent for equal treatment and equal opportunities for women and men in employment and multiple/intersectional discrimination): 2013: 2 / 63 (3.2%), 2014: 2 / 58 (3.4%) Senate II (competent for equal treatment irrespective of ethnicity, religion or belief, age, or sexual orientation in employment): 2013: 15 / 32 (46.9%), 2014: 19 / 38 (50%) Senate III (competent for equal treatment irrespective of ethnicity in other areas, and equal treatment between women and men in the area of goods and services): 2013: 9 / 25 (36%), 2014: 5 / 19 (26.3%) (further data see Annex 8.2)

⁶² Schindlauer, D. (2014), *Report on Measures to Combat Discrimination, Directives 2000/43/EC and 2000/78/EC, Country Report 2013*, drafted for the European Network of Legal Experts in the Non-discrimination Field, p. 58, available at: www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925.

⁶³ Information received from the Austrian Integration Fund on 4 March 2015.

⁶⁴ Information received on 12 Mars 2015.

⁶⁵ Information received on 12 Mars 2015.

⁶⁶ Ludwig, A. (2012), 'Judikatur im Bereich Diskriminierungen aufgrund der ethnischen Zugehörigkeit beim Zugang zu Gütern und Dienstleistungen' in: Ali-Pahlavani, Z., Mittendorfer, C. (eds.): *Gleichbehandlung, Anspruch und Wirklichkeit am Beispiel ethnischer Diskriminierung*, Tagungsband, AK Wien, p. 65-76, available at: http://edoc.wien.arbeiterkammer.at/bilder/d171/Tagungsband_Gleichbehandlung_2012.pdf.

⁶⁷ Information received from the Equal Treatment Commission's executive management, dept. IV/3 of the Austrian Federal Ministry of Education and Women's Affairs, on 23 February 2015.

<p>discrimination. Please indicate differences between ethnic/migrant groups, geographic areas, gender and age, as well as trends in time.</p>	<p>The Ombud for Equal Treatment (<i>Gleichbehandlungsanwaltschaft</i>) does not document nationality, ethnic affiliation or migrant background of its clients. Statistics are available on the number of consultations by ground of discrimination (see Annex 8).⁶⁸</p>
<p>Tools, measures and positive initiatives aiming at facilitating reporting incidents of discrimination – e.g. translation facilities to report and submit complaints in multiple languages – and tackling under-reporting and low rights-awareness.</p>	<p>The Ombud for Equal Treatment provides for an interpreter on request, as a service to make reporting easier for migrants and persons with migration background. An „easy-to-read“-certified brochure as well as freecards with pictures of typical situations of discrimination lower the threshold for persons with limited knowledge of German language to make use of the Ombud’s offers.⁶⁹</p>
<p>In particular, provide information about any legal protection on grounds of nationality, which is not covered by the EU anti-discrimination Directives,⁷⁰ but is a prohibited ground in several Member States. Please explain how</p>	<p>There is no explicit legal protection on grounds of nationality, but discrimination on the ground of nationality is subsumed under the notion of ethnic discrimination. In the implementation of Directive 2000/43/EC, the Austrian legislator clarified that the Directive’s notion “race or ethnic origin” must be interpreted within the meaning of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and Article 26 International Covenant on Civil and Political Rights (ICCPR).⁷¹ Both documents prohibit discrimination on the ground of national origin.⁷² The CERD (Art. 1 and 2) has constitutional status in Austria. The Federal Constitutional Act on the implementation of CERD refers to the European Convention on Human Rights (ECHR), stating that special regulations for Austrian nationals are only permitted as long as they do not preclude Article 14 ECHR⁷³. The ECHR prohibits discrimination on the ground of national origin and has constitutional status in Austria.</p>

⁶⁸ Information received from the Ombud for Equal Treatment on 24 February 2015.

⁶⁹ Information received from the Ombud for Equal Treatment on 24 February 2015.

⁷⁰ As of Art. 3.2 of the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

⁷¹ Austria, Parliament, 307 der Beilagen XXII. GP - Regierungsvorlage – Materialien, p. 14, available at: http://www.parlament.gv.at/PAKT/VHG/XXII/I/I_00307/fname_010536.pdf.

⁷² United Nations (UN), International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, Article 1, www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx; United Nations (UN), International Covenant on Civil and Political Rights, 16 December 1966, Article 26, www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.

⁷³ Austria, Constitutional Law of 3 July 1973 on Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (*Bundesverfassungsgesetz vom 3. Juli 1973 zur Durchführung des Internationalen*

	<p>unequal treatment on the basis of nationality is treated and provide exemplary cases, if any. Please provide information on the relevant practice and case law (use template in Annex 9)</p>	<p>On sub-constitutional level, the Art III 1 Z 3 Implementation Law of the Administrative Procedure Act (<i>Einführungsgesetz zu den Verwaltungsverfahrensgesetzen 2008</i>) (EGVG) prohibits discrimination on the ground of national and ethnic origin.⁷⁴ The Industrial Code (<i>Gewerbeordnung</i>) allows the withdrawal of business licences in cases of serious violations against its interests of protection, including discrimination as defined in the EGVG.⁷⁵ However, the Austrian Ombudsman Board (<i>Volksanwaltschaft</i>) criticised the execution of Art III 1 Z 3 EGVG as completely inefficient (reports in 2007 and 2011).⁷⁶ In 2012, legal improvements were made (see 2.3.).⁷⁷ The legal provision in the industrial code, allowing withdrawing business licences in severe cases of discrimination has never been applied (status of 2012).⁷⁸</p>
	<p>Please provide information about the application of the legislation concerning discrimination against migrants – on any ground – in accessing law enforcement and judiciary services. In particular please clarify whether and when the latter are considered and treated, or not, as services available to the public, therefore falling within the scope of the directives and the jurisdiction</p>	<p>Law enforcement and the judiciary are not understood as services in the sense of the (private market addressing) equal treatment laws. However, within these official services provided by the federal government, the wider human and fundamental rights guarantees are valid: Art 7 B-VG (equality before the law), Art 14 ECHR (non-discrimination) as well as Art 1 CERD (prohibition of racial discrimination) are applicable in these areas.</p>

Übereinkommens über die Beseitigung aller Formen rassistischer Diskriminierung), BGBl.Nr. 390/1973, Artikel 1 Abs 2, available at: www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000533.

⁷⁴ Austria, Implementation Law of the Administrative Procedure Act (*Einführungsgesetz zu den Verwaltungsverfahrensgesetzen 2008 – EGVG*), BGBl. I Nr. 87/2008, last amended by BGBl. I Nr. 33/2013, available at: www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20005871.

⁷⁵ Austria, Industrial Code (*Gewerbeordnung*), BGBl. Nr. 194/1994, last amended by BGBl. I Nr. 34/2015, §87 Abs 1 Z 3, available at: <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10007517>.

⁷⁶ Austria, Ombudsman Board (*Volksanwaltschaft*), Parlamentsbericht 2011, p. 63, available at: <http://volksanwaltschaft.gv.at/downloads/8t3lu/parlamentsbericht35.pdf>.

⁷⁷ Austria, Ombudsman Board (*Volksanwaltschaft*), Parlamentsbericht 2012, p. 72, available at: <http://volksanwaltschaft.gv.at/downloads/q3at/Jahresbericht%202012.pdf>.

⁷⁸ Austria, Ombudsman Board (*Volksanwaltschaft*), Parlamentsbericht 2012, p.63, available at: <http://volksanwaltschaft.gv.at/downloads/q3at/Jahresbericht%202012.pdf>.

of Equality Bodies. ⁷⁹	
Please provide statistical data about numbers of discrimination cases/complaints submitted to competent bodies (Equality Bodies, Administrative Courts), as well as about their outcomes (use the tables in the Annex 8)	
2.2.Implementation of equal treatment of various permit holders	
<p>Please summarize <u>briefly</u> in this section any key issues affecting the implementation of equal treatment of permit holders, as defined by the following EU legislation; these could be, for example, practical issues and bottlenecks, administrative delays, coordination and cooperation of public authorities, etc.</p> <p>Please substantiate findings, as far as possible, through formal evaluations, as well as research or studies and case law (use template in Annex 9). Please bear in mind that no assessment of the legal transposition process is required. In regard to the five categories below, please provide <u>statistical data</u> issued in 2014 or valid on 31.12.14. (use annex 3)</p> <p>The following information is based on an information request filed at the Migrant Counselling Centre (Beratungszentrum für Migranten und Migrantinnen), sent 25 February and answered in an 1 hour phone consultation on 24 March 2015.</p>	
<p>2.2.1.<u>Long Term Residence</u> (LTR) status holders (Art.11 of the Directive 2003/109/EC)</p>	<p>Long term residence status holders are equal to citizens concerning all social security law matters (welfare aid, social housing etc.). However, in some municipalities access to social housing is restricted to Austrian nationals only or to EU citizens.⁸⁰</p> <p>See Annex 9 for two cases concerning discrimination: School starting aid for third country nationals; District Court Innsbruck, 26 C 263/13y – 11 (available at: http://www.klagsverband.at/dev/wp-content/uploads/2014/02/BG-Innsbruck_26C263-13y_anonym.pdf)</p> <p>Commuter’s aid for third-country nationals; Provincial Court St. Pölten, 21 R 16/13f-13 (available at: http://www.klagsverband.at/dev/wp-content/uploads/2008/06/LG-St.-P%C3%B6lten-21R16_13f.pdf).</p>
<p>2.2.2.<u>Single-permit procedure</u> permit holders (Art.12 and 13 of the Directive 2011/98/EU)</p>	<p>Dir 2011/98/EU has been transposed into Austrian law coming into force with mit 1 January 2014.⁸¹ Practical problems have been reported by the Migrant Counselling Centre (<i>Beratungszentrum für Migranten und Migrantinnen</i>) for persons with more than one employer, for persons who are not “settled” (<i>niedergelassen</i>), but hold an “other residence status” (<i>sonstige Aufenthaltsberechtigung</i>) and for persons applying for prolongation of old residence permits.</p> <p>a) Particularly artists are concerned, as the new permit offers only space for one employer, but in practice the persons have more than one employer. It is still unclear what will be the practical bureaucratic solution.</p>

⁷⁹ Please note that these are considered non-economic services by the EU Commission (Services of general interest, including social services of general interest: a new European commitment, COMM 725 (2007) of 20 November 2007, yet not always they are considered by Equality Bodies to fall in the areas of application of the anti-discrimination directives.

⁸⁰ Anti-Discrimination Office Styria, Annual Report 2013, p. 29.

⁸¹ Bundesgesetzblatt I Nr. 72/2013

	<p>b) Persons concerned are scientists, priests or journalists who then are practically excluded from getting long term residence status.</p> <p>c) Before 2014 there was a residence and separately a labour market access permit, which both could be combined. The law stipulates a transitional arrangement. As the persons concerned hold a residence permit which excludes labour market access, they can upgrade the permit to a Red-White-Red Card Plus, which puts them in the same status as before. However, in practice people are often not aware and informed about that option and just apply for prologation and thus, are immediately excluded from the labour market. The Migrants Counselling Centre negotiates with the competent authorities to find a viable solution in these cases. A remedy at the administration court is possible.</p>
2.2.3. <u>Blue card holders</u> (Art.14 and 12 of the Directive 2009/50/EC)	In 2013, there were 214 Blue Card holders (0.05% of all forms of residence status). ⁸² Applicants usually prefer to apply for the Red-White-Red Card (<i>Rot-Weiss-Rot Karte</i>). The main reason is the high minimum income for the Blue Card: The applicant has to prove that he/she receives a gross annual salary that is one and a half times the average Austrian gross annual salary for full-time workers ⁸³ (corresponds to a monthly salary of 3998€ in 2014). No equality concerns were reported.
2.2.4. <u>FamiFamily reunification permit holders</u> (specifically in terms of access to labour market - Art. 14 of Directive 2003/86/EC)	<p>Access to the labour market is open from the beginning. The Austrian regulation is more favourable than the European regulation. There are no barriers for employers to employ Austrians, EU citizens or TCNs.</p> <p>The requirement of certifying language knowledge at level A1 as a precondition was criticised as interfering with the right to family reunification.⁸⁴</p> <p>As the permit is firstly issued for temporary residence, social rights are restricted to the respective period, which leads to problematic situations if permit prologation decision takes long time. Economic shortages occur in practice as welfare aid is paid retroactively, after the permit decision has been taken.</p>
2.2.5. Beneficiaries of international protection long term residence status holders ⁸⁵	In 2012, the Federal Care Allowance Act (<i>Bundespflegegeldgesetz</i>) replaced the regional care allowance regulations. The act did no longer explicitly mention persons with subsidiary protection status as eligible. As a consequence, the pension insurance institution denied applications from persons with subsidiary protection status receiving basic provision (<i>Grundversorgung</i>). The Austrian Ombudsman Board (<i>Volksanwaltschaft</i>) criticized this practice as conflicting EU Law. In 2013, the Ministry for Labour, Social Affairs and Consumer protection (<i>BMASK</i>) changed the interpretation of the respective paragraph. Persons with subsidiary protection

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www.bmi.gv.at/cms/BMI_Niederlassung/statistiken/files/Niederlassungs_und_Aufenthaltsstatistik_Jahresstatistik_2013.pdf.

⁸³ Austria, help.gv.at, "Blaue Karte EU" – Antrag,

<https://www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120309.html#Voraussetzungen>.

⁸⁴ Ataç, I. (2014), 'Determining Turkish migration to Austria, The role of migration policy', *Migration Letters*, Vol. 11, No. 3, pp. 275-287, www.tplondon.com/journal/index.php/ml/article/viewFile/340/297.

⁸⁵ As per recitals 6 and 7 of Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance

	<p>status receiving basic provision are now again eligible for care allowance.⁸⁶</p> <p>Persons with subsidiary protection status receive childcare allowance only if they have an employment (§2 Abs 1 Z 1 lit c Childcare Allowance Act, <i>Kinderbetreuungsgeldgesetz</i>⁸⁷). Refugees are not required to be self-employed or employed in order to be entitled. According to statement of the counselling centre for migrants (<i>Beratungszentrum für Migranten und Migrantinnen</i>), the differentiation between refugees and persons with subsidiary protection status is not objectively justified.⁸⁸</p>
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2.3.Key developments and trends

	<p>Please include in this section key developments in the area of equal treatment and anti-discrimination that concern only migrants and/or their descendants. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or</p>	<p>2015 The Austrian parliament passed a new Islam Law (<i>Islamgesetz</i>) on 25 February 2015, which replaces the Islam Law from 1912.⁸⁹ The Islamic Religious Community in Austria (<i>Islamische Glaubensgemeinschaft in Österreich IGGiÖ</i>) gave its consent to the law. Other Austrian muslim associations protest and announced to lodge a complaint to the Constitutional Court, claiming that the law infringes the principle of equal treatment. Particularly the prohibition of foreign funding is considered as unequal treatment in relation to other religions.⁹⁰</p> <p>2013 Amendment of the regulation on the burden of proof in the Federal-Equal Treatment Act (<i>Bundes-Gleichbehandlungsgesetz</i>)⁹¹, in conformity with Council Directive 2000/43/EC. In the Equal Treatment Act (<i>Gleichbehandlungsgesetz</i>), which is also a piece of federal legislation, the wording was not changed. In the report on Austria for the European Network of Legal Experts in the Non-discrimination Field, Schindlauer⁹² says that "it remains unclear why the legislator chose to change the wording in one act while sustaining the older phrases in the other ones. [...] this</p>
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⁸⁶ Austria, Ombudsman Board (*Volksanwaltschaft*), Parlamentsbericht 2013, p. 119, available at: <http://volksanwaltschaft.gv.at/downloads/8r3ft/37-PB.pdf>.

⁸⁷ Austria, Childcare Allowance Act (*Kinderbetreuungsgeldgesetz*), BGBl. I Nr. 103/2001, last amended by BGBl. I Nr. 35/2014, available at: www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001474.

⁸⁸ Austria, Counselling centre for migrants (*Beratungszentrum für Migranten und Migrantinnen*) (2013), *Stellungnahme zur Änderung des Kinderbetreuungsgeldgesetzes*, www.migrant.at/homepage-2006/stellungnahmen/stell-kgb-2013.pdf

⁸⁹ Austria, Parliament, *Beschluss des Nationalrates vom 25. Februar 2015 betreffend ein Bundesgesetz, mit dem ein Bundesgesetz über die äußeren Rechtsverhältnisse islamischer Religionsgesellschaften erlassen wird*, available at: www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR_00145/index.shtml.

⁹⁰ Austria, Austrian Broadcast Corporation (*Österreichischer Rundfunk, ORF*) (2015), 'Islamgesetz: Muslime kündigen Verfassungsklage an', 25 February 2015, <http://religion.orf.at/stories/2696212/>.

⁹¹ Austria, Amendment of the Public Services Law 2013 (*Dienstrechts-Novelle 2013*), BGBl. I Nr. 210/2013, available at: www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2013_I_210.

⁹² Schindlauer, D. (2014), *Report on Measures to Combat Discrimination, Directives 2000/43/EC and 2000/78/EC, Country Report 2013*, drafted for the European Network of Legal Experts in the Non-discrimination Field, p. 6, available at: www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925

	<p>administrative cases, that have had or may have an impact on the implementation of the anti-discrimination legislation and equal treatment policies that related to the rights of migrants and/or their descendants (for presentation of case law, use template in Annex 9). Such developments may also affect the actual situation on the ground, including public debates and perceptions among the native population and migrants.</p>	<p>new development might point to the fact that the Equal Treatment Act [...] [is] in breach of the Directives⁹³.”</p> <p>Amendment of the Citizenship Act (<i>Staatsbürgerschaftsgesetz</i>): Faciliations concerning income requirements: the reference period of calculation was extended; a hardship clause was introduced for persons who, through no fault of his/her own, are incapable to achieve the required level of income (e.g. disability, long-term serious illness). Legitimate and illegitimate children are not treated equivalent.⁹⁴ There is still no unconditioned entitlement to citizenship for Austrian-born children of settled migrants.⁹⁵</p> <p>2012 Amendment of the Art. III Abs. 1 Z 3 Implementation Law of the Administrative Procedure Act (<i>Einführungsgesetz zu den Verwaltungsverfahrensgesetzen 2008 - EGVG</i>). A claimant is no longer obliged to present the proof that he/she had been discriminated “solely on the ground of” ethnic origin in the access to goods and services. This amendment should improve the enforcement of anti-discrimination within administrative law, which has formerly been criticised as completely inefficient.⁹⁶</p> <p>2011 Aliens Law Amendment Act 2011 (<i>Fremdenrechtsänderungsgesetz 2011</i>): - Introduction of the residence titles so-called Red-White-Red-Card and Red-White-Red-Card Plus (<i>Rot-Weiß-Rot-Karte, Rot-Weiß-Rot-Karte plus</i>) for TCNs. These titles replace the previous regulation for key employees based on quotas by a point-based admission scheme.⁹⁷ With the same amendment the EU Blue Card is introduced.⁹⁸ - TCNs aiming for permanent residence are obliged to proof A1-level German language competence <u>prior to entry</u> into Austria. This regulation is criticised to restrict family</p>
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⁹³ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁹⁴ Austria, City of Vienna (2014), 3. *Integrations- und Diversitätsmonitor der Stadt Wien*, p. 65, <https://www.wien.gv.at/menschen/integration/downloads.html>

⁹⁵ Austria, Counselling centre for migrants (*Beratungszentrum für Migranten und Migrantinnen*) (2013), *Stellungnahme zum Bundesgesetz, mit dem das Staatsbürgerschaftsgesetz 1985 geändert werden soll*, available at:

<http://www.migrant.at/homepage-2006/stellung/stellung.html>; Austria, Bundesgesetz über die österreichische Staatsbürgerschaft (Staatsbürgerschaftsgesetz 1985 - StbG), §7,

<http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10005579>

⁹⁶ Austria, Ombudsman Board (*Volksanwaltschaft*), *Parlamentsbericht 2012*, p. 72, available at: <http://volksanwaltschaft.gv.at/downloads/q3at/Jahresbericht%202012.pdf>.

⁹⁷ OECD (2014), ‘Assessment and recommendations (English/Deutsch)’, in *Recruiting immigrant workers: Austria 2014*, OECD Publishing, available at: www.keepeek.com/Digital-Asset-Management/oecd/social-issues-migration-health/recruiting-immigrant-workers-austria-2014/assessment-and-recommendations-english-deutsch_9789264226050-4-en.

⁹⁸ Austria, Aliens Law Amendment Act 2011 (*Fremdenrechtsänderungsgesetz 2011 - FrÄG 2011*), BGBl. I Nr. 38/2011, available at: http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2011_I_38&ResultFunctionToken=3325a293-32c5-4922-9036-8da4699a2a4b&Position=1&Titel=&Bgblnummer=BGBl+Nr.+38%2f2011&SucheNachGesetzen=False&SucheNachKundmachungen=False&SucheNachVerordnungen=False&SucheNachSonstiges=False&SucheNachTeil1=False&SucheNachTeil2=False&SucheNachTeil3=False&VonDatum=01.01.2004&BisDatum=09.03.2015&ImRisSeit=Undefined&ResultPageSize=50&Suchworte=.

		<p>reunification.⁹⁹ Migrants admitted for permanent stay have to achieve A2-level German-language competence <u>within two years of arrival</u> (Module 1 of the so-called Integration Agreement (IV) (<i>Integrationsvereinbarung</i>)). B1-level is required to obtain the status “long-term resident – EU” or “long-term resident – family member” (Module 2 IV).</p> <p>In 2011, the European Court of Justice (ECJ) ruled in the case of Dereci¹⁰⁰ that restrictive changes in the Austrian Aliens Law contradict with the “standstill clause” in the Association Agreement with Turkey (Article 13 Decision No 1/80, and Article 41 (1) Additional Protocol¹⁰¹). The Austrian Administrative Court (<i>Verwaltungsgerichtshof</i>) ruled accordingly that all newly introduced restrictions do not apply to Turkish citizens falling within the scope of the Additional Protocol.¹⁰² Until today, the exemptions for Turkish citizens were not made explicit in the Settlement and Residence Act (<i>Niederlassungs- und Aufenthaltsgesetz</i>).¹⁰³</p> <p>The Ministry of the Interior (<i>BMI</i>) specified¹⁰⁴:</p> <p>Exemptions based on the ECJ ruling concern only Turkish citizens who follow family members <u>and</u> intend to take up employment (<i>türkischer Familiennachzug mit Erwerbsabsicht</i>):</p> <ul style="list-style-type: none"> - Turkish family members following Austrian citizens: no proof of pre-entry German competence required, Module 1 of the IV not mandatory, no proof of means of subsistence, health insurance and accomodation according to local standards required (etc.) - Turkish family members following TCNs: no proof of pre-entry German competence required, Module 1 of the IV not mandatory (etc.) <p>According to the ministry, the ruling does not affect Turkish citizens who enter Austria for the first time with the intention to take up employment <u>without</u> family connection: the regulations for the Red-White-Red-Card apply unchanged.</p>
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⁹⁹ Ataç, I. (2014), ‘Determining Turkish migration to Austria, The role of migration policy’, *Migration Letters*, Vol. 11, No. 3, pp. 275-287, www.tplondon.com/journal/index.php/ml/article/viewFile/340/297.

¹⁰⁰ Court of Justice of the European Union (CJEU), C-256/11, *Dereci et al. vs. Bundesministerium für Inneres*, 15 November 2011, <http://curia.europa.eu/juris/liste.jsf?language=de&num=C-256/11>. (“Article 41(1) of the Additional Protocol, signed in Brussels on 23 November 1970 and concluded, approved and confirmed on behalf of the Community by Council Regulation (EEC) No 2760/72 of 19 December 1972, must be interpreted as meaning that the enactment of new legislation more restrictive than the previous legislation, which, for its part, relaxed earlier legislation concerning the conditions for the exercise of the freedom of establishment of Turkish nationals at the time of the entry into force of that protocol in the Member State concerned must be considered to be a ‘new restriction’ within the meaning of that provision.”)

¹⁰¹ Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association set up by the Agreement establishing an Association between the European Economic Community and Turkey (Article 13: ‘The Member States of the Community and Turkey may not introduce new restrictions on the conditions of access to employment applicable to workers and members of their families legally resident and employed in their respective territories.’); Additional Protocol, signed in Brussels on 23 November 1970 and concluded, approved and confirmed on behalf of the Community by Council Regulation (EEC) No 2760/72 of 19 December 1972 (OJ 1972 L 293, p. 1) (Article 41(1) of the Additional Protocol provides: ‘The Contracting Parties shall refrain from introducing between themselves any new restrictions on the freedom of establishment and the freedom to provide services.’), <http://curia.europa.eu/juris/document/document.jsf?text=&docid=114222&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=250335>.

¹⁰² Austria, Administrative Court (*Verwaltungsgerichtshof*), GZ 2008/21/0304, 26.01.2012,

www.ris.bka.gv.at/VwghRechtssatzkette.wxe?Abfrage=Vwgh&Dokumentnummer=JWR_2014090016_20140519J06.

¹⁰³ Austria, Settlement and Residence Act (*Niederlassungs- und Aufenthaltsgesetz*), BGBl. I Nr. 100/2005, last amended by BGBl. I Nr. 40/2014, available at:

www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004242.

¹⁰⁴ Austria, Counselling centre for migrants (*Beratungszentrum für Migranten und Migrantinnen*), 06/12/2012, Stellungnahme zum Niederlassungs- und Aufenthaltsgesetz, available at: www.migrant.at/homepage-2006/stellung/stellung.html.

		<p>Modul 2 IV is still mandatory for the acquisition of “long-term resident – EU” and “long-term resident – family member”.</p> <p>Amendment of the Equal Treatment Act¹⁰⁵ (<i>Gleichbehandlungsgesetz</i>) and the Federal Equal Treatment Act¹⁰⁶ (<i>Bundes-Gleichbehandlungsgesetz</i>): discrimination by association is explicitly covered; discrimination in advertisement for housing is prohibited.</p> <p>Amendment of the Federal Law on the Equal Treatment Commission and the Equal Treatment Ombudspersons’ Office (<i>GBK/GAW-Gesetz</i>) by a provision stating that the Ombudspersons cannot receive instructions and are autonomous and independent. ECRI criticizes that on the organisational level the Office of the Ombudspersons for Equal Treatment is still part of the Federal Chancellery. The officers of the Ombudspersons’ office are employees of the latter.¹⁰⁷</p> <p>Establishment of a State Secretariat for Integration at the Federal Ministry of the Interior (BMI). After the national parliamentary election in 2013, the State Secretariat was transformed into a new section VIII at the Ministry for Europe, Integration and Foreign Affairs (BMEIA).¹⁰⁸</p> <p>2010</p> <p>On 1 January 2010, the independent Federal Bureau of Anti-Corruption (<i>Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung BAK</i>) and on 1 September 2011 the Central Public Prosecutor’s Office for the prosecution of commercial criminal matters and corruption (<i>Wirtschafts- und Korruptionsstaatsanwaltschaft WKStA</i>) are established. Both are competent to investigate on abuse of authority comprising racial discrimination (including police officers’ misconduct). ECRI criticizes that the two bodies are part of the police and prosecution service, that they can only investigate intentional criminal offences, and that “there is no indication that victims</p>
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¹⁰⁵ Austria, Amendment of the Equal Treatment Act, the Federal Law on the Equal Treatment Commission and the Equal Treatment Ombudspersons’ Office, the Disability Employment Act and the Federal Equal Treatment of Disabled Persons Act (*Änderung des Gleichbehandlungsgesetzes, des Gesetzes über die Gleichbehandlungskommission und die Gleichbehandlungsanwaltschaft, des Behinderteneinstellungsgesetzes und des Bundes-Behindertengleichstellungsgesetzes*), BGBl I Nr 7/2011, available at:

www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2011_I_7&ResultFunctionToken=5388c4b1-78d5-40d1-a2f9-720e0d80e2ed&Position=1&Titel=&Bgblnummer=BGBI+I+Nr+7%2f2011&SucheNachGesetzen=False&SucheNachKundmachungen=False&SucheNachVerordnungen=False&SucheNachSonstiges=False&SucheNachTeil1=False&SucheNachTeil2=False&SucheNachTeil3=False&VonDatum=01.01.2004&BisDatum=17.02.2015&ImRisSeit=Undefined&ResultPageSize=50&Suchworte=

¹⁰⁶ Austria, Amendment of the Public Services Law 2013 (*Dienstrechts-Novelle 2013*), BGBl I Nr 120/2012, Dienstrechts-Novelle 2012, available at:

www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2012_I_120&ResultFunctionToken=0c3350b3-5632-4619-9892-828c8fc7d701&Position=1&Titel=&Bgblnummer=BGBI+I+Nr+120%2f2012&SucheNachGesetzen=False&SucheNachKundmachungen=False&SucheNachVerordnungen=False&SucheNachSonstiges=False&SucheNachTeil1=False&SucheNachTeil2=False&SucheNachTeil3=False&VonDatum=01.01.2004&BisDatum=17.02.2015&ImRisSeit=Undefined&ResultPageSize=50&Suchworte=

¹⁰⁷ ECRI Secretariat (2012), *ECRI Conclusions on the Implementation of the Recommendations in Respect of Austria Subject to Interim Follow-Up*, Adopted on 4 December 2012, www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925.

¹⁰⁸ Austria, Ministry for Europe, Integration and Foreign Affairs, www.bmeia.gv.at/en/.

		<p>of discrimination are aware of the two bodies' competence to investigate alleged discriminatory behaviour, which is not in any way published."¹⁰⁹</p> <p>In accordance with the Public Employment Service Law (<i>Arbeitsmarktservicegesetz</i>), the Federal Ministry for Labour, Social Affairs and Consumer Protection (<i>BMASK</i>) sets targets to be achieved by the Public Employment Service (<i>AMS</i>), for a period of several years. Migrants and persons with a migrant background are defined as one of the target groups to be offered specific support.¹¹⁰</p> <p>The Ministry of the Interior (<i>BMI</i>) establishes the independent Expert Council for Integration (<i>Expertenrat für Integration</i>) (since 2013 at the Ministry for Europe, Integration and International Affairs). The expert council is mandated to further develop measures in the framework of the NAP.I. Current discussions:</p> <p>National Actionplan on Human Rights shall be passed mid 2015¹¹¹.</p> <p>Based on information provided in a proposal for a resolution in the Austrian parliament, the government had expected 8.000 qualified migrants, but the Red-White-Red-Card was given to only 1.177 persons (in 2013). Barriers are the requirement of a high minimum income, short time limit (6 months) to find employment after completion of studies and the restriction to holders of a graduate, and not undergraduate, degree. Improvements are to be discussed in the parliamentary committee.¹¹²</p>
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3.Participation of migrants and their descendants in society

3.1.Political rights at national level

3.1.1.Citizenship acquisition

	<p>In this section please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active</p>
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¹⁰⁹ ECRI Secretariat (2012), *ECRI Conclusions on the Implementation of the Recommendations in Respect of Austria Subject to Interim Follow-Up*, Adopted on 4 December 2012, www.migpolgroup.com/portfolio/country-reports-on-measures-to-combat-discrimination-2013/?utm_source=Migration+Policy+Group+E-newsletter&utm_campaign=376588303f-MPG_e_News_January_2015&utm_medium=email&utm_term=0_bcbdbbf6af-376588303f-9857925.

¹¹⁰ Austria, Ministry for Labour, Social Affairs, and Consumer Protection (2010), Goals set by the minister for the implementation of labour market policy by the Labour Market Agency (*Zielvorgaben des Bundesministers zur Durchführung der Arbeitsmarktpolitik an das AMS*), available at: www.sozialministerium.at/site/Arbeit/Arbeitsmarkt/Arbeitsmarktpolitische_Zielvorgaben/.

¹¹¹ Austria, Ombudsman Board (*Volksanwaltschaft*), National Actionplan on Human Rights, <http://volksanwaltschaft.gv.at/praeventive-menschenrechtskontrolle/nationaler-aktionsplan-menschenrechte#index-lead>.

¹¹² Austria, Parliament, Notwendige Reform der "Rot-Weiß-Rot-Karte" (391/A(E)), www.parlament.gv.at/PAKT/VHG/XXV/A/A_00391/index.shtml#tab-Uebersicht.

<p>participation in society, genuine links or bond to the society or the country, schooling period or other 'socialization' requirements. -Path to citizenship for foreign born third country nationals (the so-called '1st generation')</p>	<p>Please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active participation in society, genuine links or bond to the society or the country, schooling period or other 'socialization' requirements.</p> <p>-Path to citizenship for country-born (so-called '2nd generation') and country-grown migrant children (so-called '1,5 generation')</p> <p>Naturalisation after continuous legal residence of at least 10 years (at least 5 years residence permit) requires:¹¹³</p> <ul style="list-style-type: none"> • According to § 10a, a positive attitude towards Austria and a declared belief in fundamental values and basic knowledge of the Austrian history and the history of the province of residence. <p>Citizenship acquisition based on legal entitlement, after main residence in Austria of at least 30 years¹¹⁴</p> <ul style="list-style-type: none"> • Requirement for reduction to continuous legal residence in Austria of at least 15 years: <ul style="list-style-type: none"> – proof of sustainable professional and personal integration • Requirements for reduction to continuous legal residence in Austria of at least 6 years: <ul style="list-style-type: none"> – extraordinary performances in science, economics, arts or sports (§ 11a (4) 4.) or – proof of sustainable personal integration through activities, which serve the general welfare, such as: <ul style="list-style-type: none"> ▪ voluntary work at a non-profit organisation (e.g. ambulance service) for at least 3 years or ▪ employment in the area of education, health or social services for at least 3 years or ▪ function in a representation of interests, such as workers' council, parent representative in elementary schools) (§ 11a (6) 2.) – Country born children of migrants (§11a (4) 4.) • Country born descendants of at least one Austrian citizen obtain Austrian citizenship.
<p>Debates, issues and challenges concerning the implementation of citizenship policies</p>	<p>Debates in the course of the implementation of the amendment of the Austrian Citizenship Law encompass the following issues:</p> <ul style="list-style-type: none"> ▪ The required German skills are perceived as too rigorous.¹¹⁵ According to §§ 10 and 11a, evidence for German exam certificates are required even from applicants with proven German skills, such as Higher School Certificate in the subject German, an University degree in German or a permission to teach German as a foreign language.¹¹⁶ These requirements are criticised by members of the Green Party and by migrant organisations.¹¹⁷ ▪ The required continuous legal residence in Austria of at least six years before applying for citizenship in the amended version is criticised as too long. If continuous legal residence is broken by one day only (e.g.

¹¹³ Austria, Act amending the Austrian Immigration Law (122. Bundesgesetz, mit dem das Asylgesetz 2005, das Fremdenpolizeigesetz 2005, das Gebührengesetz 1957, das Grundversorgungsgesetz – Bund 2005, das Niederlassungs- und Aufenthaltsgesetz, das Staatsbürgerschaftsgesetz 1985 und das Tilgungsgesetz 1972 geändert wurden, Fremdenrechtsänderungsgesetz 2009 – FrÄG 2009).

¹¹⁴ Austria, Federal Law on Austrian Citizenship (Bundesgesetz über die österreichische Staatsbürgerschaft – Staatsbürgerschaftsgesetz 1985 - StbG), BGBl. No 311/1985, last amended by BGBl.I No. 104/2014.

¹¹⁵ Der Standard (2014), 'Harte Deutschnachweis-Regeln bei Einbürgerung bleiben', 11 December 2014.

¹¹⁶ Der Standard (2014), 'Einbürgerung: Deutschkurspflicht für Deutschlehrerin', 26 October 2014.

¹¹⁷ Die Presse (2014), 'Einbürgerung: Grüne wollen Gesetz ändern', 26 October 2014.

		<p>between two visas), the period starts from the beginning.¹¹⁸</p> <ul style="list-style-type: none"> ▪ Applicants have to proof self-preservation capacity through written evidence for their income and fix costs, which are considered to be a burden for applicants.¹¹⁹ The foreseen amount of monthly income is perceived as too high¹²⁰ particularly for female migrants.¹²¹ Application for citizenship is already expensive (federal fees of € 1.000, administrative fees, costs for translation of documents, fees for denaturalization, fees for German language courses and more). Critics argue that dependency on social welfare is no matter of citizenship anyway. Non-citizens with permanent-residence-permit and recognized refugees have full entitlement to social welfare.¹²² ▪ Experts and members of the Green Party criticise that right to citizenship based on parentage (jus sanguinis) remains valid in the amended version and that dual citizenships are possible only in a very restricted manner.¹²³
	<p>Key developments and trends – case law (please use the template in the Annex 9 to provide information about the cases – here only a simple reference to the case name is required) or new provisions and reforms.</p>	<p>1. January 2014 Entry into force of the repeal of a part of § 7 (1) and of § 7 (3) of Nationality Act 1985 on the exclusion of children born out of wedlock to Austrian fathers from obtaining citizenship iure sanguinis (see Decision No. G 66/12-7).¹²⁴</p> <p>1. August 2013 the Federal Law amending the Nationality Act 1985¹²⁵ made citizenship acquisition possible after six years of continuous legal residence in Austria for well integrated persons (see section 3.1.1).</p> <p>30. November 2011: Promulgation of the repeal of § 20 (2) of Nationality Act 1985. In its decision the Constitutional Court found the provision through which authorities can withdraw their preliminary decision on naturalisation if even only one of the criteria for naturalisation is no longer met unjustified (Art. 20 Para 2 Austrian Nationality Act: VfGH G154/10). As a result the Federal Law on the Civil Status of Persons entered into force in 12 January 2013.¹²⁶</p>

¹¹⁸ ZAMAN Austria (2012), ‚Neues Staatsbürgerschaftsgesetz: Integration zählt‘, 30 October 2012.

¹¹⁹ Der Standard (2013): ‚Neues strenges Einbürgerungsgesetz‘, 4 July 2013.

¹²⁰ Der Standard (2013): ‚Höchststrichter gegen Einbürgerungsstrenge‘, 29 March 2013.

¹²¹ Der Standard (2013): ‚Einbürgerung für Frauen oft unerschwinglich‘, 6 February 2013.

¹²² Counselling Centre for Migrants (2013), Comment to the Federal Law amending the Nationality Act 1989 (*Bundesgesetz mit dem das Staatsbürgerschaftsgesetz geändert werden soll*).

¹²³ Der Standard (2013): ‚Einbürgerungsrecht neu als ‚Retropolitik‘‘, 1 July 2013.

¹²⁴ Austria, Announcement of the Federal Chancellor on repealing the word ‚conjugal‘ in § 7 (1) of the Nationality Act 1985 and in § 7 (3) of the Nationality Act 1985 by the Constitutional Court (*Kundmachung des Bundeskanzlers über die Aufhebung des Wortes „Eheliche“ in § 7 Abs. 1 des Staatsbürgerschaftsgesetzes 1985 sowie des § 7 Abs. 3 des Staatsbürgerschaftsgesetzes 1985 durch den Verfassungsgerichtshof*) BGBl I No. 29/2013.

¹²⁵ Austria, Federal Law amending the Nationality Act (*Bundesgesetz mit dem das Staatsbürgerschaftsgesetz 1985 geändert wird*), BGBl No. 136/2013.

¹²⁶ Austria, Federal Law enacting the Federal Law on the Regulation of Personal Statute Affairs, amending the Nationality Act 1989, the Registration Law and the Name Change Act and repealing the Personal Statute Act (*Bundesgesetz, mit dem das Bundesgesetz über die Regelung des Personenstandswesens (Personenstandsgesetz 2013 – PStG 2013) erlassen sowie das Staatsbürgerschaftsgesetz 1985, das Meldegesetz 1991 und das Namensänderungsgesetz geändert werden und das Personenstandsgesetz aufgehoben wird*) BGBl No. 16/2013.

	23 May 2011: enactment of the Federal Law on the Amendment of Migration Laws ¹²⁷ including an Integration Agreement (IA), which serves the linguistic integration of third country nationals, who came to Austria after July 2011 and aim permanent settlement in Austria. ¹²⁸ The absence of administrative fines for naturalisation gets more relevant in the amended version; a procedure for stripping the nationality off people having served in foreign armed services is introduced.
Please indicate key and/or milestone dates – e.g. of major reforms - regarding citizenship acquisition for migrants and/or their descendants.	23 May 2011 enactment of the Federal Law on the Amendment of Migration Laws 30 November 2011: Promulgation of the Annulment of § 20 (2) of Nationality Act 1985 1 August 2013 Federal Law amending the Nationality Act 1985 1 January 2014 Entry into force of the Annulment of a part of § 7 (1) and of § 7 (3) of Nationality Act 1985 on the exclusion of children born out of wedlock to Austrian fathers from obtaining citizenship iure sanguinis
Naturalisation rate - % of migrants that have been naturalized compared to migrant stock and to general population – listing the most numerous groups on the basis of their previous nationality, by gender and age-group if available. <u>Please provide the latest available data.</u> The most recent data provided by Eurostat concern the year 2012.	Since 2011 (6.754) naturalisation is increasing until 2014 (7.693). The naturalization rate (<i>Einbürgerungsrate</i>), naturalisation per 100 foreigners living in Austria, decreases since 2000. Between 2000 and 2005 the rate was 5.0% and is now (2014) as in the four previous years 0.7%. ¹²⁹ There is no data on the ratio between naturalisations and total population available.
Numbers of naturalisations and citizenship acquisitions in the last 2 years (in 2013 and in 2014) by mode of acquisition, by gender and age-group if available, and for the 10 most numerous groups on the basis of their previous nationality <i>Please provide the latest available statistics - (please use the relevant table in the Annex 6)</i>	

¹²⁷ Austria, Federal Law amending the Settlement and Residence Act, the Foreign Police Act, the Asylum Act, the Federal Law on Basic Supply and the Nationality Act 1989 (*Bundesgesetz, mit dem das Niederlassungs- und Aufenthaltsgesetz, das Fremdenpolizeigesetz 2005, das Asylgesetz 2005, das Grundversorgungsgesetz - Bund 2005 und das Staatsbürgerschaftsgesetz 1985 geändert werden, Fremdenrechtsänderungsgesetz 2011 - FrÄG 2011*).

¹²⁸ Austria, Austrian Integration Funds (2015), Integration Agreement – Frequently asked Questions, available at: www.integrationsfonds.at/en/integration_agreement/faq/, accessed on 17 March 2015.

¹²⁹ Statistik Austria, Population and Naturalisation, available at: http://www.statistik.at/web_de/statistiken/bevoelkerung/einbuengerungen/.

3.1.2. National elections voting rights - turnout

	<p>Third country nationals are allowed in exceptional cases to vote in national elections. In this section please provide the specific requirements and criteria for participation of citizens of migrant background (and third country nationals in the very few cases where this is foreseen) in national elections, as well as any available data on their voting turnout.</p> <p>Please specify any differences in different geographic areas or by type of national level voting circumstances (e.g. parliament, referendum, president of the republic etc.). In addition to official data and also if such data are not available, make reference to any relevant quantitative or</p>	<p>Naturalisation is the prerequisite for voting in national elections¹³⁰, referendums¹³¹ and elections of the president of the republic.¹³² If third country nationals are naturalised, there are no specific requirements to vote in national elections. The right to vote is equal to all Austrian citizens. No official data is available on the voting turnout of persons with migratory background.¹³³ Quantitative academic research on the attitudes of enfranchised citizens with migratory background (1st and 2nd generation) towards the democratic system is available. It indicates no differences between Austrians with migratory background and the general population regarding satisfaction with democracy, political interest and voting turnout.¹³⁴</p> <p>The Austrian National Election Study (AUTNES)¹³⁵ started in January 2013. AUTNES is a National Research Network engaged in the comprehensive social science analysis of Austrian national elections. The network is financed by the Austrian Science Fund (FWF) (S10903-G11).</p> <p>AUTNES has the following tasks:</p> <ul style="list-style-type: none"> • to establish and institutionalize a national electoral study • to provide a fully integrated study of the 'demand side' (voters) and the 'supply side' (political parties and candidates) of electoral competition, as well as of the media coverage of the campaign ('media side') • to make a contribution towards a better understanding of how Austrian democracy works • to provide high-quality data for the public and the scientific community • to secure and expand cooperation with the international community of electoral researchers • to promote and support young scientists and consolidate Austrian academic electoral research. <p>According to Statistics Austria data, 835,038 foreign citizens have reached the age of 16 and their main residence in Austria at the date of the latest Parliamentary Elections in September 2013. These persons are not entitled to vote on ground of their nationality. This group is three times as large as the population of the province of Burgenland (286.691 inhabitants). 40% of persons, who rrrrare not eligible to vote on ground of nationality, live in Vienna. A main barrier in this regard is that the principle of homogeneity (<i>Homogenitätsprinzip</i>) that foresees the right to vote for Austrian citizens only, is stipulated at constitutional level.¹³⁶</p>
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¹³⁰ Austria, Federal law on the election of the Federal Council (*Bundesgesetz über die Wahl des Nationalrates, Nationalrats-Wahlordnung 1992 – NRWO*) BGBl. No. 1992/471 last amended by BGBl. I No. 101/2014.

¹³¹ Austria, Referendum Act (*Volksabstimmungsgesetz 1972*) BGBl. Nr. 79/1973 last amended by BGBl. I Nr. 12/2012).

¹³² Austria, Law on elections of the Federal President (*Bundespräsidentenwahlgesetz 1971 – BPräsWG*) BGBl. No. 57/1971 last amended by BGBl. I No. 115/2013.

¹³³ Information received from the Austrian Parliament on 29 January 2015.

¹³⁴ Danube University Krems (2014), 'Einstellungen von WählerInnen mit Migrationshintergrund. Nationalratswahl 2013 und EU Wahl 2014 in Österreich', July 2014, available at: www.donau-uni.ac.at/imperia/md/content/netpol/oiefstudie_16072014.pdf.

¹³⁵ Austrian National Election Study (AUTNES), project-website, available at: www.autnes.at, accessed on 17 March 2015.

¹³⁶ Medien-Serviceestelle Neue ÖsterreicherInnen (2013), 'Parlamentswahl: 835.038 Menschen nicht wahlberechtigt', 5 September 2013.

	<p>qualitative academic research concerning the exercise of the right to vote and related drivers and barriers.</p>	
	<p>Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote.</p>	<p>No such official national programmes or information campaigns of election authorities are known. However, the election campaigns in the course of the last federal elections indicate stronger than in the past, that the parties and the media address voters with migratory background.¹³⁷ Candidate centered individual information campaigns specifically addressing voters with a migratory background have been reported in the media. An analysis of the preferential voting results (<i>Vorzugsstimmen</i>) shows that Ekrem Gönultas – a candidate of the Austrian Social Democratic- Party with a migratory background – received 12.715 votes. Only Sebastian Kurz and the top candidates of the SPÖ, ÖVP, the Freedom Party and the Green Party received more preferential votes than Ekrem Gönultas.¹³⁸ The Viennese Municipal Government provides multi-language information about elections.¹³⁹</p>

3.1.3.National level election – representation

	<p>The number of <u>candidates</u> with migrant background (where available, specify own or parent’s country of birth) at the latest national level elections (specify date)</p>	<p>The number of candidates with migratory background can only be approximately estimated. A survey among candidates for the Austrian Parliamentary Elections in 2006 and 2008 indicates a rate of 3% of candidates born abroad (1st generation). A current survey among candidates for the Austrian Parliamentary Elections in 2013 (total population: 3946, sample size: 1079) indicates 2.3% not in Austria born candidates. A similar estimated value results from the responses of candidates, who changed citizenship.¹⁴⁰</p>
	<p>The number of <u>elected representatives</u> with migrant background at national level (e.g. parliament, senate)</p>	<p>No official data available.¹⁴¹ According to unofficial data as of November 2013: National Council (<i>Nationalrat</i>): 5 members out of 183, Federal Council (<i>Bundesrat</i>): 2 members out of 61 are born outside of Austria. Persons with a migration background but born in Austria (2nd generation) are difficult to identify, because they are Austrians.¹⁴² Another survey comes to slightly different results: Only 4 members out of 183 of the National Council (<i>Nationalrat</i>) have migratory background, namely: Yilmaz Nurten (Socio-Democratic Party, <i>Sozialdemokratische Partei Österreichs</i>,</p>

¹³⁷ Information received on 16 February by a member of the project AUTNES.

¹³⁸ Jenny, M. and Müller, W.C. (2013), ‚Das Wahlergebnis‘ in: Kritzinger, S., Müller, W.C., Schönbach, K. (eds.), *Die Nationalratswahl 2013: Wie Parteien, Medien und Wählerschaft zusammenwirken*, Wien, Böhlau Verlag, pp.215-230.

¹³⁹ Austria, City of Vienna (2014), 3. *Wiener Integrations- und Diversitätsmonitor 2011-2013*, p. 73.

¹⁴⁰ Dolezal, M., Haselmayer, M., Jenny, M. (2013), ‚Kandidatinnen und Kandidaten im Wahlkampf‘ in: Kritzinger, S., Müller, W.C., Schönbach, K. (eds.), *Die Nationalratswahl 2013: Wie Parteien, Medien und Wählerschaft zusammenwirken*, Wien: Böhlau Verlag, pp. 87-98.

¹⁴¹ Information received by a representative of the Parliamentary Administration (*Parlamentsdirektion*) on 29 January 2015.

¹⁴² Medienservicestelle Neue Österreicher/innen (2013), ‚PolitikerInnen mit Migrationshintergrund‘ 29 October 2013.

		SPÖ), Asdin El Habbasi (Austrian People's Party, <i>Österreichische Volkspartei, ÖVP</i>) and Alev Korun and Aslan Aygul Berivan (the Green Party, <i>die Grünen</i>). ¹⁴³
	Those appointed to public office (e.g. ministers, secretaries of state, etc.) by end of 2014.	None, as known so far. ¹⁴⁴

3.2. Political rights at regional/local level

3.2.1. Regional/Local elections voting rights – turnout

	Specify what regional/local voting rights are given to third country nationals and any different entitlements according to residence status, permit type or length of stay etc	Third country nationals are neither eligible to vote nor to stand as a candidate for regional or local elections. ¹⁴⁵
	Key and/or milestone dates regarding the voting and/or election rights for migrants and/or their descendants at regional/local level	An attempt to extend voting rights at the local level (District elections) to third country nationals after five years of residence in Vienna in 2002 has been found unconstitutional in 2004. ¹⁴⁶ Thus, the right to vote for third country nationals at the local level can only be realized through a constitutional amendment. Since then, requests for constitutional amendment have been launched by the Municipal Government of Graz and Vienna, but they remained without any response.
	Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and	The Migrant Council Graz is partner in the EU project „Operation Vote“, which aims at improving the participation of EU citizens in the political and public life of the countries where they reside and of which they are not nationals. Specific objectives are to understand better whether and to what extent EU citizens moving within the EU are involved in the political life of their countries of residence, to raise awareness among them of their electoral rights in EP elections and local elections, to increase their participation in the political life, to promote interaction and cooperation

¹⁴³ Jenny, M. and Müller W.C. (2013), ‚Das Wahlergebnis‘ in: Kritzinger, S., Müller, W.C., Schönbach, K. (eds.), *Die Nationalratswahl 2013: Wie Parteien, Medien und Wählerschaft zusammenwirken*, Wien, Böhlau Verlag, pp.215-230.

¹⁴⁴ Austria, Federal Chancellery (2015), members of the government and their curricula vitae, available at: www.bka.gv.at/site/5394/default.aspx.

¹⁴⁵ Austria, Federal Constitutional Law (*Bundes-Verfassungsgesetz*), BGBl Nr. 1/1930; Provincial Constitutional Laws (*Landes-Verfassungsgesetze*) of all nine Provinces, Provincial Electoral Regulations (*Landtagswahlordnungen*) of all nine Provinces and Municipal Election Regulations (*Gemeindewahlordnung*) of all nine Provinces.

¹⁴⁶ Austria, Constitutional Court (2004), Court Decision G 218/03 of 30 June on the repeal of § 16 (2) Z 2 and § 19a (1) Z 3 of the Viennese Municipal Election Regulations (*Wiener Gemeindewahlordnung*) 1996 LGBl. No. 2003/22 as unconstitutional.

	encouraging the exercise of the right to vote.	between EU citizens' organizations, NGOs and local authorities in order to maximise the impact of the actions undertaken. Beneficiaries will be EU citizens living in the project partner countries of which they are not nationals and who have electoral rights and their associations. Other beneficiaries will be public authorities at both local and national levels and other stakeholders that have an interest in higher levels of political participation by EU movers. Duration: November 2012 to October 2014. ¹⁴⁷ The Viennese Green Party plans to publish multi-language folders and stickers in the course of its campaigns for the local council elections in October 2015. The Party also plans to place advertisements in Viennese migrant newspapers and media. The Green Party thereby does not want to promote only "migrant-specific" issues in migrant communities, but rather to translate the main campaigns. All other parties do not plan any specific programmes for citizens with a migratory background; they rather integrate this target group into their general election campaigns. ¹⁴⁸
	In addition to official data and also if such data are not available, make reference to any relevant quantitative or qualitative academic research concerning the exercise of the right to vote and related drivers and barriers.	In 2008 the City of Vienna introduced the Integration and Diversity Monitoring tool incorporating indicators, benchmarks, data collections and surveys to make the impacts and consequences of migration and the relevance of integration and diversity for society, politics and administration empirically transparent and to analyse these objectively. The 3rd Vienna Integration and Diversity Monitor reports for the period between 2011 and 2013. Regarding equality and participation, the 3rd Vienna Integration and Diversity Monitor says: 24 % of Viennese residents eligible for voting are currently excluded from their right to vote because of foreign citizenship. This share is on the rise as is the deficit in democracy it entails. Most recently no more than 7 in 1,000 foreigners living in Vienna have been naturalised. Approximately 18 % of citizens from third countries are excluded from naturalisation due to income limits. ¹⁴⁹

3.2.2. Regional/local level election – representation

	The number of candidates that were third country nationals and/or with migrant background at the latest regional/local level elections (specify date)	The latest regional level elections were the local council elections in the Province Lower Austria on 25 January 2015. According to a member of the Provincial government of Lower Austria (<i>Niederösterreichische Landesregierung</i>), no data on the "origin" of electoral candidates is available, neither regarding candidates and members of city councils nor regarding candidates and elected city mayors. ¹⁵⁰
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¹⁴⁷ Migrant Council Graz (2013), 'Operation Vote – Enhancing participation of EU citizens in European Parliament and local elections', project folder, available at: www.graz.at/cms/dokumente/10208441_414875/aa4d7c8c/Projektbrosch%C3%BCre_OV_Engl.pdf

¹⁴⁸ Austrian Press Agency (2010), *Wiener SPÖ: Migranten sind wahlentscheidend*, Press release, 23 August 2010.

¹⁴⁹ Austria, City of Vienna, Municipal Department 11 – Integration of Diversity (2014), 'The Vienna Integration and Diversity Monitor' (*Wiener Integrations- und Diversitätsmonitor*), Wien, available at: www.wien.gv.at/menschen/integration/pdf/monitor-2014-kurzfassung.pdf.

¹⁵⁰ Information received by a representative of the Provincial Government of Lower Austria (*Niederösterreichische Landesregierung*) on 5 February 2015.

	<p>The number and % of elected representatives with migrant background at regional/local level (e.g. municipalities, regions, prefectures etc.)</p>	<p>Vienna (Members of the Provincial Parliament and City Council): 9 out of 100¹⁵¹ Salzburg (Members of the Provincial Parliament): 3 out of 49¹⁵² Tirol (Member of the Provincial Parliament): 1 out of 39¹⁵³ Vorarlberg (Member of the Provincial Parliament): 1 out of 36¹⁵⁴ Styria (Member of the Provincial Parliament): 1 out of 56¹⁵⁵ Carinthia (36 members), Burgenland (36 members), Upper Austria and Lower Austria (each 56 members) (Member of the Provincial Parliament): 0¹⁵⁶</p>
	<p>Those who were elected or appointed to a high public office (e.g. mayor, vice mayor etc.) by end of 2014.</p>	<p>No data available on this. We are aware of one vice mayor with migration background. Maria Vassiliakou is the first city councillor with migration background (Vienna).¹⁵⁷ 1 (Vice Major, emblematic case)</p>
	<p>Please identify related limitations and challenges or public debates, as well as relevant research, studies and assessments.</p>	<p>A look into Austrian newspapers provides insights into public debates and challenges. Newspaper articles debate about the restricted right to vote. Particularly third country nationals have no right to vote, EU citizens at least have a right to vote at municipal level. Particularly the Viennese Social-Democrats and the Viennese Green Party claim for an entitlement to voting rights of third country nationals in local elections. They argue with the high share of third country nationals in the Viennese population (21.5%) and that enfranchisement would strengthen the participation of migrants in society. The People's Party is against the enfranchisement of foreign citizens. They argue that participation in society is possible also without voting in elections, e.g. through voluntary work. Additionally, the right to vote is perceived as an incentive to apply for citizenship.¹⁵⁸ A barrier is the linkage of the right to vote with citizenship, which is implemented at constitutional level.¹⁵⁹ As a result, a two-thirds majority is required in the Parliament to extent enfranchisement</p>

¹⁵¹ Provincial Parliament of Vienna, available at: <https://www.wien.gv.at/politik/landtag/landtagsgremien.html#mitglieder>

¹⁵² Provincial Parliament of Salzburg, available at: http://www.salzburg.gv.at/002011pi/15Gesetzgebungsperiode/allgemeine_dokumente/Sitzplan_Landtag_2015.pdf

¹⁵³ Provincial Parliament of Tyrol, available at: https://www.tirol.gv.at/fileadmin/landtag/downloads/2015/Abgeordnete_oeffentlich.pdf

¹⁵⁴ Provincial Parliament of Vorarlberg, available at: <http://www.vorarlberg.at/landtag/landtag/abgeordnete/aufgaben.htm>

¹⁵⁵ Provincial Parliament of Styria, available at: <http://www.landtag.steiermark.at/cms/ziel/66952763/DE/>

¹⁵⁶ Medienservicestelle Neue Österreicher/innen (2013), 'PolitikerInnen mit Migrationshintergrund' 29 October 2013.

¹⁵⁷ Austria, City of Vienna, Members of the local government, Maria Vassiliakou, available at: www.wienerrathaus.at/index.php?id=21.

¹⁵⁸ Der Standard (2013), 'Festgefahrene Positionen bei Ausländerwahlrecht', 13 March 2013.

¹⁵⁹ Austria, Constitutional Court (2004), Court Decision No. G218/03 on regional election grants (*Bezirksvertretungswahl*) to third country nationals is against the Federal Constitution's electoral principle of homogeneity (*wahlrechtliches Homogenitätsprinzip*).

3.3.Consultation

3.3.1.Consultative bodies at national/regional/local level

	<p>Are there any migrants' consultative bodies in place at national / regional/ local level foreseen and/or operational in practice? Since when and on which legal basis (please provide reference). Please specify whether migrants' consultative/advisory/representative bodies are established by law or other type of normative regulation, policy or practice.</p>	<p>There are no consultative bodies at national level. Only the provincial government of Styria obligates in §§ 38b-38g municipalities with more than 1,000 migrant inhabitants to establish migrants' consultative bodies by law.¹⁶⁰ Some cities have implemented migrants' consultative bodies at the local level. Graz was the first city to implement a Migrant Council in 1995 by normative regulation¹⁶¹, followed by Linz in 1996 (municipal council resolution). Further explanations focus on the examples of the Migrant Councils Graz and Linz.</p>
	<p>What is the mandate of the body – duration and procedures? In particular specify if and by which modalities these bodies are competent to participate in consultations only on migration or integration issues or if they participate also in consultations on</p>	<p>The mandate of these bodies is to represent the interests of migrant inhabitants in the municipality. They consist of 9 (Graz) to 12 (Linz) members (third country nationals), elected by the migrant population for a legislative period of six years.¹⁶² The City Council is obligated to consult the Migrant Council in all matters that affect third country nationals in the municipality. The Migrant Council has the right to deliver written opinions and proposals to municipal authorities on all matters that affect the interests of migrants in the municipality. Municipal authorities are obliged to respond within three months. The topics are not limited to migration or integration issues, but to issues affecting the interests of the migrant population.¹⁶³ The Migrant Council organizes events in various areas, such as culture, sports, politics, education and social affairs in order to foster intercultural exchange, the integration of</p>

¹⁶⁰ Austria, Styrian Municipal Code (*Gesetz vom 14. Juni 1967, mit dem für die Gemeinden des Landes Steiermark mit Ausnahme der Städte mit eigenem Statut eine Gemeindeordnung erlassen wird, Steiermärkische Gemeindeordnung 1967 – GemO*), LGBl. No. 1/1999.

¹⁶¹ Austria, Regulation of the Municipal Council of the State Capital of Graz of 23. April 2009, enacting rules of procedure for the Migrant Council of the City of Graz (*Verordnung des Gemeinderates der Landeshauptstadt Graz vom 23. April 2009, mit der eine Geschäftsordnung für den Migrantinnen- und Migrantenbeirat der Stadt Graz erlassen wird*), LGBl. No. 41/2008.

¹⁶² Regulation of the Styrian government of 17. September 2007 on the Migrant Council elections in the state capital Graz (*Verordnung der Steiermärkischen Landesregierung vom 17. September 2007 über die Wahl des Migrantinnen- und Migrantenbeirates in der Landeshauptstadt Graz 2007, Migrantinnen- und Migrantenbeirat – Wahlordnung Graz 2007*), LGBl. No. 83/2007.

¹⁶³ *Ibid.*, § 38d.

	other issues? How do these bodies work in practice?	migrants and the living together of migrants and non-migrants in the municipality. ¹⁶⁴
	Frequency of convening of the body/-ies/ meetings with competent public authorities. What is foreseen and how is it implemented in practice?	The members of the Migrant Council in practice meet once or twice a month and participate in committees (they are obliged to meet at least four times a year). ¹⁶⁵ The meetings are accessible for the public. The Migrant Council has the right to be informed and invited to all publically accessible meetings of the municipality's council and to receive the agenda of these meetings in advance. Additionally, this body has the right to be involved in the planning of initiatives and projects, which affect migrants in a specific way. The Migrant Council thereby has a consultative function. The Migrant Council is obliged to report to the Municipality's Council about the situation of migrants in the Municipality at least once a year. ¹⁶⁶
	Role in relation to other public or private bodies. Is there a statutory role of coordination and cooperation with other public or private stakeholders foreseen? How is this implemented in practice?	There is no statutory role of coordination and cooperation with other private stakeholders. Cooperation and coordination with the public authorities are regulated as mentioned in the sections above. Cooperation with private stakeholders and NGOs is implemented in the practical activities of the migrant council. More than 10 cooperation meetings were carried out in 2013 in addition to the meetings with public authorities and single persons. ¹⁶⁷
	Participation in decision-making (consultative, observer status, voting right etc.). Are such bodies competent to participate in decision-making at national/regional/local level in regard to the design,	Migrant Councils have no voting right and no right to petition. They have a consultative role. These bodies have the right to file their opinion on decisions to be taken on issues of integration, migration or other policies regarding the interests of migrants at the local level. ¹⁶⁸ Thus, participation concerning issues of allocation, distribution, monitoring, evaluation or management of funding social inclusion and integration policies, measures and programmes at national level is not given.

¹⁶⁴ Migrant Council of the City of Graz, Homepage, available at: www.graz.at/cms/beitrag/10025961/414913/ accessed on 17 March 2015.

¹⁶⁵ Austria, Regulation of the Municipal Council of the State Capital of Graz of 23. April 2009, enacting rules of procedure for the Migrant Council of the City of Graz (*Verordnung des Gemeinderates der Landeshauptstadt Graz vom 23. April 2009, mit der eine Geschäftsordnung für den Migrantinnen- und MigrantInnenbeirat der Stadt Graz erlassen wird*), available at: www.graz.at/cms/dokumente/10023927_414913/585a01e5/GO%20MigrantInnenbeirat.pdf.

¹⁶⁶ Austria, Regulation of the Municipal Council of the State Capital of Graz of 23. April 2009, enacting rules of procedure for the Migrant Council of the City of Graz (*Verordnung des Gemeinderates der Landeshauptstadt Graz vom 23. April 2009, mit der eine Geschäftsordnung für den Migrantinnen- und MigrantInnenbeirat der Stadt Graz erlassen wird*).

¹⁶⁷ Migrant Council Graz (2013), Annual Report 2013 (*Tätigkeitsbericht und Bericht über die Lage von Migrantinnen und MigrantInnen in Graz*), Graz, MigrantInnenbeirat Graz.

¹⁶⁸ Austria, Regulation of the Municipal Council of the State Capital of Graz of 23. April 2009, enacting rules of procedure for the Migrant Council of the City of Graz (*Verordnung des Gemeinderates der Landeshauptstadt Graz vom 23. April 2009, mit der eine Geschäftsordnung für den Migrantinnen- und MigrantInnenbeirat der Stadt Graz erlassen wird*), available at: www.graz.at/cms/dokumente/10023927_414913/585a01e5/GO%20MigrantInnenbeirat.pdf.

	<p>implementation, assessment and/or review of integration-specific, migration or other policies of general interest? Are such bodies and/or their representatives participating in any way to allocation, distribution, monitoring, evaluation or management of funding social inclusion and integration policies, measures and programmes at national level?</p>	
	<p>What are the modalities for representation and participation of migrants, e.g. elections, designation etc.? What is foreseen and how is it implemented in practice?</p>	<p>The Migrant Council's members – third country nationals – are elected by third country nationals at the dates of local elections and for the same legislation period. After elections, the mayor of the city convenes a constitutional assembly and the members of the Council are nominated.¹⁶⁹</p>
	<p>On which criterion are migrant groups represented (migrant status, foreign-born, foreign nationality etc.)? What is foreseen and how is it implemented in practice?</p>	<p>Only third country nationals have a right to vote and to stand as a candidate. Electoral candidate lists mainly consist of members of one national group, such as "the Kurdish list for democracy". In practice the migrant Council also represents the interests of EU citizens.¹⁷⁰</p>
	<p>Is there any evidence through formal evaluations or academic research on</p>	<p>Not applicable, since migrant councils in Austria are no national level institutions. Regarding the Migrant Council of the city of Graz, the voting turnover in the latest elections in 2012 was</p>

¹⁶⁹ Regulation of the Styrian provincial government of 17. September 2007 on the election of the Migrant Council in the state capital Graz (*Verordnung der Steiermärkischen Landesregierung vom 17. September 2007 über die Wahl des Migrantinnen- und Migrantenbeirates in der Landeshauptstadt Graz 2007, Migrantinnen- und Migrantenbeirat – Wahlordnung Graz 2007*), LGBl. Nr. 83/2007.

¹⁷⁰ Austria, Migrant Council Graz (2013), „Annual Report 2013 – Activity report and report on the situation of migrants in Graz“ (*Tätigkeitsbericht und bericht über die lage von migrantinnen und migranten in Graz*), Graz.

	awareness about such national level consultative bodies among migrants and their descendants, and among the general public?	9,12 %, which was 2% less than in the elections before (2008). ¹⁷¹
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3.4. Participation in trade-unions and professional association

	In this section based on available data, research, surveys, studies, etc. please provide information about:	
	Membership and participation of migrant workers in <u>workers' unions and craft associations</u> :	
	Are there any legal or practical limitations or barriers for the membership of migrant workers in trade unions and craft associations?	There are no legal limitations for the membership of migrant workers in the Austrian federation of trade unions (<i>Österreichischer Gewerkschaftsbund, ÖGB</i>). The template for membership registration is available in Serbian, Croatian, Turkish, Bulgarian and Hungarian language. ¹⁷² According to § 10 (1) of the Chamber of Labour Act, membership at the Austrian Chamber of Labour (<i>Arbeiterkammer</i>) is obligated for all employees independent of citizenship. ¹⁷³
	Do workers' associations encourage and support membership and participation of migrant workers? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.	Workers' associations publish information brochures in different languages. ÖGB regional organizations participate in cross-border activities together with their partner organizations the Austrian neighbour countries. ¹⁷⁴ Some local offices provide counselling services for migrant members in their mother tongue, e.g. the ÖGB office of the Province of Burgenland counsels in Hungarian language. ¹⁷⁵ The 2014 founded contact point for the union support of undocumented workers (UNDOK) offers translation and language support services. Additionally, they provide out-reach counselling services. No membership is needed to consume these cost-free services. ¹⁷⁶ The Austrian Chamber of Labour (<i>Arbeiterkammer, AK</i>) offers counselling services in various languages, depending from province to province. In Carinthia counseling is available in Slovenian language, counseling in Vienna focuses on Turkish and BKS, Kurdish and Arabic. Translation services for other languages are available on demand. It additionally offers

¹⁷¹ Ibid.

¹⁷² http://www.oegb.at/cms/S06/S06_10/mitglied-werden.

¹⁷³ Austria, Chamber of Labour Act (*Bundesgesetz über die Kammern für Arbeiter und Angestellte und die Bundeskammer für Arbeiter und Angestellte, Arbeiterkammergesetz 1992 – AKG*), BGBl Nr 626/1991 last amended by BGBl I Nr 147/2009.

¹⁷⁴ Austrian Trade Union Federation, Information for Migrants, available at:

www.mitgliederservice.at/cs/Satellite?blobcol=urldata&blobheadername1=content-type&blobheadername2=content-disposition&blobheadervalue1=application%2Fpdf&blobheadervalue2=inline%3B+filename%3D%22%25C3%2596GB_-_Committed_to_social_justice.pdf%22&blobkey=id&blobnocache=false&blobtable=MungoBlobs&blobwhere=1342590729615&ssbinary=true&site=S06, accessed on 17 March 2015.

¹⁷⁵ Trade Union, Regional Office Burgenland, Information about multilingual counseling, available at:

www.oegb.at/cms/S06/S06_20.3/beratungen, accessed on 17 March 2015.

¹⁷⁶ Contact point for the union support of undocumented workers, Information about services, available at:

<http://undok.at/de/angebote/>, accessed on 17 March 2015.

		counselling on the certification procedures in Austria (<i>Berufsanerkennungsverfahren</i>). ¹⁷⁷
What is the rate of participation (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant workers in the most representative workers' unions and associations? Please specify the geographic and workforce range/type of associations (referring to national, regional, local and to the range of workers represented and degree of association).		According to estimations of the AK Vienna, 13% of members (approximately 110.000 Persons) have a migratory background from former Yugoslavia. About 5 to 6% of members have a migratory background from Turkey (approximately 47.000 Persons). For both groups, an increasing trend is recognisable, which is not due to migration but rather due to the entrance of these persons into the labour market. ¹⁷⁸ 13,5% of members (80.442) of the AK Upper Austria have no Austrian citizenship, 19% of members (43.987) of the AK Salzburg have no Austrian citizenship and 9,4% of members (40.676) of the AK Styria have no Austrian citizenship. The AK offices of the other Austrian Provinces (Vorarlberg, Tyrol, Carinthia, Burgenland) were unable to provide information about the share of migrant workers among their members. ¹⁷⁹ The trade unions do not record data on the nationalities or the countries of origin of their members. ¹⁸⁰ The public relations department estimates that the share of migrant workers among their members is equal to the share of migrants among the total population (18, 9%). ¹⁸¹
Are migrant workers elected as representatives of trade unions and workers' or craft associations? Please provide figures if available, and report the related legal or practical limitations or barriers,		Through an amendment of the Labour Constitution Act (<i>Arbeitsverfassungsgesetz</i>) in 2009, the right to stand as a candidate in workers associations and trade unions is independent from citizenship (§53). ¹⁸² According to §21 of the Chamber of Labour Act, migrant workers have the right to stand as a candidate in Chamber of Labour elections if they have been employed in Austria for at least 6 months within the last 2 years and are at least 19 years old. Furthermore, they have to meet the requirements of standing as a candidate in national elections with the exception of the requirement Austrian citizenship and age. ¹⁸³

¹⁷⁷ Chamber of Labour (*Arbeiterkammer*), Information about migrant counselling, available at: www.arbeiterkammer.at/beratung/arbeitsrecht/auslaendischearbeitnehmerInnen/Beratung_fuer_MigrantInnen.html, accessed on 17 March 2015.

¹⁷⁸ Medienservicestelle Neue Österreicher/innen (2014), 'AK Wien: 38% der Mitglieder haben Migrationshintergrund', 4 March 2014.

¹⁷⁹ Medienservicestelle Neue Österreicher/innen (2012), 'Migrantische Arbeitnehmer schlechter informiert', 7 February 2012.

¹⁸⁰ Information received from a member of the Austrian Federation of Trade Unions on 5 March 2015 and information received from a member of the Upper Austrian regional office of the trade union on 9 March 2015 and information received from a member of the regional office of the trade union Vorarlberg on 9 March 2015 and information received from a member of the Styrian regional office on 12 March 2015 and information received from a member of the regional office in Salzburg on 19 March 2015 and information received from the regional office in Tyrol on 21 March 2015.

¹⁸¹ Medienservicestelle Neue Österreicher/innen (2012), 'Migrantische Arbeitnehmer schlechter informiert', 7 February 2012.

¹⁸² Austria, Labour Constitution Act (*Bundesgesetz vom 14. Dezember 1973 betreffend die Arbeitsverfassung – Arbeitsverfassungsgesetz - ArbVG*) last amended by BGBl. I Nr. 71/2013.

¹⁸³ Austria, Chamber of Labour Act (*Bundesgesetz über die Kammern für Arbeiter und Angestellte und die Bundeskammer für Arbeiter und Angestellte, Arbeiterkammergesetz 1992 – AKG*), BGBl Nr 626/1991 last amended by BGBl I Nr 147/2009.

<p>eventually faced by migrant workers.</p>	<p>The chamber of labour has no figures on the share of migrant workers among the representatives.¹⁸⁴ There are no legal limitations for migrant workers to be elected as representatives of trade unions according to the statutes of the Austrian Federation of Trade Unions (<i>Österreichischer Gewerkschaftsbund</i>). The Austrian Federation of Trade Unions has no statistics on the share of migrants among its representatives.¹⁸⁵ A member of the communication department states that there are no practical barriers for the election of migrants as representatives of trade unions known.¹⁸⁶ According to a member of the Lower Austrian section of the trade union, a practical barrier is the German language in lower skilled sections of the labour market. Usually, representatives of trade unions are composed of members of workers' councils, the higher the share of migrants among workers' councils, the higher it will be among representatives of the trade union. The Lower Austrian section of the trade union offers specific courses for workers' councils on labour law in Turkish and BKS in cooperation with the Chamber of Labour Lower Austria. Furthermore, the trade union cares for the representation of migrant workers in workers' councils according to their rates in the workforces of enterprises.¹⁸⁷ The Upper Austrian section of the trade union is the only regional section within the Austrian Federation of Trade Unions that has established the competence forum migration (<i>Kompetenzforum Migration</i>). It consists of 25 members, mostly workers' councilors. The chairperson of this forum has a seat and a voice at the provincial executive board of the trade unions (<i>Landesvorstand des ÖGB-Oberösterreich</i>).¹⁸⁸</p>
<p>Are there differences between associations for high and low skill workers, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender?</p>	<p>The Austrian Federation of Trade Unions does not collect data on the citizenship/migratory background of its members. Thus, no data on such differences is available, not even estimations can be provided.¹⁸⁹ Additionally no research on this issue is known.¹⁹⁰ A member of the Lower Austrian section of the trade union confirms this: citizenships are not registered. However, he provides estimations: participation of migrants in trade unions are male dominated among low skill workers, particularly in the industrial area. According to him, industrial companies are well organised and according to his experience, migrants are not more difficult to organise than Austrian natives. He rather experiences that the opposite is the case, due to a stronger group bounding of particularly Turkish background workers.¹⁹¹</p>

¹⁸⁴ Information received from the Director of the Chamber of Labour Regional Office Burgenland on 12 February 2015.

¹⁸⁵ Information received from a member of the Communication Department at the Austrian Federation of Trade Unions on 5 March 2015.

¹⁸⁶ Information received per telephone from a member of the Communication Department at the Austrian Federation of Trade Unions on 5 March 2015.

¹⁸⁷ Information received per telephone from a member of the Lower Austrian Chamber of the trade union on 5 March 2015.

¹⁸⁸ Information received from the divisional manager women's work, migrants and target groups (*Bereichsleiterin für Frauenarbeit, Migrant_innen und Zielgruppen*) at the Austrian Federation of Trade Unions on 9 March 2015.

¹⁸⁹ Information received from a member of the Communication Department at the Austrian Federation of Trade Unions on 5 March 2015.

¹⁹⁰ Information received from the divisional manager women's work, migrants and target groups (*Bereichsleiterin für Frauenarbeit, Migrant_innen und Zielgruppen*) at the Austrian Federation of Trade Unions on 9 March 2015.

¹⁹¹ Information received per telephone from a member of the Lower Austrian section of the trade union on 5 March 2015.

		<p>According to a survey among migrant and non-migrant workers in Vienna, 22% of migrant workers and 36% of non-migrant workers are members in any trade union. The lowest rates of memberships in trade unions have migrant workers from China (11%) and the Arab region (15% of female migrant workers from the Arab region and 16% of male migrant workers from the Arab region). Rather high rates of memberships in trade unions have migrant workers from Former Yugoslavia and Albania (30% of male migrant workers and 32% of female migrant workers from former Yugoslavia). 20% of migrant workers from Turkey have a membership in any trade union.¹⁹² Additionally, the survey reveals that the highest share of migrant workers, who use the services of the AK, work in production, industry, mining and manufacturing (29% of all service users: 50% of all male migrant users and 7% of all female migrant users). This is followed by service occupations (22% of all service users: 34% of all female migrant service users and 10% of all male migrant service users). The services of the AK are more frequently used by low skilled migrant workers, such the economic fields: construction (10% of all service users, male dominated), trade (14% of all migrant service users, female dominated) and gastronomy (10% of all migrant service users, gender equally) than by high skill workers, such as arts (2% of all migrant service users), education (2% of all migrant service users) or public administration, social insurance (3% of all migrant service users).¹⁹³ The usage of AK services among migrant workers and non-migrant workers increases with their age.¹⁹⁴</p>
<p>Membership and participation of migrant entrepreneurs and expert professionals to professional and scientific associations:</p>		
	<p>Are there any legal or practical limitations or barriers for the membership of migrant workers in professional, employer and scientific associations (such as medical, engineer, bar associations)?</p>	<p>The Austrian Medical Chamber (<i>Ärztchamber</i>) is in charge with the Austrian recognition of evidence for medical training in the migrants' countries of origin, which is the legal precondition for membership in medical associations. The legal basis for the recognition process is the EU directive 2005/36/EG and the Law on Medical Doctors (<i>Ärztegesetz</i>).¹⁹⁵ The Austrian Medical Chamber has an international office, which acts as contact point for questions related to the migration of doctors to Austria and it offers legal counselling to migrant doctors in this regard.¹⁹⁶ Membership of migrant workers in bar associations is legally restricted for third country nationals. Lawyers from member states of the GATS are allowed to work in Austria as international lawyers but only in the frame of a special service of a specific client on a temporary base. According to §§40</p>

¹⁹² Riesenfelder, A., Schelepa, S., Wetzel, P., L&R Sozialforschung (2011), *Beschäftigungssituation von Personen mit Migrationshintergrund*, Wien, Kammer für Arbeiter und Angestellte für Wien.

¹⁹³ Riesenfelder, A., Schelepa, S., Wetzel, P., L&R Sozialforschung (2011), *Beschäftigungssituation von Personen mit Migrationshintergrund*, Wien, Kammer für Arbeiter und Angestellte für Wien, p. 256.

¹⁹⁴ Riesenfelder, A., Schelepa, S., Wetzel, P., L&R Sozialforschung (2011), *Beschäftigungssituation von Personen mit Migrationshintergrund*, Wien, Kammer für Arbeiter und Angestellte für Wien, p. 260.

¹⁹⁵ Austrian Medical Chamber, legal counselling for migrants and recognition of their qualifications achieved abroad, available at: www.aerztekammer.at/aufgaben-und-kontakte-des-internationalen-bueros/-/asset_publisher/Ys5L/content/rechtsberatung-migration-und-erkennung-von-berufsqualifikationen/10431, accessed on 17 March 2015.

¹⁹⁶ Austrian Medical Chamber, Department for International Affairs, available at: www.aerztekammer.at/referate/-/asset_publisher/Cr75/content/internationales-1/10618, accessed on 17 March 2015.

		<p>and 41 Federal Law on the free movement of services and the settlement of european Lawyers and the delivery of legal services by international acting lawyers in Austria (<i>Bundesgesetz über den freien Dienstleistungsverkehr und die Niederlassung von europäischen Rechtsanwältinnen und Rechtsanwälten sowie die Erbringung von Rechtsdienstleistungen durch international tätige Rechtsanwältinnen und Rechtsanwälte in Österreich – EIRAG</i>), they are allowed to provide legal counselling in the national law of their country of origin or international law if they are members of a bar association in their country of origin.¹⁹⁷ Only Austrian, EU, EWR or Swiss citizens are eligible to membership of the Austrian bar association. EU, EWR and Swiss citizens are eligible to membership in the Austrian bar association as Austrian lawyers after proven three years of work in Austria as resident European lawyer (<i>niedergelassener europäischer Rechtsanwalt</i>) in the realm of Austrian national law and European Community law, according to §18 EIRAG.¹⁹⁸ Additionally, according to §21 EIRAG, European lawyers can act immediately as Austrian lawyers if they pass an aptitude test. The Lawyers Examination Board is in charge of this test.¹⁹⁹</p> <p>There are legal limitations for third country nationals in engineer associations. Membership is open to EU/EER and Swiss citizens and their relatives and for all citizens of WTO/GATS countries.²⁰⁰</p>
	<p>Do professional associations encourage and support membership and participation of migrant professionals? E.g. through information and raising awareness</p>	<p>The Medical Association supports membership of migrant professionals through providing legal counselling on nostrification.²⁰¹ The Chamber of Commerce encourages and supports membership and participation of migrant professionals through information in more languages²⁰² and various migrant specific services, such as "Mentoring for Migrants".²⁰³ The Austrian Bar Association has a working group on international professional law (<i>Internationales Berufsrecht</i>).²⁰⁴</p> <p>The Austrian Civil Technician Association (<i>Ziviltechnikerammer</i>) offers information material and</p>

¹⁹⁷ Austria, Federal Law on the free movement of services and the settlement of european Lawyers and the delivery of legal services by international acting lawyers in Austria (*Bundesgesetz über den freien Dienstleistungsverkehr und die Niederlassung von europäischen Rechtsanwältinnen und Rechtsanwälten sowie die Erbringung von Rechtsdienstleistungen durch international tätige Rechtsanwältinnen und Rechtsanwälte in Österreich – EIRAG*), BGBl. I No. 27/2000, last amended by BGBl. I No. 190/2013.

¹⁹⁸ Austria, European Lawyer Act (*Europäisches Rechtsanwaltsgesetz*).

¹⁹⁹ Austria, European Lawyer Act (*Europäisches Rechtsanwaltsgesetz*).

²⁰⁰ Austria, Civil Technician Act (*Bundesgesetz über Ziviltechniker – Ziviltechnikergesetz 1993 - ZTG*), BGBl. No. 156/1994, last amended by BGBl. I No. 4/2013.

²⁰¹ Austrian Medical Chamber, legal counselling for migrants and recognition of their qualifications achieved abroad, available at: www.aerztekammer.at/aufgaben-und-kontakte-des-internationalen-bueros/-/asset_publisher/Ys5L/content/rechtsberatung-migration-und-anerkennung-von-berufsqualifikationen/10431, accessed on 17 March 2015.

²⁰² Chamber of Commerce (*Wirtschaftskammer*), multilanguage counselling, available at: www.wko.at/Content.Node/mehrsprachige_info/Sprachauswahl.html, accessed on 17 March 2015.

²⁰³ Chamber of Commerce (*Wirtschaftskammer*), regional office Salzburg, Mentoring for Migrants, available at: www.wko.at/Content.Node/iv/sbg/_Mentoring_fuer_Migranten__geht_in_die_naechste_Runde.html, accessed on 17 March 2015.

²⁰⁴ Austrian Bar Association (*Rechtsanwaltskammer*), Working groups, available at: www.rechtsanwaelte.at/kammer/oerak/arbeitskreise-arbeitsgruppen/, accessed on 17 March 2015.

	<p>initiatives in more languages, translation and language support services etc.</p>	<p>individual counselling services in English. According to a member of this association, there is no need for services in other languages.²⁰⁵</p>
	<p>What is the rate of participation and membership (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant professionals in the most representative professional, employers' and scientific unions and associations? Please specify the geographic and workforce range/type of associations (referring to national, regional, local and to the range of professional represented and degree of association)</p>	<p>Membership at the Austrian bar association at the End of 2014: Vienna: 58 resident European Lawyers out of 2788 resident Lawyers; Tyrol: 10 out of 547; Salzburg: 7 out of 417; Styria: 2 out of 543; Carinthia: 2 out of 270, Lower Austria: 1 out of 426; Burgenland, Upper Austria and Vorarlberg: 0.²⁰⁶</p> <p>At 1 January 2014, 344,832 out of 469,868 active members of the Austrian Chamber of Commerce are individual companies. 28% out of these individual companies are migrants or have a migratory background (either foreign citizenship or naturalized).²⁰⁷</p> <p>The Austrian Civil Technician Association has no data on the rate of migrants or persons with migratory background among their members. Neither the Federal Chamber nor the Provincial Chambers have such data.²⁰⁸</p>
	<p>Are migrants elected as representatives of professional, employers' and/or scientific associations? Please provide figures if available, and</p>	<p>At the Austrian Bar Association, only members who are either Austrian citizens or EU, EWR and Swiss citizens, which meet the criteria for membership (see row 1 of this section) are eligible to stand as a candidate. At the Austrian Chamber of Commerce, only Austrian citizens, EU and EWR citizens have a right to stand as a candidate. Additionally, third country national entrepreneurs from countries in which Austrian entrepreneurs are allowed to stand as a candidate too.²⁰⁹ According to the department in charge at the Chamber of Commerce, no data on the rate of migrants among the</p>

²⁰⁵ Information received from a member of the Austrian Civil Technician Association on 3 March 2015.

²⁰⁶ Austrian Bar Association (2014), 'Stand der niedergelassenen Rechtsanwälte und Rechtsanwaltsanwärter per 31.

Dezember 2014', available at:

www.rechtsanwaelte.at/fileadmin/user_upload/Kammer/Kammer_in_Zahlen/stand_ra_311214.pdf, accessed on 17 March 2015.

²⁰⁷ Information received from the Department of Statistics of the Austrian Chamber of Commerce (*Stabstelle Statistik der Wirtschaftskammer Österreich*) on 17 February 2015.

²⁰⁸ Information received from a member of the Austrian Civil Technician Association on 3 March 2015.

²⁰⁹ Austria, Chamber of Commerce Act (*Wirtschaftskammergesetz*) BGBl. I No. 153/2001, § 73 (7) (8). These countries are: Albania, Chile, Macedonia, Switzerland, Serbia, Montenegro and Turkey.

	report the related legal or practical limitations or barriers, eventually faced.	representatives is available. The database on representatives at the Chamber does not provide any data on the citizenship or the place of birth and there is no other data source regarding representatives of the Chamber of Commerce. ²¹⁰ At the Austrian Civil Technician Association migrants can be elected equally to Austrians, the only requirement is membership in the association and an upright authority to exercise the business in Austria. According to a member of this association, no practical limitations due to origin are faced in elections. ²¹¹
	Are there differences between associations for different professions, different skill levels and/or types of enterprise, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender?	Among the migrant members of the Austrian Chamber of Commerce, the most frequent citizenships are: Slovakia (7.7% of all members with individual companies), Romania (5.3% of all members with individual companies), naturalised Austrians (4.6% of all members with individual companies) and Germans (2.1% of all members with individual companies). All the other foreign citizenships have a share that is lower than 2%. The business sectors handicraft (<i>Gewerbe und Handwerk</i>) with 38.1% and transport with 30.9% have the highest rates of migrant members. The following business sectors have lowest rates of migrant members: banking and insurance (only 2 single companies at all, both lead by Austrians) and industry (9.1% of all members are migrants). ²¹²

3.5. Participation in social, cultural and public life

	In this section based on available data, research, studies, etc. provide information about the membership and participation of migrants and their descendants in media, cultural organisations and public life:	
	Are there any legal or practical limitations or barriers for the membership of migrants in professional associations related to the media, sports and culture?	The Austrian Football league provides grants from the Austrian-Pot (<i>Österreich-Topf</i>) only to football-clubs with a limited rate of migrant players (players without Austrian citizenship) in order to promote players with Austrian citizenship. The requirement for receiving grants from this pot is that 12 out of 18 players are Austrian, counted by operation minutes (<i>Einsatzminuten</i>) of Austrian players. ²¹³ Language skills are a practical barrier for the membership of migrants in professional associations related to the media ²¹⁴ , while citizenship, ethnicity or religion play no role. ²¹⁵ Language barriers are also traced back to discrimination of

²¹⁰ Information received from the Department of Statistics of the Austrian Chamber of Commerce (*Stabstelle Statistik der Wirtschaftskammer Österreich*) on 17 February 2015.

²¹¹ Information received from a member of the Austrian Civil Technician Association on 3 March 2015.

²¹² Information received from the Department of Statistics of the Austrian Chamber of Commerce (*Stabstelle Statistik der Wirtschaftskammer Österreich*) on 17 February 2015.

²¹³ Österreichische Bundesliga (2014), *Business Report 2012/13*, Wien, Österreichische Bundesliga, p. 14.

²¹⁴ Information received from a member of the Public Value Department of the Austrian Broadcast Corporation (*Österreichischer Rundfunk*) on 9 March 2015.

²¹⁵ Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, p. 82.

		<p>migrants in the Austrian education system.²¹⁶ Language deficits are often prescribed by employers to applicants' names or appearance.²¹⁷ The recruitment procedure for journalists in television works with assessment-centers and castings. According to an interviewed member of the Public Value Department Austrian Broadcasting Corporation (<i>Österreichischer Rundfunk, ORF</i>), testing the performance at the microphone is sometimes a practical barrier for migrants (but it is not perceived as migrant-specific barrier).²¹⁸ No legal or practical limitations are reported for the membership of migrants in the Union of Private Sector Employees, Graphical Workers and Journalists.²¹⁹</p>
	<p>Do media, sports, culture professional associations encourage and support membership and participation of third country nationals as members? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p>	<p>FairPlay at the Vienna Institute for International Dialogue and Cooperation (VIDC) is an Austrian initiative that – in cooperation with associations, clubs, players and fans – uses the integrative potential of football and sports to fight discrimination in football and sports. The goal of FairPlay is strengthening public awareness through the initiation of a broad and media-effective commitment against racism and discrimination and creating awareness within the football-community (officials, players, trainers, fans and sports journalists) and supporting marginalised groups (migrants, adolescents, fans) in their active participation.²²⁰</p> <p>The trade union for private sector employees, print journalism and paper industries (GPA-DJP) encourages and supports membership and participation of third country nationals through multi-language (e.g. Albanian, Bosnian, Turkish, Serbian) counselling services.²²¹ Furthermore it has implemented an interest group of migrants.²²²</p> <p>The Austrian Broadcasting Corporation encourages and supports membership and participation through targeted communication with migrant NGOs and migrant media and through establishing role models of television moderators with a migratory background. Mentioned examples are television moderators with a Turkish background, such as Münire Inam, Ezer Akbaba and Ani Gülgün-Mayr.²²³</p>
	<p>What is the rate of participation in the most representative professional associations?</p>	<p>The rate of professional migrant football players declined since the Austrian-Pot has been introduced. Except for one, all clubs belonging to the Austrian Football league met the requirements of the Austrian-Pot in season 2012/13. The rate of migrant players in the first division was the lowest for more than 10 years: 63 players out of 271 were migrants. In</p>

²¹⁶ Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, p. 93-95.

²¹⁷ Austria, Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, pp. 108-109.

²¹⁸ Austria, Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, p. 83.

²¹⁹ Information received from a member of the interest group work@migration at the Union of Private Sector Employees, Graphical Workers and Journalist on 12 March 2015.

²²⁰ Vienna Institute for International Dialogue and Cooperation (VIDC), Project FairPlay, available at: <http://fairplay.vidc.org/en/about-us/>, accessed on 17 March 2015.

²²¹ Trade union for private sector employees, print journalism and paper (GPA-DJP), Multi-language information about the services, available at: www.gpa-djp.at/cms/A03/A03_1.10.7.a/1342540548671/berufsleben/interessengemeinschaften/work-migration/unser-angebot-in-ihrer-muttersprache, accessed on 17 March 2015.

²²² Trade Union for private sector employees, print journalism and paper (GPA-DJP), Interest Group work@migration, available at: www.gpa-djp.at/migration, accessed on 17 March 2015.

²²³ Information received from a member of the Public Value Department of the Austrian Public Television (*Österreichischer Rundfunk*) on 9 March 2015.

	<p>(figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available)</p>	<p>the same season, 80% of playing minutes of clubs belonging to the first league were operated by Austrian players.²²⁴ No official data on the share of migrants among the editorial staff of mainstream media is available. Estimations of experts assume very low rates. The Austrian Broadcasting Corporation (<i>Österreichischer Rundfunk, ORF</i>) explicitly negates collecting data on the migratory background of their employees. They are not interested in their employees' migratory background.²²⁵ A member of the Public Value Department of the Austrian Broadcasting Corporation confirms this and refers to the role models (see section above).²²⁶</p> <p>A study on the basis of 1,700 journalists of 37 media, with no claim for completeness or a representative sample indicates that about 10% of all registered journalists have a migratory background (migrants of the 1st, 2nd or 1,5th generation). 5% of all editors are migrants (born abroad or both parents born abroad). Compared to their rate among the Austrian general population (19.4%), migrants and Austrians with a migratory background are underrepresented in the media. Regarding the origin of these migrant journalists and editors, findings indicate an over-representation of Germans compared to their share among the Austrian General population. Whereas journalists with a Turkish background or a background from former Yugoslavia are strongly under-represented compared to their share among the Austrian general population. Although persons with a Serbian background form the second largest group of migrants in Austria, their share among the journalists is only 0.5%.²²⁷</p>
	<p>Are migrants elected as representatives of professional associations related to the media, sports and culture? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.</p>	<p>There are no legal limitations or barriers faced by migrants for election as representatives. According to a member of the Austrian Broadcasting Corporation (ORF) no data is available on the share of migrants among the representatives.²²⁸ At the union for private sector employees, print journalism and paper (GPA-DJP), members of the interest group work@migration have independent from citizenship the possibility to be elected into the highest body of the trade union. Otherwise only persons with a works council mandate have this possibility (also independent from citizenship). But no figures are available.²²⁹</p> <p>Also no legal limitations for the election of migrants as representatives exist in professional associations related to culture. The Austrian umbrella organisation of associations related to culture supports migrant member associations more intense than others, e.g. through support in the</p>

²²⁴ Österreichische Bundesliga (2014), *Business Report 2012/13*, Wien, Österreichische Bundesliga, p. 14.

²²⁵ Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, p. 80.

²²⁶ Information received from a member of the Public Value Department of the Austrian Public Television (*Österreichischer Rundfunk*) on 9 March 2015.

²²⁷ Austria, Austrian Integration Funds (2014), *Fact Sheet 07 – Integration in der Medienwelt*, Wien, Österreichischer Integrationsfonds.

²²⁸ Information received from a member of the Public Value Department of the Austrian Broadcasting Corporation (*Österreichischer Rundfunk*) on 9 March 2015.

²²⁹ Information received from a member of the interest group work@migration at the Union of Private Sector Employees, Graphical Workers and Journalist on 12 March 2015.

	<p>formulation of applications for grants, loans for interim financing.²³⁰</p> <p>In federal sports promotion, the promotion of integration was established on a legal basis with the Federal Sports Promotion Act, which entered into force in 2013. § 1 defines the sports policy mission and the general objectives of Federal funding in sports. One of them is the social integration of persons with migrant background (§1, section 6).²³¹</p>
<p>Is there a visible or notable presence (or absence) of migrants and their descendants as media professionals?</p>	<p>Apart from migrant/minority-specific print media or TV-programmes²³², there is a visible absence of migrants and their descendants as media professionals.²³³ However, according to the public value reports²³⁴ of the Austrian Broadcast Corporation (ORF), migrants are visible and notably present as media professionals in the ORF.²³⁵</p>
<p>Are migrants and/or their descendants present, visible and actively participating in public? (E.g. in public events, TV and electronic media, cultural events). Please substantiate on the basis of existing data or contacts with relevant authorities, actors and stakeholders, making sure to cover a wide spectrum and obtain as much as possible objective information.</p>	<p>According to interviewed journalists with migratory background, migrants are present, visible and actively participating in migrant or minority specific media. Additionally, mainstream newspapers or TV have implemented special programmes/pages, dealing with migrant and minority issues. This is conceptualised as empowerment of migrant journalists. According to a media scientist at the University of Vienna these can only be temporary measures. He believes that affirmative action measures for migrants in the media are important but need to be only the first step. He believes that affirmative action measures for migrants in the media make them visible and thus may lead to segregation. Thus he doubts that they will lead to the integration of migrants into the media in the long run..²³⁶</p> <p>In total there are 96 intercultural media or media with a focus on integration and migration issues. The Turkish community is strongly represented in migrant media: 23 out of 96 migrant media are Turkish media.²³⁷ Compared to their rates in the Austrian population, the Former Yugoslavian community is underrepresented in migrant media.²³⁸ In addition there are community-overlapping migrant media; they are produced for minorities and migrants in general.</p>

²³⁰ Information received from the Executive Secretary of Interest Group Culture (*IG Kultur*) on 11 March 2015.

²³¹ Austria, Federal Sports Promotion Act (*Bundesgesetz betreffend die Förderung des Sports durch den Bund – Bundes-Sportförderungsgesetz 2013 – BSFG 2013*), BGBl. I Nr. 100/2013.

²³² Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, p. 80.

²³³ ECRI (European Commission against Racism and Intolerance) (2010), *Report on Austria, fourth monitoring cycle*, Strassbourg, p. 28.

²³⁴ Austria, Austrian Broadcast Corporation (*Österreichischer Rundfunk, ORF*) (2015), *Public Value Reports 2013/14*, Wien, Österreichischer Rundfunk.

²³⁵ Information received from a member of the Public Value Department of the Austrian Public Television (*Österreichischer Rundfunk*) on 9 March 2015.

²³⁶ Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, pp. 70-71.

²³⁷ Akinyosoye, C., Inou, S., Tanasijevic, T., *M-Media – Verein zur Förderung interkultureller Medienarbeit* (ed.) (2015), *Österreichisches Medienhandbuch. Migration&Diversität 2014/15*.

²³⁸ Austria, Integration Funds (2013), 'Fact Sheet 07 – Integration in der Medienwelt' available at: www.integrationsfonds.at/fileadmin/Integrationsfond/Fact_Sheets/1409_Fact_Sheet_Integration_in_der_Medienwelt.pdf, p. 3.

		<p>Such media are e.g. the Augustin²³⁹, the broadcast Okto²⁴⁰, the online magazine „Migrazine“²⁴¹ or the “Media-Service Centre New Austrians”²⁴².</p> <p>According to the perception of the executive secretary of the umbrella organization of Austrian culture associations, the life of migrants is not mirrored in the Austrian cultural sector.²⁴³ She names some examples for media projects, such as <i>kültür gemma!</i> A project for the promotion of the urban culture in Vienna and of migrant arts and culture production.²⁴⁴ She perceives such projects as scanty cover-up for a lacking participation of migrants in the mainstream media world.²⁴⁵</p>
	<p>Are there legal or practical limitations for the media, culture or other type of public events by migrant’s and/or their descendants? (E.g. are there national language requirements for TV or radio stations, bureaucratic and representation requirements, etc.)</p>	<p>There are no legal limitations for the media, culture or other type of public events by migrants and their descendants in accordance with Articles 10 and 11 of the European Convention on Human Rights.</p> <p>Migrant broadcasts are underrepresented in Austrians public Media. There are almost no journalists of immigrant origin or belonging to ethnic minorities in the daily press or in regular programmes on public TV. Mainly independent and private media provide broadcasting opportunities for migrants and minorities. Although they are financed (partly) by the municipalities, they have an independent status.²⁴⁶ The majority of migrant media are private media, mainly founded and financed by migrants for migrants. High rates of unpaid work exist in migrant media²⁴⁷ and two exemplary cases reported in a newspaper state that self-exploitation is prevalent.²⁴⁸</p>
	<p>Are there positive measures for promoting or restrictions/barriers to the operation of migrant and ethnic minority (owned, directed or audience specific) media?</p>	<p>Migrant media representatives name the following barriers: lacking cooperation and communication of public authorities’ and public institutions’ public relation departments. Migrant media are not yet part of the public institutions’ communication planning.²⁴⁹ Also the Federal Integration Report 2013 emphasises the need for more interaction between mainstream and migrant media. The report claims for more active communication of public institutions with migrant media in order to provide them with information, which might be of interest for their readers. More cooperation between migrant media and public institutions should lead migrant media to report more on non-migrant issues.</p>

²³⁹ Verein Sand & Zeit – Herausgabe und Vertrieb der Straßenzzeitung AUGUSTIN, available at: www.augustin.or.at/, accessed on 17 March 2015.

²⁴⁰ Community TV-GmbH, Broadcast Okto, available at: <http://okto.tv/>, accessed on 17 March 2015.

²⁴¹ maiz – Autonomes Zentrum von und für Migrantinnen, Editor of the Magazine Migrazine, available at: www.migrazine.at/, accessed on 17 March 2015.

²⁴² Medienservicestelle Neue Österreicher/innen – Das Portal für JournalistInnen zu Migration und Integration, available at: http://medienservicestelle.at/migration_bewegt/, accessed on 17 March 2015.

²⁴³ Information received from the Executive Secretary of Interest Group Culture (*IG Kultur*) on 11 March 2015.

²⁴⁴ Project “Kültür gemma!”, project website: www.kueltuergemma.at/, accessed on 17 March 2015.

²⁴⁵ Information received from the Executive Secretary of Interest Group Culture (*IG Kultur*) on 11 March 2015.

²⁴⁶ ECRI (European Commission against Racism and Intolerance) (2010), *Report on Austria, fourth monitoring cycle*, Strassbourg, p. 28.

²⁴⁷ Bratic, L., Inou, S., Verein M-Media – Verein zur Förderung interkultureller Medienarbeit (2008), *Medien von und für Migranten und Migrantinnen in Österreich*, Wien, Federal Ministry for Economy and Labour (*Bundesministerium für Wirtschaft und Arbeit*), available at: www.m-media.or.at/verein/media/Dateiliste/Downloads/Migranten_Medien_Reader.pdf.

²⁴⁸ Wiener Zeitung (2010), ‘Migranten-Medien wachsen’, 23 September 2010.

²⁴⁹ Verein M-Media – Verein zur Förderung interkultureller Medienarbeit (2010), *Jahresbericht 2009*, Wien, Verein M-Media – Verein zur Förderung interkultureller Medienarbeit.

		<p>Additionally migrant readers need to be addressed by mainstream media. So far, exchange between migrants and mainstream media is mainly carried in the area of integration. The Expert Council recommends the extension of communication with migrant media to all resorts and issues.²⁵⁰</p> <p>The Austrian Broadcasting Corporation ORF produces the broadcast "<i>Heimat fremde Heimat</i>", which specifically targets migrants. In general, the ORF understands itself as "medium of society" and therefore aims at producing broadcasts targeting the general population and not specific target groups (neither migrants nor other specific groups). Segmenting broadcasts are seen as wrong understanding of the ORF's main task.²⁵¹</p>
	<p>Are there practical measures encouraging and promoting the visibility, voice and public presence of migrants and/or their descendants in the media, culture or other type of public events? (E.g. are there programmes and information provided by the media in other than the country official language, and migrants' languages, quotas for journalists and public programmes reflecting the diversity in society etc.?)</p>	<p>The Austrian public-sector television has a legal obligation to produce television and radio programmes for autochthon minorities in their languages and for migrants. There is a TV broadcast called "Homeland, Foreign Homeland" (<i>Heimat, fremde Heimat</i>), which deals mainly with migration issues but is produced in German.²⁵² There is a bilingual radio-station (English and German), which has a comparable high share of migrants the editorial board, not only migrants from English speaking countries. According to an interviewed programme-manager, the radio station provides no specific measures to integrate migrants, but their general concept is open to interculturality.²⁵³ The Austrian daily newspaper "<i>Die Presse</i>" carries out a project in cooperation with M-Media – an association of migrant journalists. In this project, the newspaper offers a site to migrant journalists. Additionally, "<i>Die Presse</i>" offers one migrant a place in the training editorial department with the prospect of a job as a freelance editor. The online version of the Austrian daily newspaper "<i>Der Standard</i>" created in February 2010 the web-page: dastandard.at.²⁵⁴ All reports and articles on dastandard.at deal with migrant integration and are written by migrants and persons with a migratory background. An objective of this online portal is reducing the barriers for migrant journalists to become a member of the editorial staff.²⁵⁵ The Austrian Broadcasting Corporation (<i>Österreichischer Rundfunk, ORF</i>) has no measures to encourage and support membership and participation of third country nationals as members and plans nothing in this regard for the future (reasons: financial resources and perceived problem of "ghettoisation" of migrants).²⁵⁶</p>

²⁵⁰ Austria, Expert Council for Integration (2014), *Integration Report 2013*, available at:

http://integration.gv.at/media/files/integrationsbericht_2013/Expertenrat_Integrationsbericht_2013.pdf, p. 33

²⁵¹ Information received from a member of the Public Value Department of the Austrian Public Television (*Österreichischer Rundfunk*) on 9 March 2015.

²⁵² Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, p. 91.

²⁵³ Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, p. 97.

²⁵⁴ Da Standard, online migrant media of the Austrian daily newspaper *Der Standard*, available at: <http://dastandard.at/>, accessed on 17 March 2015.

²⁵⁵ Stradner, M. (2010), *Mehrheit – Macht – Medien Die Integration von Menschen mit Migrationshintergrund in die österreichischen Redaktionen*, Master Thesis, study programme Journalism, Graz, pp. 87-88.

²⁵⁶ *Ibid.*, p. 89.

		There are no quotas in Austria's mainstream printmedia, radio and television. A survey among media representatives (selected along a broad variety of Austrian mainstream media, such as the newspapers Die Presse, Kronen Zeitung, Kleine Zeitung, Falter, the radio stations FM4, Ö1 and ORF-TV) reveals gender differences in the opinion on quotas. The interviewed male representatives of the Austrian media speak against quotas for migrants, while the interviewed female representatives are in favour of quotas for migrants. ²⁵⁷
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3.5.1. Diversity in the public sector

	In this section based on available data, research, studies, etc. please provide information about recruitment of migrants and their descendants in the public sector:	
	Please describe how legal provisions allow or prevent the recruitment of third country nationals in the public sector. Please indicate specific areas, requirements, quotas if any, upward mobility and promotion limitations if any, as well as if and how these provisions are applied in practice.	According to the Public Service Act, the following areas in the public sector are reserved for Austrian citizens: armed forces, police, administration of justice, administration of taxes, diplomatic corps and government administration. ²⁵⁸ These areas involve exercise of public authority and the responsibility for safeguarding the general interest of the State according to the European Commission. ²⁵⁹ Third country nationals with unrestricted access to the labour market, namely long term residence status holders and holders of family reunification permits, according to §§45, 48 and 51-57 of the Settlement and Residence Act ²⁶⁰ are eligible to employment in the other areas of the public sector, according to § 4 (1) Z 1 lit. b of the Public Service Act and according to § 3 (1) Z 1 lit. b of the Act on Contract Staff. ²⁶¹ Perfect German skills are required for most of these occupational areas. ²⁶²
	Please indicate if citizens of migrant descent can also be affected by limitation – e.g on the basis of their ethnic origin or migrant	The Senate II of the Federal Equal Treatment Commission was constituted in 2004 and since then it received 8 inquiries from persons, who feel discriminated because of ethnic origin and nationality. In 2 cases, the inquiry was withdrawn from those in one case after conciliation with the potential employer. Only one inquiry out of this 8 regarded public sector recruitment in judiciary. No inquiries regarding limitation in public sector recruitment in education and law

²⁵⁷ Ibid., p. 95.

²⁵⁸ Austria, Public Service Act (*Bundesgesetz vom 27. Juni 1979 über das Dienstrecht der Beamten, Beamten-Dienstrechtsgesetz 1979 — BDG 1979*) last amended by BGBl. I 130/2003. Act on Contract Staff (*Vertragsbedienstetengesetz*) BGBl. Nr. 86/1948, last amended by BGBl. I Nr. 153/2009.

²⁵⁹ European Commission (2002), *Free movement of workers – achieving the full benefits and potential*, COM(2002) 694 final, Brussels 11 December 2002.

²⁶⁰ Austria, Settlement and Residence Act (*Niederlassungs- und Aufenthaltsgesetz – NAG*), BGBl. I No. 100/2005 last amended by BGBl. I No. 68/2013.

²⁶¹ Austria, Public Service Act (*Bundesgesetz vom 27. Juni 1979 über das Dienstrecht der Beamten, Beamten-Dienstrechtsgesetz 1979 — BDG 1979*) last amended by BGBl. I 130/2003. Act on Contract Staff (*Vertragsbedienstetengesetz*) BGBl. Nr. 86/1948, last amended by BGBl. I Nr. 153/2009.

²⁶² Austria, Federal Chancellery, Department for Public Services (*Bundeskanzleramt, Öffentlicher Dienst*), Information about the general admission requirements, available at: www.oeffentlicherdienst.gv.at/moderner_arbeitgeber/start_im_bundesdienst/aufnahmevoraussetzungen.html, accessed on 17 March 2015.

	background or naturalisation - in public sector recruitment, for example in education, law enforcement, judiciary, etc.	enforcement have been brought to Senate I the Equal Treatment Commission. Senate I of the Federal Equal Treatment Commission has been constituted in 1993 and it is in charge with multiple discriminations in the public sector. Since then it has received only 2 inquiries regarding discrimination on the ground of ethnic origin, one of them regarded public sector recruitment in education. Regarding all inquiries (Senate I and II) the Equal Treatment Commission found that there is no direct discrimination on the basis of ethnic origin and nationality. ²⁶³
	Please indicate proportion of recruitment (% on the total of posts for this category or service) for the interested categories of third country nationals, if any.	Data on the proportion of recruitment of third country nationals is only available for Vienna: On 30 June 2013 17.1% of employees at the Viennese Government have a third country migratory background (born in a third country and/or third country citizenship). The rate of 17.1 % includes 2.5% of third country national employees, which have already obtained Austrian citizenship. ²⁶⁴
	Please indicate any affirmative action and positive action either for third country nationals or citizens with a migrant background, if any, e.g. quotas, reserved posts for people of migrant background etc. as well as promising practices in this area. Please provide information specifically for law enforcement, judiciary, and education.	There are no affirmative and positive actions in the narrow sense. Quotas or reserved posts for Austrian citizens with migratory background and/or minorities are prohibited by the law. ²⁶⁵ However, there are some "soft" measures to integrate migrants and Austrians with a migratory background into the police. The government programme foresees measures to integrate persons with migrant background into the police. ²⁶⁶ The Viennese Police launched in 2007 the recruiting initiative "Vienna needs you" (<i>Wien braucht Dich</i>) with the aim to motivate persons with migratory background to be police officers. A concrete goal of this measure is to have at least one police officer with migratory background in each police inspection in 2012. The target group of this project are juveniles and young adults with a migratory background of the 2 nd generation, who grew up in Austria. It is assumed that these persons speak German and at least another language and that they have "intercultural knowledge" and access to migrant communities. Additionally, the police have been carrying out information events and advertising in local media, posters or folders to motivate Austrian citizens with a migratory background to apply for police school in cooperation with the Viennese Municipal Government. Irrespective from ethnic origin, only Austrian citizens are admitted to police. ²⁶⁷ At the Austrian educational universities (<i>Pädagogische Hochschulen</i>) third country nationals, need to complete a

²⁶³ Information received from the Executive Secretary of the Federal Equal Treatment Commission (*Bundesgleichbehandlungskommission*) on 17 February 2015.

²⁶⁴ Austria, City of Vienna, Municipal Department 11 – Integration and Diversity (*Magistratsabteilung 11 – Integration und Diversität*) (2014), 3. *Wiener Integrations- und Diversitätsmonitor*, available at: www.wien.gv.at/menschen/integration/pdf/monitor-2014.pdf.

²⁶⁵ Federal Constitution, Tender Law, Public Service Act, Federal Equal Treatment Act.

²⁶⁶ Austria, Federal Chancellery (2014), Work-programme of the Federal Government 2013-2018 (*Arbeitsprogramm der Österreichischen Bundesregierung 2013-2018*), p. 81, available at: www.bka.gv.at/DocView.axd?CobId=53264.

²⁶⁷ Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, pp. 27-28.

		<p>University preparation programme and a supplementary test before they are eligible to study as ordinary students. The duration of these preliminary courses depends on the previous knowledge of the students and their German skills. The estimated duration of the preliminary courses for students without German skills is one and a half year.²⁶⁸ But it is at least one semester (half a year). The fee for this course is €434 per semester and there is a fee for the test too.²⁶⁹</p> <p>No more concrete positive measures are reported so far.²⁷⁰</p>
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3.6. Political activity – active citizenship

	<p>Membership and participation of migrants in migrant and/or diaspora organisations and associations:</p>	
<p>Are there any legal or practical limitations or barriers for the self-organisation membership of migrants in migrant and or diaspora associations and organisations?</p>		<p>There are no limitations. There is no distinction on any ground regarding the foundation of an association and membership. The requirement for the foundation of an association is: 2 persons (head and treasurer) and written statutes. Templates and patterns for statutes are available online.²⁷¹ The only legal limitation is: the association's headquarter must be in Austria.²⁷² The Austrian Association Authority has to notify the invitation for the association's activities within 6 weeks at latest. In case the association is prohibited although the formal prerequisites are met, the Austrian Association Authority has to notify and explain within 4 weeks at latest. Reasons for the prohibition of associations base on Art. 11 (2) of the European Convention on Human rights and are regulated in §12 (1) of the Law on Associations. These are conflicts with the Austrian law in the purpose, name or organization of the association.²⁷³</p>
<p>Are there notable cases of active migrant and/or diaspora associations and organisations? Please indicate the most known, active or representative ones on the basis</p>		<p>Almost all communities of migrants in Austria are well organised and active in cultural/ecclesial/diaspora organisations..²⁷⁴</p> <p>The most notable cases of active migrant and/or diaspora associations and organizations come from the Turkish, Serbian, Bosnian, Croatian and the African Communities. Each of these communities has an active and diverse association environment, consisting of churches, sports, culture and media associations.²⁷⁵</p> <p>Turkish diaspora associations are deeply divided into laical, secular and Islamic-conservative organizations. Out of 409</p>

²⁶⁸ Austrian Student Guide, Information for foreign students, available at: www.studieren.at/vorstudienlehrgang-fuer-auslaendische-studierende, accessed on 17 March 2015.

²⁶⁹ University Preparation Programme of the Vienna Universities (*Vorstudienlehrgänge der Universitäten*), available at: www.oead.at/index.php?id=1438&L=1, accessed on 17 March 2015.

²⁷⁰ Information received from the Executive Secretary of the Federal Equal Treatment Commission (*Bundesgleichbehandlungskommission*) on 17 February 2015.

²⁷¹ Austria, Federal Ministry of the Interior (*Bundesministerium für Inneres*), instructions for founding an association, available at: www.bmi.gv.at/cms/BMI_Vereinswesen/muster/start.aspx

²⁷² Austria, Federal Ministry of the Interior (*Bundesministerium für Inneres*), instructions for founding an association, frequently asked questions, available at: www.bmi.gv.at/cms/BMI_Vereinswesen/faq/Frage_05.aspx

²⁷³ Austria, Austrian Law on Associations (*Vereinsgesetz 2002 – VerG*) BGBl. I Nr. 66/2002.

²⁷⁴ Medienservicestelle Neue Österreicher/innen, information about migrant communities in Austria, available at: http://medienservicestelle.at/migration_bewegt/integration-oesterreich-communities/, accessed on 29 April 2015.

²⁷⁵ Medienservicestelle Neue Österreicher/innen, information about migrant communities in Austria, available at: http://medienservicestelle.at/migration_bewegt/integration-oesterreich-communities/, accessed on 17 March 2015.

<p>of existing data about membership – please include size/numbers of members - and through contacts with competent actors and stakeholders. Please specify their character and eventual differences, including aspects concerning their religious, culture or geographic scope.</p>	<p>Muslim associations in Austria, 235 have a Turkish background.²⁷⁶ Estimated 30 percents of all Turkish persons living in Austria are Kurdish. Estimated 60.000 Turkish persons living in Austria are Alevi. They are organised through the Federation of Alevi Communities in Austria (<i>Föderation der Aleviten Gemeinden in Österreich, AABF</i>).²⁷⁷ Apart from religious associations, the most important Turkish culture associations are “Sam-Der” and “Ayfed”, both located in Vienna. The culture association “Turkish Culture Community Austria” (Türkische Kulturgemeinde Österreich) and the secular association “Avusturya Atatürkçü Düşünce Derneği” (<i>Association for promoting Atatürks body of thought in Austria, Verein zur Förderung des Gedankenguts Atatürks in Österreich</i>) are active too. In addition, there are associations of Turkish students and academics. The majority is located in Vienna. Sports associations in the Turkish community in Austria are mainly football associations, the most known are located in Vienna (2013: SKV Ankara96, 1998: Vienna Türkgücü SKV, 2008: FC Besiktas Wien) and Salzburg (2010: SV Salzburg Türkgücü). Additionally, one third of all migrant media in Austria are Austro-Turkish media, place of publication is mainly Vienna.²⁷⁸ Also the Serbian community is very active in Austria: there are Serbian-Orthodox Churches in all provincial capitals and parishes in many cities. Secular associations of the Serbian community deal with sports, culture and media. Culture associations organise concerts, exhibitions or lectures on a weekly base. The football club SC Kaiserebersdorf-Srbija 08 plays in the Viennese Upper league A (fifth game level) and it has 8 junior teams. Additionally the former Yugoslavian community in Austria has its print and TV media. The Austrian-Serbian-Society (<i>Österreich-Serbische Gesellschaft, ÖSG</i>) aims at promoting the bilateral relations and organizes the traditional Sveti Sava Ball.²⁷⁹ Apart from these two biggest communities and diaspora organizations (Former Yugoslavia and Turkish/Kurdish), many other communities are well organised and active in community-media, culture and sports. The Chinese community has 30 registered associations in Austria and two weekly newspapers informing the Chinese diaspora.²⁸⁰ The African community is very heterogeneous. African associations and churches exist in each Austrian province and are active in culture and sports. Particularly in Vienna, there are African media too.²⁸¹</p>
<p>Please provide any data on the participation of migrants and their descendants in the most representative</p>	<p>No official data available. A survey among migrants reveals that 25% of elder migrant workers say that they are active in migrant associations. Independently from age, regarding the country of birth 35% of persons with a migratory background from Turkey and 20% of persons with a migratory</p>

²⁷⁶ Medienservicestelle Neue Österreicher/innen (2014), 'Türkische Community bis zu 300.000 Personen' 5 August 2014.

²⁷⁷ Medienservicestelle Neue Österreicher/innen (2013), 'KurdInnen in Österreich durch Vielfalt geprägt' 19 March 2013.

²⁷⁸ Medienservicestelle Neue Österreicher/innen (2014), 'Türkische Community bis zu 300.000 Personen' 5 August 2014.

²⁷⁹ Medienservicestelle Neue Österreicher/innen (2013), 'Serbische Community zählt rund 300.000 Personen' 11 March 2013.

²⁸⁰ Medienservicestelle Neue Österreicher/innen (2012), 'ChinesInnen: Größte asiatische Community', 6 November 2012.

²⁸¹ Medienservicestelle Neue Österreicher/innen (2012), 'AfrikanerInnen in Österreich', 25 July 2012.

<p>migrant and/or diaspora organisations and associations? (figures and % of migrants and/or persons with the specific ethnic or other background as members, or descriptive data if statistical data is not available).</p>	<p>background from former Yugoslavia are active in associations.²⁸²</p>
<p>Are such associations and organisations encouraged and/or supported financially or in other means (e.g. offices) by the national, regional or local authorities? Is there in place a mechanism linking such associations at national level? (e.g. network of migrant associations).</p>	<p>There is no mechanism linking such associations at national level in place. However, migrant associations themselves link at national level through founding umbrella organisations. In 2009 members of African associations founded the Africa networking platform (<i>Afrikavernetzungsplattform, AVP</i>). The platform works through regular meetings at the national and the local level in order to develop the structures of cooperation. The Africa networking platform is divided into four autonomous regional networking headquarters in Vienna, Linz, Graz and Salzburg. Its members are African Organisations all over Austria.²⁸³ The Serbian Community in Austria has also an umbrella organisation, consisting of culture and sports associations.²⁸⁴ The umbrella organisation of Bosnian associations is an association of Bosnian Islamic associations and the Union of Bosnian Sports, Culture and Religion Associations Austria. The objective of the umbrella organisation is to connect various Mosque Communities. The umbrella organisation represents in total 40 Bosnian associations and it is the second largest Muslim association behind the Turkish Islamic Associations and it is a member of the Islamic Religious Community Austria (<i>Islamische Glaubensgemeinschaft Österreich, IGGIÖ</i>).²⁸⁵ The Umbrella Organisation of Kurdish Associations in Austria (<i>Der Rat der Kurdischen Gesellschaft in Österreich, FEYKOM</i>) is mainly politically active and it is politically close to the body of thought of the Kurdish Workers' Party (PPK), which is prohibited in Turkey. It has 14 member associations and it is mainly active in awareness raising about the situation of the Kurds in Turkey.²⁸⁶</p>
<p>Membership and participation of migrants in civil society organisations and voluntary work:</p>	

²⁸² Reinprecht, Ch. (2006), *Nach der Gastarbeit. Prekäres Altern in der Einwanderungsgesellschaft*. Wien, Braumüller.

²⁸³ Africa networking platform in Austria (*Afrikavernetzungsplattform, AVP*), available at: www.afrikaplattform.at/, accessed on 17 March 2015.

²⁸⁴ Umbrella organisation of Serbish Associations in Austria, available at: <http://wien.serben.at/>, accessed on 17 March 2015.

²⁸⁵ Umbrella organisation of Bosnian Islam Associations in Austria (*Verband Bosniakisch-Islamischen Vereine – IZBA*), available at: www.izba.at/kontakt/83-o-nama.html, accessed on 17 March 2015.

²⁸⁶ Council of the Kurdish Society in Austria (*Rat der kurdischen Gesellschaft in Österreich – FEYKOM*), available at: www.feykom.at/, accessed on 17 March 2015.

	<p>Are there any legal or practical limitations or barriers for the membership of migrants in civil society organisations?</p>	<p>Until 2012, Austrian and EU citizenship was a prerequisite for membership at the volunteer fire brigade (<i>Freiwillige Feuerwehr</i>) in the Provinces Styria²⁸⁷ and Carinthia²⁸⁸. Practical barriers are that migrants often are not well informed about Austrian civil society organizations and the possibilities to participate voluntarily, they do not perceive these organizations as open for migrants, a precarious economic or a socially disadvantaged situation, which leaves no time for voluntary engagement.²⁸⁹ Migrants with a muslim confession e.g. perceive the Red Cross as Christian organisation, which keeps them from participation.²⁹⁰ Additionally – compared to formal voluntary work in Austrian civil society organizations – informal voluntary work of migrants is more frequent, particularly in neighbourhood help, such as repairs and volunteer handicraft work for friends and neighbours or supporting neighbours and friends in official channels and correspondence.²⁹¹</p>
	<p>Do civil society organisations encourage and support membership and participation of migrants and/or their descendants? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p>	<p>This differs among the Austrian Provinces and the organisations. The Viennese Red Cross encourages migrants to participate and become members.²⁹² In the frame of the project "PROTECT", the Red Cross looks for volunteer migrants (or persons with a migratory background), who train migrants on what to do in emergency cases and to inform them on how to engage in voluntary activities at the Red Cross.²⁹³ Another project is called "Integration through voluntary work" and it offers young third country nationals, who have been resident in Austria for 3-5 years the opportunity to visit the organization in the frame of try-out-days. The objective of this project is to motivate them for volunteer work. This project is carried out in the Austrian Provinces Vienna, Lower Austria and Burgenland.²⁹⁴ The Vocational Training Institute Upper Austria launched a project to encourage and support migrant juveniles to participate in emergency organizations (Fire Brigade, Red</p>

²⁸⁷ Austria, Styrian Fire Brigade Act (*Gesetz vom 13. Dezember 2011 über die Feuerwehren in der Steiermark – Steiermärkisches Feuerwehrgesetz – StFWG*), last amended by LGBl 13/2012.

²⁸⁸ Austria, Law amending the Carinthian Fire Brigade Act (*Gesetz mit dem das Kärntner Landesfeuerwehrgesetz geändert wird*), LGBl 44/2012.

²⁸⁹ Freiwilligenzentren Österreich (2010), 'MigrantInnen in der Freiwilligenarbeit. Analysen – Trends – Best Practice' Report of the *Symposium on Migrants in Volunteer Work in Austria*, 22-23 April 2010, available at: www.ulf-ooe.at/spool/upload/TAGUNGSBERICHT.pdf, accessed on 17 March 2015.

²⁹⁰ Österreichisches Rotes Kreuz (2010), 'Integration junger Musliminnen und Muslimen durch Ehrenamt in gemeinnützigen Organisationen am Beispiel des Österreichischen Roten Kreuzes. Ein Empfehlungsbericht, Wien, Österreichisches Rotes Kreuz, available at: www.rotekreuz.at/fileadmin/user_upload/PDF/Integration%20durch%20Ehrenamt_Handbuch.pdf, accessed on 17 March 2015.

²⁹¹ Austria, Federal Ministry for Labour, Social Affairs and Consumer Protection (*Bundesministerium für Arbeit, Soziales und KonsumentInnen*) (2012), *Voluntary Commitment in Austria, the First Volunteer-Report (Freiwilliges Engagement in Österreich. 1. Freiwilligenbericht)*, Vienna, available at: www.sozialministerium.at/cms/site2/attachments/0/1/0/CH2174/CMS1218022135039/fweinoeerhebung2012kompl.pdf, accessed on 17 March 2015.

²⁹² Österreichisches Rotes Kreuz (2010), 'Migrants do it better. Wiener Rotes Kreuz sucht Freiwillige' Press release, 21 May 2014, available at: www.rotekreuz.at/berichten/aktuelles/news/datum/2014/05/21/migrants-do-it-better-wiener-rotekreuz-su/, accessed on 17 March 2015.

²⁹³ Österreichisches Rotes Kreuz, Protect – Lernen und helfen im Ehrenamt, project-website, available at: <http://blog.rotekreuz.at/protect/>, accessed on 17 March 2015.

²⁹⁴ Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 345.

		<p>Cross). In the frame of this project, representatives of emergency organizations visit migrant associations and encourage and support membership there. Migrant voluntary workers have the opportunity to visit the emergency organization of choice in the frame of an excursion. When joining they receive basic training and a mentor. These mentors receive intercultural coaching by the Vocational Training Institute.²⁹⁵</p>
	<p>Please provide any data on the participation and membership of migrants and their descendants in the most representative civil society organisations? (figures or % of organisation members, % of migrants and/or with migrant background as members, or descriptive data if statistical data is not available).</p>	<p>According to a survey among the Austrian general population, 20% of persons with migratory background of the first generation work voluntarily in organizations and 26% of persons with migratory background of the second generation do so. This is compared to 29% of persons without migratory background. According to areas of voluntary engagement, the highest rates of persons with a migratory background can be found in religious and ecclesial areas (21% of all volunteers), and in the social and health area (15% of all volunteers in this area); the lowest participation rates of migrants can be found in emergency and disaster units (9% of all volunteers in this area) and arts, culture and leisure time (9% of all volunteers in this area).²⁹⁶</p> <p>The Fire Brigade does not collect data on the citizenship or origin of their members, they not even have estimations. Altogether they have 338,521 members, most of them on a voluntarily basis. According to members of the Austrian Federal Fire Services, migrants are treated equally to Austrian citizens and participation depends on the individual and not on the differentiation "migrant or not". This is why the Fire Brigade does not collect any data on the migratory background or citizenship of its members. These persons also point out that the Fire Brigade welcomes migrants and foreigners as members and that the Fire Brigade would be happy if many of them were members. The Fire Brigade perceives voluntary work of migrants in emergency and disaster assistance as example of integration into the Austrian society.²⁹⁷</p> <p>The Austrian Red Cross tried to collect data on the migratory background (1st, 2nd and 3rd generation) among its members through a survey. However, the response rate was too low to work with it. Many respondents perceived this questions as attack on privacy. The Austrian Red Cross has 914,857 members and donors and 64,720 volunteer workers. The Red Cross estimates a rate of 1-2% migrants among the volunteer workers and a rate of 7-8% among the staff workers.²⁹⁸</p>
<p>Membership and participation of migrants in political parties:</p>		

²⁹⁵ Berufsförderungsinstitut Oberösterreich (2010), Project „Freiwillige vor“, information about the project: www.viefalter.org/freiwillige-vor-151, accessed on 17 March 2015.

²⁹⁶ Austria, Federal Ministry for Labour, Social Affairs and Consumer Protection (*Bundesministerium für Arbeit, Soziales und KonsumentInnenenschutz*) (2012), Voluntary Commitment in Austria, nationwide population survey (*Freiwilliges Engagement in Österreich. Bundesweite Bevölkerungsbefragung*), Vienna. Available at: www.sozialministerium.at/cms/site2/attachments/0/1/0/CH2174/CMS1218022135039/fweinoerhebung2012kompl.pdf

²⁹⁷ Information received from a member of the Austrian Federal Fire Service Association on 18. February 2015 and information received from a member of the Austrian Federal Fire Service Association on 25 February 2015.

²⁹⁸ Information received from a member of the Austrian Red Cross on 19 February 2015.

	<p>Are there any legal or practical limitations or barriers for the membership of migrants in political parties, initiatives (e.g. petitions, signature collections) and movements?</p>	<p>Only Austrian citizens can present a citizens' initiative.²⁹⁹ Petitions can only be brought in by members of the National Council (<i>Nationalrat</i>) or the Federal Council (<i>Bundesrat</i>) and according to §100 of the Law on the Rules of Procedure of the National Council, petitions can be approved online by Austrian citizens only.³⁰⁰ Additionally, only Austrian citizens have a right to vote in referendums (<i>Volksabstimmung</i>) and public opinion polls (<i>Volksbefragung</i>) – the right to vote in referendums and public opinion polls is linked to the right to vote at national level.</p> <p>Information requests were sent out repeatedly to all political parties in Austria. The NEOS answered soon and provided us with detailed information, the Austrian Socio Democratic Party answered soon, but referred us to the project AUTNES (see section 3.1). The Green Party and the Team Stronach responded after the second request for information but then provided us with detailed information. The Austrian People's party and the Austrian Freedom party refused to respond.- This is why in the following sections only information received from the Green Party, the NEOS and the Team Stronach is provided. There are no legal or practical limitations or barriers for the membership of migrants in the Green Party (and its sub-organisations, such as the Green Women, the Green Migrants, the LGBTI-Greens). Interested persons of all citizenships can either become members or collaborate with the Green Party as activists.³⁰¹ There are no legal or practical limitations for membership of migrants in the Team Stronach, as long as the respective persons integrate the values of the Team Stronach³⁰² also neither legal nor practical limitations and barriers have been reported by the NEOS.³⁰³</p>
	<p>Do political parties encourage and support membership and participation of migrants and/or their descendants in their activities? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p>	<p>The Austrian Green Party encourages and supports membership and participation through information initiatives in different languages and the provision of facilities to discuss migrant specific issues. Within the Party organisation, there is a so called 10th Province (the province of minorities/migrants). Additionally the Green Party's civic education organisation (<i>Grüne Bildungswerkstatt</i>) has an office for migrants. There are sub-organisations for migrants in all Austrian provinces, such as the Green Migrants Vienna, the Green Migrants Vorarlberg, etc.³⁰⁴</p> <p>The Team Stronach has no measures to support and encourage membership and participation.³⁰⁵ The NEOS also do not have any measures targeted to migrants, but they collaborate with migrant associations in order to represent the interests of migrants in politics. Furthermore, they provide information in English. Since their working</p>

²⁹⁹ Austria, Republic of Austria, Parliamentary Citizens' Initiatives (*Parlamentarische Bürgerinitiativen*), available at: www.parlament.gv.at/PERK/BET/BII/, accessed on 17 March 2015.

³⁰⁰ Austria, Law on the Rules of Procedure of the National Council (*Geschäftsordnungsgesetz des Österreichischen Nationalrates – GOG-NR*), available at: www.parlament.gv.at/ZUSD/RECHT/GOG-NR.pdf

³⁰¹ Information received from a member of the Austrian National Parliament representing the Green Party on 19. February 2015.

³⁰² Information received from a member of the Team Stronach on 23 February 2015.

³⁰³ Information received from a member of NEOS on 17 March 2015.

³⁰⁴ Information received from a member of the Austrian National Parliament representing the Green Party on 19. February 2015.

³⁰⁵ Information received from a member of the Team Stronach on 23 February 2015

		programme is in progress, no English version of it is planned so far. ³⁰⁶
	Please provide any data on the participation and membership of migrants and their descendants in the political parties, initiatives and movements? (figures or % of party members, % of migrants and/or with migrant background as members, or descriptive data if statistical data is not available)	The Green Party, the Team Stronach are not interested in the citizenship or the country of origin among its members, thus they have no data on this. ³⁰⁷ The NEOS also have no data on the citizenship or country of origin. ³⁰⁸
	Are migrants elected as representatives of political parties, initiatives and movements? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.	No data available on elected representatives of political parties: only Austrian citizens are eligible to stand as a candidate (representative) and data on migratory backgrounds of members, candidates, representatives is not collected. ³⁰⁹ At the Green Party, migrants have the possibility to work in initiatives and movements within the Party, such as the Green Migrants in all Provinces and the 10 th Province. ³¹⁰ The NEOS have no migrants elected as representatives of their party. Third country nationals are represented in the Parliamentary Club and in the extended Party Executive. Thereby third country nationals act as "think tanks" and provide the party with expertise on certain policy areas, which feed the work programme of the NEOS. ³¹¹

3.7.Civic and citizenship education

	The participation of migrants and their descendants (with a distinct linguistic, cultural background) in education:	
	Have teachers of migrant background equal access to employment in education, as teachers? If yes, what is the rate of	According to the Public Service Act on Teachers employed by the Provinces (<i>Landeslehrer-Dienstrechtsgesetz, LDG</i>), migrant teachers have equal access to employment as contract staff (<i>Vertragsbedienstete</i>) as long as they have unrestricted access to the Austrian labour market and perfect command of the spoken and written German language. According to §28a LDG, the following services were limited to teachers of Austrian citizenship: services, which involve a

³⁰⁶ Information received from a member of NEOS on 17 March 2015.

³⁰⁷ Information received from an office manager of the Green Party Austria on 19 February 2015. Information received from a member of the Team Stronach on 23 February 2015.

³⁰⁸ Information received from a member of NEOS on 17 March 2015.

³⁰⁹ Information received from a member of the Team Stronach on 23 February 2015, from a member of NEOS on 17 March 2015 and from the Green Party on 19 February 2015. No response received from the other parties as explained in section 3.6.

³¹⁰ Information received from a member of the Green Party on 19 February 2015.

³¹¹ Information received from a member of NEOS on 17 March 2015.

	<p>participation (% of teachers with migrant background at national level)? Are they represented in professional teacher associations? Please identify limitations, challenges and promising practice.</p>	<p>direct or indirect participation in sovereignty acts and those, which involve safeguarding the general interest of the State.³¹² This applied to headmasters or persons in leading positions within the school services. The so-called reservation for nationals (<i>Inländervorbehalt</i>) had been eliminated with the Public Service Amendment Act 2015 (<i>Dienstrechtsänderungsgesetz 2015</i>) on 6 May 2015.³¹³ According to data of Teacher Training Colleges, teachers of migrant background are underrepresented.³¹⁴ The German language requirements (orthography and grammar) in the entrance test in Teacher Education Colleges are assumed as practical barrier, not only for migrants but also for natives.³¹⁵ The Viennese Diversity Monitor 2011-2013 is the only source for segregated data on origin (defined as country of birth and citizenship) and gender on pedagogical staff (child care, primary school teachers and lower secondary teachers):³¹⁶</p> <table border="1" data-bbox="595 763 1431 958"> <thead> <tr> <th colspan="3">Men</th> <th colspan="3">Women</th> <th colspan="3">Total</th> </tr> <tr> <th>A</th> <th>EU</th> <th>TCN</th> <th>A</th> <th>EU</th> <th>TCN</th> <th>A</th> <th>EU</th> <th>TCN</th> </tr> </thead> <tbody> <tr> <td>80.5</td> <td>10.4</td> <td>9.1</td> <td>90.5</td> <td>5.8</td> <td>3.7</td> <td>90.1</td> <td>6.0</td> <td>3.9</td> </tr> </tbody> </table>	Men			Women			Total			A	EU	TCN	A	EU	TCN	A	EU	TCN	80.5	10.4	9.1	90.5	5.8	3.7	90.1	6.0	3.9
Men			Women			Total																							
A	EU	TCN	A	EU	TCN	A	EU	TCN																					
80.5	10.4	9.1	90.5	5.8	3.7	90.1	6.0	3.9																					
	<p>Are there any particular gender issues?</p>	<p>None reported specifically regarding migrants. Generally, the compulsory school system, in which 60% of all teachers are employed, is female dominated. In primary school, 90% of teachers are female. In academic secondary schools (<i>Allgemeinbildende höhere Schulen</i>), the share of female teachers declines to 62% and in Upper Secondary Technical Schools (<i>Höhere Technische Schule</i>), the share of female teachers is about 25%.³¹⁷</p>																											
	<p>Are parents of migrant background actively participating in the school life? Please provide evidence concerning their participation in parents associations,</p>	<p>The Austrian school portal (<i>Österreichisches Schulportal</i>) has published some information that is relevant for parents in different languages. This particularly concerns notifications from teachers to parents and it is called Parents ABC (<i>Eltern ABC</i>). In the section "parental work" of the Austrian school portal references are only made to projects and articles from Germany.³¹⁹ The Education Boards in each Austrian Province have implemented school guidance services for migrant parents (<i>Schulberatungsstellen</i>), advising them regarding school types and other school related issues.³²⁰ In 2013 a</p>																											

³¹² Austria, Federal Law on the Public Services of Provincial Teachers (*Bundesgesetz vom 27. Juni 1984 über das Dienstrecht der Landeslehrer – Landeslehrer-Dienstrechtsgesetz - LDG 1984*), BGBl I No. 302/1984, last amended by BGBl. I No. 32/2015.

³¹³ http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00585/fname_401611.pdf.

³¹⁴ Austria, Biffl, G., Skrivanek, I. (2011), *Schule-Migration-Gender*, Krems, Federal Ministry of Education and Women, pp. 12-14.

³¹⁵ Die Presse (2013), 'Kurz fordert Kampagne für mehr Migranten als Lehrer', 22 May 2013.

³¹⁶ Vienna, 3.Integration and Diversity Monitor 2011-2013, p. 213.

³¹⁷ Austria, Bruneforth, M., Lassnigg, L. (Ed.), Bundesinstitut für Bildungsforschung, Innovation & Entwicklung des österreichischen Schulwesens, BIFIE (2012). *Nationaler Bildungsbericht Österreich 2012, Band 1: Das Schulsystem im Spiegel von Daten und Indikatoren*. Graz, p. 48.

³¹⁹ The Austrian School Portal (*Österreichisches Schulportal*), section parental work, available at: www.schule.at/portale/deutsch-als-zweitsprache-und-ikl/detail/elternarbeit.html, accessed on 17 March 2015.

³²⁰ Austria, School Advice Centres for Migrants, available at: www.schule.at/portale/deutsch-als-zweitsprache-und-ikl/detail/schulberatungsstellen-fuer-migrantinnen.html, accessed on 17 March 2015.

	<p>school and community events and extracurricular activities, consultations etc.³¹⁸</p>	<p>conference on “parental work and integration – challenges and perspectives” was organised by the Integration Office (<i>Integrationsbüro</i>) of the City of Linz. However, only German speakers provided inputs.³²¹ There are no specific actions to involve parents of migratory background in parents associations, school and community events and extracurricular activities or consultations.³²² Some positive examples exist in single schools or kindergartens. The community kindergarten in Jenbach (Tyrol) implemented a project in which parents of migratory background support children in their mother tongue. Four times a month, a mother or father with a Turkish background supports the pedagogues in the kindergarten and teaches children in Turkish. The pedagogues trace the success of this measure back to their intense parental work.³²³</p> <p>Neither data nor evidence is available on the participation of parents with migrant background in parent associations. According to the School Education Act (<i>Schulunterrichtsgesetz</i>), the only requirement for membership and representative functions in parents associations is parental custody for a school-age child. Citizenship plays no role in this regard, not even residence, thus there is no evidence on migratory background. According to the Chairman of the Austrian Umbrella Organisation of Parents Associations (<i>Österreichischer Verband der Elternvereine an öffentlichen Pflichtschulen</i>), also no surveys exist on this issue, not even master theses. Based on the names in the Viennese register, he estimates a share of migrant parents that corresponds to their share among the Viennese general population. According to him, it is not possible to estimate the share of migrant parents for the other Austrian provinces – not even based on the names. However, he perceives – based on the meetings with representatives of parents associations in other Austrian provinces that migrant parents do not hesitate to participate in parents associations, particularly in rural areas. There are no extracurricular activities or events carried out by Austrian parents associations to strengthen the participation of migrant parents in school life. A mentioned challenge is due to cultural differences, e.g. in Turkey, parental participation in school life is very uncommon.³²⁴</p>
	<p>Are there extracurricular activities involving and engaging with children and parents of migrant background and/or focussing</p>	<p>The Austrian Centre for Citizenship Education in Schools Polis (<i>Politik lernen in der Schule</i>) offers extracurricular activities. It operates on behalf of the Federal Ministry of Education and Women (<i>Bundesministerium für Bildung und Frauen, BMBWF</i>). The centre helps teachers to bring citizenship and human rights education into the classroom, serves as an information platform and advisory centre, develops new materials for the classroom on a regular basis, plays a part in the European</p>

³¹⁸ For more information about involving the community in the school life and vice versa please refer also to the findings of the SIRIUS Network <http://www.sirius-migrationeducation.org/>

³²¹ Austria, City of Linz, Integration Office (2013), ‘Tagung Elternarbeit und Integration’, conference documentation available at: www.linz.at/soziales/69010.asp, accessed on 17 March 2015.

³²² Information received via telephone from the Chairmen of the Austrian Umbrella Organisation of Parents Associations on 5 March 2015.

³²³ Da Standard (2012), ‘Im Westen was Neues’ 21 July 2010.

³²⁴ Information received via telephone from the Chairmen of the Austrian Umbrella Organisation of Parents Associations on 5 March 2015.

	<p>on civic and citizenship education? Please identify limitations, challenges and promising practice.</p>	<p>and Austrian discussions on citizenship education, has an influential role in teacher training and organizes events for students. With the activities on offer polis supports skills-oriented teaching, the aim of which is a political awareness which the student has reached through careful deliberation. In this respect it is not primarily a question of the acquisition of the broadest possible range of knowledge, but of learning activities which enable the student to learn about, think about and deal with political themes. The activities are therefore linked to the lives and experiences of the students themselves.³²⁵ However, the centre has no formats, specifically targeting children and parents of migrant background. Their services rather seek to create an active involvement of all students without focus on specific target groups.³²⁶</p> <p>There are many extracurricular activities involving and engaging parents of migrant background and their children. They are carried out by civil society initiatives. These individual initiatives and projects are understood as a confirmation of the fact that a "one size fits all" approach to extracurricular measures is not constructive.³²⁷</p> <p>Some Austrian provinces, such as Vienna and Salzburg have implemented German language courses for mothers with low educational level, having been resident in Austria for a long time. These German and literacy courses take place at the schools/Kindergartens when their children attend class. Furthermore, these mothers get to know the schools and the teachers of their children and the communication between migrant mothers and the pedagogues becomes improved. Additionally, these mothers get to know each other. These projects are called "Mum learns German" (<i>Mama lernt Deutsch</i>).³²⁸</p> <p>Additionally there are parent-teacher conferences, in which migrant parents are counselled on issues like a bilingual-upbringing. The aim of these measures is, take away parents' worrying that their children will forget their language of origin as soon as they learn German.³²⁹ Further measures aim at counselling parents regarding education and raising awareness about the importance of education. Particularly in Vienna, parental work in schools and Kindergartens are carried out targeted to parents with migratory background. This happens e.g. through invitation letters to teacher-parent-conferences in more languages, translation services in mother counseling, invitation to visit the school's library, etc.³³⁰ Other measures seek to intensify the dialogue</p>
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³²⁵ Austrian Centre for Citizenship Education in Schools *Polis*, available at: www.politik-lernen.at/, accessed on 17 March 2015.

³²⁶ Information received from the Executive Secretary of Polis on 11 March 2015.

³²⁷ Austria, Expert Council for Integration (2013), *Integration Report, Integration issues in focus*, Wien, p. 11.

³²⁸ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 182.

³²⁹ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 252.

³³⁰ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 269.

		<p>between parents and migrant-communities. These measures work in cooperation with the school-counseling services for migrants.³³¹</p> <p>In the province of Styria the project “<i>Eltern.leben.Vielfalt</i>” (Parents live diversity) exists since 2009. It is an initiative of the Migrant NGO Zebra and the NGO Kinderfreunde and it is supported financially by the Styrian Government. The aim of the project is to reach parents in rural regions of Styria, who are less likely to have access to parental training, with the development of new and low-threshold models of parental training. In a first step, parents with or without migration background are searched for being participants in the “parents coaches’ training courses”. This course has been designed after research in the regions and in close cooperation with existing institutions. In a second step the new trained “intercultural parents coaches” will develop manifold ideas how to reach parents in their own residential environment. Trained parents coaches organise parental meetings in kindergartens, schools, parental-child centres, social institutions or parks. These parental meetings provide exchange and information on topics such as education, communication, family management, the education system in Austria, language support and more.³³² Limitations and challenges often derive from a lacking budget and lacking personnel resources.³³³</p> <p>Additionally, the majority of these extra-curricular measures focuses on language training, alphabetisation and counselling services regarding the daily living in Austria, rather than civic and citizenship education. Thus, also the Integration Report of the Expert Council of Integration states that educational and training offers have to be adjusted to social diversity and the different reality of life for immigrants.³³⁴</p>
	<p>Are there provisions for bilingual education? If yes, is it supported by trained teachers and training programmes, curriculum provisions and dedicated school</p>	<p>Based on the Austrian State Treaty, legal provisions for bilingual education exist for autochthonous minorities in the Austrian Provinces of Burgenland³³⁵ and Carinthia.³³⁶</p> <p>According to these provisions, students, who belong to the Slovenian ethnic group in Carinthia, have the right to learn the Slovenian language as compulsory subject or to use it as teaching language. Students, who belong to the Roma, Croatian or to the Hungarian ethnic group, have these rights in Burgenland.</p> <p>Furthermore, the curriculums in elementary and secondary schools foresee mother-tongue education as optional subject</p>

³³¹ Austria, Federal Ministry for Education and Women (*Bundesministerium für Bildung und Frauen*) (2014), ‘Schulberatungsstellen für MigrantInnen bei den Landesschulräten und beim Stadtschulrat für Wien’, Status of December 2014, available at: www.bmbf.gv.at/schulen/service/sbm-kurz_2014_12.pdf?4o2kv5, accessed on 17 March 2015.

³³² Die Kinderfreunde (2012), ‘*Eltern.leben.Vielfalt*’, multi-language project folder available at: www.famak.at/wordpress/wp-content/uploads/2012/01/KF_Fld_ElternLebenVielfalt_072012_v01.pdf, accessed on 17 March 2015.

³³³ Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, pp. 324-326.

³³⁴ Austria, Expert Council for Integration (2013), *Integration Report, Integration issues in focus*, Wien, p. 12.

³³⁵ Austria, Federal Law on special provisions concerning minority education in Burgenland (*Bundesgesetz über besondere Bestimmungen betreffend das Minderheitenschulwesen im Burgenland – Minderheiten-Schulgesetz für das Burgenland*) BGBl. No. 641/1994 last amended by BGBl. I No. 48/2014.

³³⁶ Austria, Federal Law on special provisions concerning minority education in Carinthia (*Bundesgesetz über besondere Bestimmungen betreffend das Minderheitenschulwesen in Kärnten – Minderheiten-Schulgesetz für Kärnten*), BGBl. No. 246/1959, last amended by BGBl. I No. 35/2009.

	manuals and books?	<i>(Freigegenstand)</i> and optional education (<i>unverbindliche Übung</i>). ³³⁷ Didactics on mother tongue training in secondary school are oriented on didactics in German. ³³⁸
	Is there evidence of school segregation and/or policies of separate/distinct schooling of migrants?	Yes, there is no free choice of schools in Austrian public compulsory education system. The provision of compulsory education is organised via school districts. Municipalities are obligated to provide and maintain compulsory education. ³³⁹ Students get assigned compulsory schooling according to their place of residence (<i>Schulsprengelpflicht</i>) ³⁴⁰ . Exceptions are the City of Linz, private schools and exceptions are possible for children with special educational needs. Therefore, schooling segregation is an effect of housing segregation. ³⁴¹ Policies and political discourses focus on supporting so called "social flashpoint schools" with funds and money rather than on measures to combat school segregation. ³⁴² On the local level, some small-scale projects exist to counteract school segregation. An example from the City of Graz is the "Flying Classroom", a project in which primary school classes of "migrant schools" exchange location with "non-migrant schools" for one day. ³⁴³
	Is there evidence of modifying school curricula and teaching materials can be modified to reflect the diversity of the school population? Is the teacher regular curricula/training dealing with specific reference to immigrants or ethnic minorities	The curriculums in elementary schools, regular secondary schools, academic secondary schools and vocational secondary schools foresee intercultural learning. ³⁴⁴ The curriculum of elementary schools foresees additional German lectures for students with non German mother tongue. The curriculum of history, social studies and civic education in secondary schools foresees the integration of migrant issues (see section below) and aims at supporting students in identity building in a pluralistic society. ³⁴⁵ The Austrian Centre for Citizenship Education in Schools Polis (<i>Politik lernen in der Schule</i>) offers teaching materials on the issue migration aiming at facilitating discussion on the issue in a realistic way. These materials include among others conceptual clarifications, proposals on how to implement these issues in education, and various tips and suggestions to

³³⁷ Austria, Federal Ministry for Education and Women (*Bundesministerium für Bildung und Frauen*) (2002), 'Muttersprachlicher Unterricht. Bildungs- und Lehraufgabe', Curriculum of Mother tongue Education in Primary School, available at: www.bmbf.gv.at/schulen/unterricht/lp/VS9T_Muttersp_3937.pdf?4dzgm2, accessed on 17 March 2015.

³³⁸ Austria, Federal Ministry for Education and Women (*Bundesministerium für Bildung und Frauen*) (2002), 'Muttersprachlicher Unterricht. Bildungs- und Lehraufgabe', Curriculum of Mother tongue Education in Primary School, available at: www.bmbf.gv.at/schulen/unterricht/lp/hs36_900.pdf?4dzgm2, accessed on 17 March 2015.

³³⁹ Austria, Federal Law regarding the principles for establishing, maintaining and abandoning public compulsory schools (*Bundesgesetz vom 13. Juli 1955, betreffend die Grundsätze für die Errichtung, Erhaltung und Auflassung der öffentlichen Pflichtschulen – Pflichtschulerhaltungs-Grundsatzgesetz*) BGBl. No. 163/1955.

³⁴⁰ Austria, Styrian Law on maintaining compulsory schools (*Steiermärkisches Pflichtschulerhaltungsgesetz 2004*), LGBl. No. 71/2004 last amended by LGBl. No. 66/2013 as exemplary case, similar legal provisions exist for all Provinces.

³⁴¹ Bildungsforschung, Innovation und Entwicklung des österreichischen Schulwesens, BIFIE (2012), *Education Report 2012*, Wien, p. 36.

³⁴² Die Presse (2014), 'Wiener ÖVP will mehr Geld für Brennpunktschulen', 2 July 2014. See also: Die Presse (2014), 'Jeder sechste Volksschüler in Problemschule', 6 May 2015. See also: Der Standard (2012), 'Migranten an Volksschulen extrem ungleich verteilt' 19 December 2012.

³⁴³ Austrian Broadcasting Corporation, Regional Studio Styria (2014), 'Fliegende Klassenzimmer für bessere Integration', 7 March 2014.

³⁴⁴ Austria, Federal Ministry for Education and Women (*Bundesministerium für Bildung und Frauen*), Curriculum for Elementary school, general education goal (*Lehrplan der Volksschule, Allgemeines Bildungsziel*) BGBl. II No. 368/2005.

³⁴⁵ Austria, Federal Ministry for Education and Women (*Bundesministerium für Bildung und Frauen*), Curriculum for history, social studies and civic education in secondary school, lower cycle (*Lehrplan für Geschichte und Sozialkunde/politische Bildung in allgemeinbildenden höheren Schulen, Unterstufe*), available at: www.bmbf.gv.at/schulen/unterricht/lp/ahs11_786.pdf?4dzgm2, accessed on 17 March 2015.

<p>and respect/promotion of diversity?</p> <p>Are all students – not only of migrant background – targeted and/involved by civic education and activities related to migrant integration at schools?</p>		<p>motivate teachers to give the issue “migration” space in education. Additionally, an analysis on the depiction of migration(s) in school books is provided.³⁴⁶</p> <p>The curriculum of civic education and history in secondary schools foresees “intercultural learning” as education principle. Additionally, issues linked with the “life world” and the experiences of students, such as migration need to be taken up by teachers in these subjects.³⁴⁷</p> <p>Projects dealing with migration and integration in the area civic education target both students with and without migratory background. An example is the Lower Austrian Project “Politics listen” (<i>Politik hört zu</i>). In the frame of this project, students discuss issues as “School”, “Europe and National socialism” and “Migration and Integration” in the venue of the Provincial Government. Students prepare statements, deliberations and questions to the members of the provincial government. Such questions are e.g. “How works integration according to your opinion?” Members of the provincial government listen to these contributions and a political scientist analyses the discussions. 200 students from 9 schools in Lower Austria participated in this project.³⁴⁸</p> <p>The services of the Austrian Centre for Citizenship Education in Schools (<i>Politik lernen in der Schule</i>) target all students; they have no specific target group.³⁴⁹</p>
<p>The implementation of specific measures and initiatives aiming at (the following possible practices on the left is an indicative and non-exhaustive list):</p>		
	<p>Please use the following as indicative list of possible practices to report on:</p> <p>Improving the way civic and citizenship education reflect diversity in society through curricular and extracurricular activities. Are there specific</p>	<p>Language learning support services are available to migrant students or students of migrant background in all nine Austrian Provinces. The objective is supporting them in learning German and providing information that is relevant for their daily life in Austria.³⁵⁰ Furthermore, there are services available to promote learning for students. These services include homework support, repetition of teaching content and partly individual learning support.³⁵¹</p> <p>Practices facilitating equal opportunities in education for children with migrant background exist in the frame of projects. An example is the project PROMISE – Promotion of Migrants in Science Education.³⁵² Promise is a comprehensive promotion of science careers of migrant girls in the form of direct promotion of girls and indirect promotion through training of teachers, development of</p>

³⁴⁶ Austria, Centre for Citizenship Education in Schools Polis (2013), *Flucht und Migration*, Wien.

³⁴⁷ Austria, Federal Ministry for Education and Women (*Bundesministerium für Bildung und Frauen*) (2005), Curriculum for history, social Studies and civic education in Secondary school (*Lehrplan für Geschichte und Sozialkunde/politische Bildung in Hauptschulen*), available at: www.bmbf.gv.at/schulen/unterricht/lp/gsk_pb_hs_879.pdf?4dzgm2, accessed on 17 March 2015.

³⁴⁸ Die Presse (2011), ‘Politik hört zu. Schüler fordern mehr Mitbestimmung’, 28 February 2011. See also the project report at the homepage of the Provincial Government of Lower Austria, at: www.noe-landtag.at/der-landtag/politik-hoert-zu/politik-hoert-zu-2015, accessed on 17 March 2015.

³⁴⁹ Information received from the Executive Secretary of the Austrian Centre for Citizenship Education in Schools on 11 March 2015.

³⁵⁰ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 121.

³⁵¹ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 121.

³⁵² <http://www.promise.at/cms/index.php?id=555>

programmes helping young people to learn how to live in a society with people from different cultures and religions?	teaching methods and the cooperation with education authorities. An important element of promise is the cooperation with universities as training institutions for scientists and teachers and a human rights institute. A special focus is put on social-scientific aspect and on a gender-aspect of the promotion of careers. The established structures for the cooperations remained in place after the project ended.
Improving the way formal curriculum subjects, e.g. literature, history, etc. promote mutual understanding, respect for ethnic and religious diversity and the common democratic and pluralist values?	Also practices facilitating the involvement, participation and support of parents with migrant background in the educational system and in the school activities are not carried out systematically, but rather decentralised on the basis of small-scale projects (see section above). The Provincial government of Vorarlberg foresees in cooperation with the municipalities the implementation of collaborative activities between families with and families without migratory background. Additionally it provides counselling services for parents (with and without migratory background) in educational issues (<i>Erziehungsfragen</i>). ³⁵³ Teacher Training Colleges offer training on "intercultural competence" to teachers, participation is voluntary. ³⁵⁴
Facilitating equal opportunities in education for children with migrant background?	The EU project "stop drop-out" under participation of Austria aims at reducing the drop-out rate of students (with and without migratory background) in vocational schools. ³⁵⁵ The Integration Report suggests an extension of compulsory schooling to the age of 18 in order to combat drop-out rates of students with a migratory background and migrant students. ³⁵⁶ Additionally in 2013 more severe sanctions have been implemented for parents, whose children infringe compulsory education. ³⁵⁷
Facilitating the involvement, participation and support of parents with migrant background in the educational system and in the school activities?	
Providing language learning support to students of migrant background?	
Improving attendance and reducing drop-out	

³⁵³ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 155.

³⁵⁴ Austria, Teacher Training College Upper Austria (2013), 'Training on Intercultural Competence', available at: www.ph-ooe.at/fort-weiterbildung/lehrgangsangebote-2013/interkulturelle-kompetenz.html

³⁵⁵ Project stop-dropout, Project website available at: www.stop-dropout.at/index.php?id=2, accessed on 18 March 2015.

³⁵⁶ Austria, Expert Council for Integration (2013), *Integration Report, Integration issues in focus*, p. 7, 17

³⁵⁷ Austria, Federal Law amending the Law on compulsory education 1985 and the Law on education documentation (*Bundesgesetz, mit dem das Schulpflichtgesetz 1985 und das Bildungsdokumentationsgesetz geändert werden*), BGBl I No. 77/2013.

of students with migrant background?	
Improving school and teachers' capacity to embrace, build on and/or manage diversity?	
In particular, please specify if there are promising practices, including affirmative action / positive action practices designed to tackle structural inequalities	
Other...	

3.8. Drivers, barriers for the implementation, monitoring and assessment of legislation & policy measures

<p>Previous paragraphs indicated in detail aspects about the actual implementation of participation policies, normative framework and measures. In this section briefly summarize the most important drivers, positive factors and the barriers, resistance or negative factors that have been identified regarding the design, implementation, monitoring and assessment of policy measures</p>	<p>An important driver of the implementation of integration measures is a <u>positive integration climate</u>. Only if the population understands the necessity, the implementation of integration policies, such as the upgrading of pre-school education, the planned law for recognition of qualifications acquired abroad and others, is possible according to the Chairman of the Expert Council for Integration.³⁵⁸ Additionally, the creation of a <u>State Secretariat (Integrationsstaatssekretariat)</u>, responsible for promoting integration projects and the appointment of <u>Sebastian Kurz</u> as State Secretary, who is perceived as extremely dynamic spokesperson for a proactive integration policy, contributed decisively to the change of the integration climate in Austria.³⁵⁹</p> <p>The implementation of policies to integrate migrants into the labour market and to recognise their qualifications from abroad is driven by the <u>lack of skilled employees</u>. There is room for improvement on how Austria makes use of its human resources. This led to the establishment of the "Recognition Network", which is coordinated by the Austrian Integration Fund (ÖIF) and the Federal Ministry of Europe, Integration and External Affairs (BMEIA). By the formation of a centralised office, namely the ENIC NARIC, and a proprietary website of the ÖIF (www.berufsanerkennung.at), the recognition of academic qualifications was improved. Additionally an enactment of a recognition law is planned.³⁶⁰</p>
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³⁵⁸ Austria, Expert Council for Integration (2013), *Integration Report, Integration issues in focus*, p. 3.

³⁵⁹ Austria, Expert Council for Integration (2013), *Integration Report, Integration issues in focus*, p. 9.

³⁶⁰ Austria, Expert Council for Integration (2013), *Integration Report, Integration issues in focus*, pp. 11., 14

	<p>and normative framework for the political and social participation of migrants and their descendants. Please base the analysis on governmental and non-governmental reports, as well as research and studies.</p>	<p>The independent <u>Expert Council for Integration</u> was set up in 2011 and presented a 20-point programme on the implementation of the NAP.I. The Expert Council is in charge of providing instructions on the implementation of the <u>NAP.I</u> and of monitoring implementation. The Expert Council states that many of its suggestions in former <u>Integration Reports</u> have been integrated into the government programme of 2014. The Expert Council will keep under review the implementation of all projects in a critical way.³⁶¹ Thus, this council and its reports can be perceived as positive factors regarding the design, implementation and monitoring of policy measures.</p> <p>Barriers in this regard derive from the <u>responsibility of different institutions</u> (not only but also due to the federalist system) <u>for policies</u> regarding the political and social participation of migrants and their descendants. E.g. regarding the recognition of qualifications acquired abroad, different institutions (the Federal Ministry of Education and Women and its different departments, the Federal Ministry of Science, Research and Economics) are responsible for different sub-areas of a comprehensive process.³⁶²</p> <p>A main barrier for the implementation of policies/normative framework to provide non-Austrian citizens with the right to vote is a missing political will. The Constitutional Court found unconstitutional the Aliens' Voting Act (Ausländerwahlrecht) of Vienna in 2004.³⁶³ There was no initiative of the National Parliament to amend the constitution in order to enable regional legislators to introduce voting rights for TCN since.</p> <p>Another barrier for the design, implementation, monitoring and assessment of participation policies, normative framework and measures – in the sense of evidence-based policy making – is the <u>absence of official data and surveys</u> on the participation of migrants and even more on their descendants. Secondary analysis for Austria in the course of this project indicated severe data gaps regarding the political rights and the representation of the descendants of migrants at the national/regional/local level. Regarding the participation of migrants and their descendants in trade-unions and professional associations, a lack of official data needs to be identified, while surveys exist. The same is valid for their participation in social, cultural and public life. When it comes to their election as representatives of professional organisations, not even surveys exist. A major data gap also exists on diversity in the public sector. With the only exception of the Viennese Integration Monitor in the frame of which data on the participation of migrants and their descendants in the public sector is collected, no information can be provided. Official bodies repeatedly justify the lack of data that a migratory background does not matter.</p>
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³⁶¹ Austria, Expert Council for Integration (2013), *Integration Report, Integration issues in focus*, p. 16.

³⁶² Austria, Expert Council for Integration (2013), *Integration Report, Integration issues in focus*, p. 23.

³⁶³ Verfassungsgerichtshof 30.06.2004 G 218/03.

3.9. Use of funding instruments (EIF, ERF, EMIF)

	<p>Please provide briefly information and documented insights about the allocation and distribution of funds aimed at supporting political and social participation, and active citizenship measures for migrants and/or their descendants.</p>	<p>The EIF funds measures aimed at supporting integration into the community and funds measures, which foster the integration of migrants into the community of municipalities on site. Additionally the EIF funds intercultural dialogues, since it is perceived that dialogues between migrants and the hosting society foster social cohesion. Regarding funding it is perceived that language skills foster integration and participation. Thus, a funding programme of the EIF is called "Integration and language". Also the EFF funds language acquisition measures. No funds in the field of active citizenship.³⁶⁴</p>
<p>In particular provide a breakdown of funding for the relevant actions and measures by area (political participation, social participation and membership, indicating the source of funding (EIF, ERF, national, regional, other funding source) by using the Annex 5</p>		

3.10. Key legal and policy developments, and relevant case law

	<p>In this section, please provide information about developments regarding the above legal and policy instruments concerning participation (political, consultation, membership and association, active citizenship and civic education), including any new legislative or policy initiatives in</p>	<p><u>Political participation:</u> 23 May 2011 enactment of the Federal Law on the Amendment of Migration Laws³⁶⁵ including an Integration Agreement (IA). 30. November 2011: Promulgation of the Annulment of § 20 (2) of Nationality Act 1985. In its decision the Constitutional Court found a provision unjustified through which the authorities can withdraw their preliminary decision on naturalisation if even only one of the criteria for naturalisation is no longer met (Art. 20 Para 2 Austrian Nationality Act: VfGH G154/10). As a result: 12 January 2013: Entry into force of the Federal Law on the Civil Status of Persons.³⁶⁶ 1. August 2013 Federal Law amending the Nationality Act 1985³⁶⁷ citizenship acquisition possible after six years of continuous legal residence in Austria for well integrated persons (see section 3.1.1).</p>
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³⁶⁴ Information received from a member of the Federal Ministry of the Interior, who is in charge with the administration of EFF funds on 12 March 2015 and information received from a member of the Federal Ministry of Europe, Integration and Foreign affairs, who is in charge with the administration of EIF funds on 12 March 2015. For further information see also Annex 5.

³⁶⁵ Austria, Federal Law on the Amendment of Migration Laws (*Bundesgesetz, mit dem das Niederlassungs- und Aufenthaltsgesetz, das Fremdenpolizeigesetz 2005, das Asylgesetz 2005, das Grundversorgungsgesetz - Bund 2005 und das Staatsbürgerschaftsgesetz 1985 geändert werden, Fremdenrechtsänderungsgesetz 2011 - FrÄG 2011*).

³⁶⁶ Austria, Federal Law on the Civil Status of Persons (*Bundesgesetz, mit dem das Bundesgesetz über die Regelung des Personenstandswesens (Personenstandsgesetz 2013 – PStG 2013) erlassen sowie das Staatsbürgerschaftsgesetz 1985, das Meldegesetz 1991 und das Namensänderungsgesetz geändert werden und das Personenstandsgesetz aufgehoben wird*) available at: www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2013_I_16/BGBLA_2013_I_16.pdf

³⁶⁷ Austria, Federal Law amending the Nationality Act (*136. Bundesgesetz mit dem das Staatsbürgerschaftsgesetz 1985 geändert wird*), available at: www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2013_I_136/BGBLA_2013_I_136.pdf

	<p>the framework of migrant integration in the country. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or administrative cases, that have had or may have an impact on the implementation of legal and policy instruments and on the actual situation on the ground, including public debates and perceptions among the native population and migrants. (Use template in Annex 9).</p>	<p>1. January 2014 Entry into force of the Annulment of a part of § 7 (1) and of § 7 (3) of Nationality Act 1985 on the exclusion of children born out of wedlock to Austrian fathers from obtaining citizenship <i>iure sanguinis</i> (see Decision No. G 66/12-7).³⁶⁸</p> <p><u>Consultation:</u> 1995: Implementation of a Migrant Council by normative regulation in Graz 1996: Implementation of a Migrant Council by normative regulation in Linz 1999 The provincial government of Styria obligates municipalities with more than 1,000 migrant inhabitants to establish migrants' consultative bodies by law.³⁶⁹</p> <p><u>Membership and Association:</u> 2009: Amendment of the Labour Constitution Act (<i>Arbeitsverfassungsgesetz</i>): the right to stand as a candidate in workers associations and trade unions is independent from citizenship (§53).³⁷⁰ 2012: Amendment of Fire Brigade Acts in the Provinces of Styria and Carinthia: volunteer work at the fire brigade is no open to third country nationals (the other provinces either had no such restrictions or have already abolished them).</p> <p><u>Active citizenship and civic education:</u> No developments directly addressing migrants known for the reference period.</p> <p><u>Policy developments:</u>³⁷¹ 2010: Enactment of the National Action Plan for Integration (NAP.I) 2010: Setting up the Expert Council for Integration by the Federal Ministry of the Interior (BM.I) 2010: Initiation of a permanent integration monitoring 2011: Creation of a separate Integration Department and setting up a State Secretariat for Integration 2014: Transfer of the integration policy agendas from the BM.I to the Federal Ministry of Foreign Affairs. Agendas of migration, asylum, refugees and period of residence remain at the BM.I</p>
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³⁶⁸ Kundmachung des Bundeskanzlers über die Aufhebung des Wortes „Eheliche“ in § 7 Abs. 1 des Staatsbürgerschaftsgesetzes 1985 sowie des § 7 Abs. 3 des Staatsbürgerschaftsgesetzes 1985 durch den Verfassungsgerichtshof, available at: www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2013_I_29/BGBLA_2013_I_29.pdf

³⁶⁹ Austria, Styrian Municipal Code, LGBl. No. 1/1999 (*Gesetz vom 14. Juni 1967, mit dem für die Gemeinden des Landes Steiermark mit Ausnahme der Städte mit eigenem Statut eine Gemeindeordnung erlassen wird, Steiermärkische Gemeindeordnung 1967 – GemO*)

(Anm.: Titel in der Fassung LGBl. Nr. 1/1999), available at:

<http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmk&Gesetzesnummer=20000218>

³⁷⁰ Austria, Labour Constitution Act (*Bundesgesetz vom 14. Dezember 1973 betreffend die Arbeitsverfassung – Arbeitsverfassungsgesetz - ArbVG*) last amended by BGBl. I Nr. 71/2013.

³⁷¹ Austria, Expert Council for Integration, Integration Report, Integration issues in focus, pp. 8-10.

4.Social cohesion and community relations

4.1.Social cohesion policies

	<p>Does the national integration legal and policy framework refer to social/community cohesion? Is there a clear definition of social/community cohesion? Please report it here – in original language and in full English translation.</p>	<p>The National Action Plan Integration refers two times to social cohesion. Firstly in the preamble, where it says: "Integration is a two-way process that is characterised by mutual appreciation and respect, whereby clear rules ensure social cohesion and social peace. [...] An integrated society characterised by social mobility and openness. It enables every individual person to live his/her life individually without being discriminated because of origin, language or skin colour. (<i>Integration ist ein wechselseitiger Prozess, der von gegenseitiger Wertschätzung und Respekt geprägt ist, wobei klare Regeln den gesellschaftlichen Zusammenhalt und den sozialen Frieden sichern. [...] Eine integrierte Gesellschaft ist durch soziale Durchlässigkeit und Offenheit geprägt. Sie ermöglicht dem/r Einzelnen, sein/ihr Leben eigenverantwortlich zu gestalten, ohne wegen seiner/ihrer Herkunft, Sprache oder Hautfarbe diskriminiert zu werden.</i>).³⁷²</p> <p>Additionally, the National Action Plan defines a sustainable protection of social cohesion as overall goal.³⁷³</p> <p>An objective is "Information about and communication of rules support the dialogue. The prerequisite of a good social coexistence and social coherence need to be developed, taking into account different cultural and religious areas". (<i>Information und Vermittlung von Regeln fördern den Dialog. Voraussetzungen für gutes Zusammenleben und gesellschaftlichen Zusammenhalt sollen unter Einbeziehung verschiedener kultureller und religiöser Bereiche erarbeitet werden.</i>).³⁷⁴</p> <p>The national legal framework on citizenship acquisition was amended in 2013 and it now refers explicitly to integration and thus implicitly to social cohesion: Very well integrated persons can be naturalized earlier (after six years of continuous legal residence in Austria, rather than ten) if they can proof at least three years of volunteer work in a Non-Profit organization or if they are employed in the social and healthcare sector or if they take over a function in a representative organization of particular relevance for the common wealth, such as in a Workers Council or a spokesperson in a parents association.³⁷⁵</p>
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³⁷² Austria, Federal Ministry of Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2013), *Nationaler Aktionsplan Integration – Bericht*, Vienna, p. 2

³⁷³ Austria, Federal Ministry of Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2013), *Nationaler Aktionsplan Integration – Bericht*, Vienna, p. 3.

³⁷⁴ Austria, Federal Ministry of Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2013), *Nationaler Aktionsplan Integration – Bericht*, Vienna, p. 35

³⁷⁵ Austria, Federal Law amending the Nationality Act (*136. Bundesgesetz mit dem das Staatsbürgerschaftsgesetz 1985 geändert wird*), BGBl I 136/2013. available at:

www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2013_I_136/BGBLA_2013_I_136.pdf

	<p>Are there any specific measures in place to strengthen social cohesion? Please refer to promising practices and examples of challenges. Use the template for promising practices in Annex 7 highlighting the most important and/or successful.</p>	<p>In the course of the National Action Plan Integration, a nationwide overview of measures to strengthen integration of migrants and their descendants is published.³⁷⁶ This overview of measures hardly includes specific measures to strengthen social cohesion. The majority of measures outlined here rather aim at supporting migrants and their descendants in order to strengthen their integration. The Austrian NGO ZARA – <i>Zivilcourage und Anti-Rassismus-Arbeit</i> criticizes the deficit-oriented approach of the National Action Plan on Integration. The process of integration is not perceived as task of the whole society, but rather as task of migrants.³⁷⁷</p> <p>However, a promising practice is the initiative for a good coexistence including the action „You for Vienna – Vienna for you – be involved (<i>Du für Wien – Wien für Dich – Sei dabei!</i>)”, initiated and coordinated by the Viennese Municipal Department Diversity and Integration. The teams of the regional offices of Municipal Department 17 - Integration and Diversity (MA 17) provide the people in the districts with information and raise awareness on the topic of integration. They initiate festivals and events, and develop platforms to promote dialogue and communication in the neighbourhoods.³⁷⁸</p> <p>The Municipality Schwertberg in Upper Austria has implemented a study circle “Integration in the Municipality” (<i>Studienzirkel Integration in der Gemeinde</i>). Participants of this study circle inform each other about the background of issues as social exclusion and integration in the community and develop concrete measures. The focus of work lies on working with children and families, issues deal with information about different cultures and religions (particularly Islam) and argumentation training against prejudices. All persons, who are interested in integration and wish to participate in municipality activities, belong to the target group.³⁷⁹</p> <p>Additionally, measures at the fire brigade aiming at strengthening the participation of migrants and their descendants in their organization are pointed out. It is perceived that the integration of migrants and their descendants in such organizations strengthens social cohesion³⁸⁰ (see also section 3.6). However, the participation rates of migrants remains low (see section 3.6), thus the participation of migrants in the fire brigade and other civil</p>
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³⁷⁶ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf.

³⁷⁷ ZARA Civil Courage and Anti-Racism-Work (2010), *Nationaler Aktionsplan für Integration: Finanzierung der Maßnahmen gegen Rassismus völlig unklar*, Vienna, ZARA, available at: www.zara.or.at/index.php/archiv/3171, accessed on 18 March 2015.

³⁷⁸ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, pp. 186-189.

³⁷⁹ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 256

³⁸⁰ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 115-116.

		<p>society organizations in the frame of formal volunteer work is a challenge.</p> <p>Additionally, in 2014 an umbrella organization of different associations (migrant associations, youth welfare associations, Muslim associations and scientists) has been founded. It is called "Network Social Coherence" (<i>Netzwerk Sozialer Zusammenhalt</i>). The aim is strengthening social coherence and preventing and combating political radicalization (Jihadism) among juveniles.³⁸¹</p>
<p>Are there indicators used by authorities to assess, monitor and support social cohesion policies? E.g. social distance, social interaction, intergroup relations, etc. Please provide available relevant data, figures and findings, if any, and present them briefly in the relevant table of the Annex (4).</p>		
	<p>Please outline available research, studies, and surveys about the sense of belonging and identification of migrants and/or their descendants with diverse types of local, regional and national identities. Please summarise briefly key findings and any differentiations by nationality or ethnic origin, gender, age and geographic area.</p>	<p>The Austrian Integration Fund (<i>Österreichischer Integrationsfonds</i>) commissions and carries out surveys on this issue. Findings of a survey among migrants and Austrians (n=1,000 age 16 and over) show that 69% of migrants perceive Austria as their home country, 8% the country of origin (their own or their parents/grandparents' country of origin) and 10% perceive both – Austria and the country of origin as their home country. The sense of belonging to Austria among migrants improved: in 2010 52% of migrants perceived Austria as their home country, in 2014 almost 70%. Comparably more migrants from the Former Yugoslavia (76%) perceive Austria as their home country than migrants from Turkey (58%). Young men perceive Austria less frequently as their home country than elder men and women.³⁸²</p>
	<p>Please indicate legal measures and case law affecting social cohesion and community relations, for example the banning of specific religious or ethnic dress,</p>	<p>§1 of the recently amended Islam Law (<i>Islamgesetz</i>) defines Muslim associations in Austria as body under public law (<i>Körperschaft öffentlichen Rechts</i>).³⁸⁴ The Islam Law includes some legal provisions affecting community relations. §11 foresees the right to pastoral care in public institutions like the Austrian armed forces, prisons, hospitals and residential care. Pastoral care is financed by the Federal Government.³⁸⁵ According to §12, Muslim communities have the right to organise the production of meat products and other food according to their religious provisions. According to §12 (2) the catering in public institutions, like hospitals, prisons, the Austrian armed forces has to take care of the religious</p>

³⁸¹ Network Social Cohesion (*Netzwerk sozialer Zusammenhalt*), website available at: <http://derad.at/>, accessed on 18 March 2015.

³⁸² Austria, Statistics Austria (2014), *migration und integration. Zahlen.daten.indikatoren*, Vienna 2014.

³⁸⁴ Austria, Federal Law amending the law on the recognition of the followers of the Islam as religious community – Islam Law, Draft (*Bundesgesetz, mit dem das Gesetz betreffend die Anerkennung der Anhänger des Islam als Religionsgesellschaft geändert wird – IslamG-Nov 2014*).

³⁸⁵ Austria, Federal Law amending the law on the recognition of the followers of the Islam as religious community – Islam Law, Draft (*Bundesgesetz, mit dem das Gesetz betreffend die Anerkennung der Anhänger des Islam als Religionsgesellschaft geändert wird – IslamG-Nov 2014*).

	such as the 'burqa' ³⁸³ .	provisions for members of the Islam religious community. §13 foresee the protection of Islamic holidays by the Federal Government, but they remain working days. §15 of the Islam Law implements Islamic-theological studies at the Viennese University and §16 implements Islamic crematories. ³⁸⁶
	<p>Does the action plan or strategy on integration and inclusion of migrants and their descendants address combating racism, xenophobia and intolerance?</p> <p>Are there specific integration/inclusion actions related to racism and intolerance for education and/or for young people? If yes, how are such actions linked to general integration and/or social inclusion and/or cohesion policy? Please provide information on implementation and impact of such plans and refer to any</p>	<p>The action plan addresses combating racism, xenophobia and intolerance as a component of Austrian integration policy.³⁸⁷ Under the section "principles" it says that schools should act as motor of an intercultural dialogue against racism and discrimination.³⁸⁸ Under the section "goals", the action plan points out the need for anti-racist awareness raising and empowerment for democratic participation in schools. In the frame of projects, schools should initiate measures to combat prejudices, racism, discrimination and xenophobia as well as the related intolerance.³⁸⁹</p> <p>The project "Fair Play. Many colours – one match" (<i>Fair Play. Viele Farben – ein Spiel</i>) aims at awareness raising on discrimination and racism in sports (football). The target group consists of football fans, the football community (clubs, trainer, player, representatives and referees) and juveniles with a migratory background. The measure started in 1997 in the frame of the "EU year against racism", initiated by the Vienna Institute for International Dialogue and Cooperation (VIDC). It is an Austrian initiative that – in cooperation with associations, clubs, players and fans – uses the integrative potential of football and sport to fight discrimination in football and sport.³⁹⁰³⁹¹ Since its founding, the measure has developed continuously and it now operates like an Anti-Racism Organisation.³⁹²</p>

³⁸³ Cfr. The notable ECHR case European Court of Human Rights (ECtHR), *S.A.S. v. France*, No. 43835/11, 1 July 2014, available at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{"itemid":\["001-145466"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{)

³⁸⁶ Austria, Federal Law amending the law on the recognition of the followers of the Islam as religious community – Islam Law, Draft (*Bundesgesetz, mit dem das Gesetz betreffend die Anerkennung der Anhänger des Islam als Religionsgesellschaft geändert wird*) § 12.

³⁸⁷ Austria, Federal Ministry of Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2013), *Nationaler Aktionsplan Integration – Bericht*, Wien, pp. 9 and 18.

³⁸⁸ Austria, Federal Ministry of Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2013), *Nationaler Aktionsplan Integration – Bericht*, Wien, p. 34

³⁸⁹ Austria, Federal Ministry of Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2013), *Nationaler Aktionsplan Integration – Bericht*, Wien, p. 18.

³⁹⁰ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 52

³⁹¹ Vienna Institute for International Dialogue and Cooperation (VIDC), Project FairPlay, available at: <http://fairplay.vidc.org/en/about-us/>, accessed on 17 March 2015.

³⁹² Vienna Institute for International Dialogue and Cooperation (VIDC), Project FairPlay, areas of work, available at: <http://fairplay.vidc.org/arbeitsbereiche/>, accessed on 17 March 2015.

	assessment of their impact?	
	<p>Please provide information about state and non-state responses via positive measures, campaigns, partnerships involving migrants and communities. Please provide information only about those actions that focus on migrants and on <u>prevention</u> and promotion of peaceful living together and integration as mutual accommodation combatting racism and intolerance. Please outline any assessment about their impact and identify any relevant promising practice. (Use the template for promising practices in Annex 7).</p>	<p>There are nationwide measures, campaigns, chartas in place on the local level, promoting a peaceful living together and integration as mutual accommodation combatting racism and intolerance. These measures are mostly called "Living together in [City]"³⁹³ or "Living together in Diversity".³⁹⁴</p> <p>These measures usually start with discussions and the development of principles and strategies for the co-existence of persons with different cultures and origins. Building on this, an assessment of the status-quo in the city/municipality is usually carried out. Then a steering group together with a pool of interested persons develops a measure catalogue and related projects. The steering group usually consists of Municipal employees (Austrian citizens), while the pool of interested persons consists of representatives of migrant associations, religious associations/churches, the economy, education institutions, healthcare institutions, engaged private persons and representatives of the municipality and public authorities. Sometimes, an external process support is also involved. Results and projects are usually intercultural events, youth projects, measures in schools (language development, and integration support), sports facilities for children and juveniles. Reporting about these measures is usually carried out on an annual basis.³⁹⁵</p> <p>The city of Freistadt has implemented the project "coloured playground" (<i>Bunter Spielplatz</i>), aiming at strengthening the contacts and developing friendships among children with and without migratory background and their parents. The target group consists of children with migratory background and native children and in the long run their families. Once a week, 2 play therapists are present at the local playground and animate children to play with each other through the initiation of parlour games and teamwork games. Additionally, the municipality funds and supports single measures, such as intercultural events, networking in the field of integration through funding and the provision of building yard and venues for events. This project started in 2009 and it still exists.³⁹⁶³⁹⁷</p>

³⁹³ Austria, City of Hallein, Project Living together in Hallein (*Zusammenleben in Hallein*), available at: www.hallein.gv.at/lebenslagen/zusammenleben_in_hallein, accessed on 18 March 2015.

³⁹⁴ Austria, Provincial Government of Styria (2011), *Charta des Zusammenlebens in Vielfalt in der Steiermark*, Graz, available at: www.zusammenhalten.steiermark.at/cms/dokumente/11562700_103650128/6aa9c633/Charta_Unterlagen_22062011_Web_.pdf.

³⁹⁵ See i.e. Austria, Provincial Government of Vorarlberg (2010), Project *ok-zusammenleben*, website, available at: www.okay-line.at/deutsch/home/, accessed on 18 March 2014.

³⁹⁶ Regional Total (2013), 'Bunter Spielplatz eröffnet', 30 April 2013.

³⁹⁷ Austria, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*) (2012), *Nationaler Aktionsplan Integration – Maßnahmen*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/NAP_Massnahmenkatalog.pdf, p. 248

4.2. Combatting racism and intolerance

	<p>Are there any policy measures, initiatives and practices to accommodate for ethnic or religious differences, for example in regard to sharing public space, such as swimming pools at local level?</p> <p>Identify any promising practices encouraging social interaction and contacts of people of different backgrounds at local level (use the template for promising practices in annex 7).</p>	<p>Wearing the swimming suit burqini is allowed in Viennese baths since 2009. A local newspaper article reports that the burqini is difficult to access in Vienna (only via internet and it is quite expensive, more than 100 Euro) and wearing a burqini does not prevent from seeing others dressed in a Non-Muslim way. Therefore, the option to wear a burqini is barely used by Moslem women.³⁹⁸ Baths in Vienna³⁹⁹ and Linz⁴⁰⁰ offer women only access and swimming courses for women two or three times a month. This option is used frequently by Moslem women.⁴⁰¹</p>
	<p>Please indicate concrete measures, initiatives or programmes targeting migrants and/or descendants aiming at building trust in public institutions, especially at local level. E.g. campaigns,</p>	<p>The Austrian Integration Fund (<i>Oesterreichischer Integrationsfonds</i>) has implemented integration centres (<i>Integrationszentren</i>) for all Austrian Provinces. Integration centres provide information and counselling on issues of migration and integration. Their target groups are migrants, asylum seekers, Austrians with a migratory background and the overall Austrian population. Apart from counselling and informing, these centres also carry out projects to foster integration, they collaborate with migrant organisations, they inform the general population on migrant and integration issues and they support the implementation of the National Action Plan Integration.⁴⁰²</p> <p>The programme Start Wien (Start Vienna) offers start coaching by the Municipal Department 17 - Integration and Diversity (MA 17) for all new inhabitants of Vienna. The target group</p>

³⁹⁸ Wiener Zeitung (2010), 'Burkini in Wiener Bädern eine Rarität', 21 July 2010.

³⁹⁹ Die Kinderfreunde (2015) Information about swimming for girls and women only, available at: www.kinderfreunde.at/Bundeslaender/Wien/Unser-Angebot/Freizeit-Spiel-Spass/Maedchen-und-Frauenschwimmen, accessed on 18 March 2015.

⁴⁰⁰ Austria, City of Linz, Office for Women (*Frauenbüro der Stadt Linz*) (2015), Information about swimming for girls and women only, available at: www.linz.at/frauen/72495.asp, accessed on 18 March 2015.

⁴⁰¹ Newspaper of the Viennese District Mariahilf (*Mein Bezirk 06 Mariahilf*), 'Schwimmen auch für Muslima' available at: www.meinbezirk.at/wien-06-mariahilf/chronik/schwimmen-auch-fuer-muslima-d39712.html, accessed on 29 April 2015.

⁴⁰² Austria, Austrian Integration Funds (2015), Integration Centres in all Austrian Provinces, available at: www.integrationsfonds.at/integrationszentren/die_integrationszentren_des_oeif/, accessed on 18 March 2015.

<p>opening doors and reaching out to citizens, social centres, informal collective bodies, cultural events etc.</p> <p>Please provide notable examples of promising practice (use the template for promising practices in annex 7).</p>	<p>receives their 'confirmation of registration (<i>Anmeldebescheinigung</i>) as EU citizens or their 'residence card (<i>Aufenthaltskarte</i>) as third-country nationals and family members of EU citizens. Employees of MA 17 speak different languages and assist migrants in their first time in Vienna. Immigrants receive education booklets, information events, counselling services. The education booklet contains vouchers from the City of Vienna for German Integration Courses. On the Start Wien website, information is available in many languages.⁴⁰³</p>
<p>Are there any specific ethical or other guidelines or rules concerning the language used by media or journalists, when writing about migrants and/or their descendants? In this case please provide briefly information about actual application of such rules and challenges.</p>	<p>The Austrian Press Council (<i>Presserat</i>) has a code of ethics, including fundamental principles such as protection against discrimination, general denigration or decrying religious teachings. Specific ethical or other guidelines concerning the language used when writing about migrants and or their descendants are not yet in place. The expert board for integration has suggested the implementation of a code of conduct in 2011 but this did not happen yet. Regarding criminal reporting, the expert board particularly suggests that information on the origin of the perpetrator is only eligible in case of a causal connection between origin and offence.⁴⁰⁴ The Expert Council for Integration (<i>Expertenrat für Integration</i>), the Federal Ministry for Europe, Integration and External Affairs (<i>Bundesministerium für Europa, Integration und Äußeres, BMEIA</i>) and the Austrian Integration Fund (<i>Österreichischer Integrationsfonds</i>) offer a Prize for Journalism on Integration (<i>Journalistenpreis Integration</i>). This prize awards journalists, who deal with integration issues in an objective, innovative and creative mode and so contribute to the objectification of the debate to integration and migration. This prize is one of the best-endowed prizes in the Austrian media landscape with in total € 10,500 (three prizes, € 3,500 each for the categories print/online, television and radio).⁴⁰⁵ Another initiative to foster the objectification of the debate to issues of integration and migration is the integration glossary (<i>Integrationsglossar</i>). It was first published in 2012 and written by the former State Secretariat for Integration (<i>Staatssekretariat für Integration</i>) in cooperation with the Media-Service-Centre New Austrians (<i>Medien-Service-Stelle Neue Österreicher/innen</i>). The glossary explains the most important and often negative connoted terms in connection with integration in a neutral and objective way. The target</p>

⁴⁰³ Austria, Viennese Government, Municipal Department 11 – Integration and Diversity (*Magistratsabteilung 11 – Integration und Diversität*) (2015), *Start Wien*, available at: www.startwien.at/, accessed on 18 March 2015.

⁴⁰⁴ Austria, Expert Board for Integration (Expertenrat für Integration), *Integration Report*, Vienna 2013, available at: www.integrationsfonds.at/de/news/aktuelle_news/integrationsbericht_2013/

⁴⁰⁵ Austria, Austrian Integration Funds (2014), *Fact Sheet 07 – Integration in der Medienwelt*, Wien, available at: www.integrationsfonds.at/fileadmin/Integrationsfond/Fact_Sheets/1409_Fact_Sheet_Integration_in_der_Medienwelt.pdf.

group of this glossary is journalists, it aims at supporting their work.⁴⁰⁶

4.3.Mixed marriages

	<p>Mixed marriages is often used as an index for social distance and integration or, even, assimilation. Mixed (citizenship) marriages are defined as those where one of the spouses has foreign citizenship and the other has national citizenship (including registered partnerships, common-law marriages). Please indicate legal limitations, if any, for marriages between nationals and foreigners, e.g. for asylum seekers, third country nationals, etc. Do these</p>	<p>Requirements for a marriage between a national and a third country national are: documents⁴⁰⁷ need to be provided in original and translated into German by an Austrian sworn interpreter (<i>gerichtlich beeidigte Dolmetscher</i>). Furthermore, an attestation clause (<i>Beglaubigungsvermerk</i>) can be required for the recognition of documents. In case the foreign partner does not speak German, an interpreter is required when registering the intention to marry.⁴⁰⁸ Additional documents can be required by registrars.</p> <p>The following barriers derive from the legal requirements for receiving 5 years residence-permit family member (concerns spouses and registered partners):</p> <ul style="list-style-type: none"> • According to §§21 and 22 of the Settlement and Residence Act, third country nationals need to apply for the residence permit in the Austrian embassy of the country of origin.⁴⁰⁹ Exceptions are foreigners legally residing in Austria and according to §§58-69 Settlement and Residence Act. These persons may apply in Austria.⁴¹⁰ This is perceived as a practical barrier because of the costs of travelling and staying abroad. Additionally application in the country of origin in practice often takes a lot of time and external child-care is needed, because the Austrian partner needs to earn the required income (see below).⁴¹¹ • The Austrian spouse has to prove an income of at least € 1,307.89 in 2015, which increases in case of debt, high rents, children in the household, etc.; social transfer income is not accepted. This is a practical barrier for marriages between foreign spouses and Austrian women with children or other Austrian spouses with a low income. EU citizens have to prove lower earnings.⁴¹² • The Austrian spouse has to provide a declaration of liability (<i>Haftungserklärung</i>), which encompasses all costs for health-care insurance, living, social welfare and costs in connection with the enforcement of a residence prohibition,
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⁴⁰⁶ Austria, Medienservicestelle Neue Österreicher/innen (2012), *Integrationsglossar*, Wien, Federal Ministry for Europe, Integration and Foreign Affairs (*Bundesministerium für Europa, Integration und Äußeres*), available at: http://medienservicestelle.at/migration_bewegt/wp-content/uploads/2012/10/INTEGRATIONSGLOSSAR.pdf.

⁴⁰⁷ Such as certificate of birth, passport/certificate of citizenship, certificate of birth and citizenship of children, acknowledgement of paternity, certificate of no impediment not older than 6 months, proof that there is no kinship between the two partners.

⁴⁰⁸ Austria, Federal Government, online information on marriage for foreign citizens, available at: www.help.gv.at/Portal.Node/hlpd/public/content/142/Seite.1420000.html, accessed on 18 March 2015.

⁴⁰⁹ Austria, Settlement and Residence Act (*Niederlassungs- und Aufenthaltsgesetz – NAG*), BGBl. I No. 100/2005 last amended by BGBl. I No. 68/2013.

⁴¹⁰ Austria, Settlement and Residence Act (*Niederlassungs- und Aufenthaltsgesetz – NAG*), BGBl. I No. 100/2005 last amended by BGBl. I No. 68/2013. See also:

Austria, Federal Government, online information on migration for foreigners, available at: www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung-rot-weiss-rot-karte/familienzusammenfuehrung.html.

⁴¹¹ Austria, Association FIBEL – Women’s initiative bi-cultural marriages and partnerships (*Verein FIBEL – Fraueninitiative bikulturelle Ehen und Lebensgemeinschaften*).

⁴¹² Austria, Association FIBEL – Women’s initiative bi-cultural marriages and partnerships (*Verein FIBEL – Fraueninitiative bikulturelle Ehen und Lebensgemeinschaften*).

limitations result in practical barriers?	deportation or detention. This declaration of liability cannot be withdrawn and it is valid for five years. ⁴¹³
Are there any official or non-official data and information on mixed marriages (between nationals and people with another citizenship)? Please provide % proportions on the total number of marriages in a given period, as well as data – where available – about ages, country of origin/birth of migrant spouses.	<p>In 2010: in 76.5% of marriages both spouses were Austrians, in 18.3% one partner had another citizenship and in 5.2% both partners had another citizenship. 628 registered partnerships of Austrians, 45 between an Austrian and an EU/EER/CH citizen, 32 between an Austrian and a third country national or a person with unknown origin.</p> <p>In 2011: in 75.5% of marriages both spouses were Austrians, in 18.9% one partner had another citizenship and in 5.7% both partners had another citizenship. 373 registered partnerships of Austrians, 37 between an Austrian and an EU/EER/CH citizen, 23 between an Austrian and a third country national or a person with unknown origin.</p> <p>In 2012: in 76.9% of marriages spouses were Austrians, in 17.7% one partner had another citizenship and in 5.5% both partners had another citizenship. 337 registered partnerships of Austrians, 32 between an Austrian and an EU/EER/CH citizen, 17 between an Austrian and a third country national or a person with unknown origin.</p> <p>In 2013: in 75.1% of marriages both spouses were Austrians, in 18.6% one partner had another citizenship and in 6.3% both partners had another citizenship. 320 registered partnerships of Austrians, 34 between an Austrian and an EU/EER/CH citizen, 14 between an Austrian and a third country national or a person with unknown origin.⁴¹⁴</p> <p>In more than a half of all mixed marriages the migrant spouse is an EU citizen (53%), from those marriages between an Austrian and a German spouse are by far most frequent (23%) compared to marriages between an Austrian and an a Turkish spouse (7%). In 10% of all marriages in 2013 both partners are foreign citizens.⁴¹⁵</p> <p>In 2014: data on mixed marriages will be available on 20 May 2015.⁴¹⁶ 342 registered partnerships of Austrians, 46 between an Austrian and an EU/EER/CH citizen, 14 between an Austrian and a third country national or a person with unknown origin.⁴¹⁷</p>

⁴¹³ Austria, Federal Government (2015), online information on declaration of liability, available at: www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120230.html, accessed on 18 March 2015.

⁴¹⁴ Austria, Statistics Austria (2014), *Eheschließungen*, tables of mixed marriages, available at: www.statistik.at/web_de/statistiken/bevoelkerung/eheschliessungen/index.html, accessed on 18 March 2015.

⁴¹⁵ Austria, Statistics Austria (2014), *Migration & Integration – Zahlen, Daten, Indikatoren*, Wien, Federal Ministry of Europe Integration and Foreign Affairs.

⁴¹⁶ Austria, Statistics Austria (2015), publication calendar: www.statistik.at/web_de/ueber_uns/veroeffentlichungskalender/index.html, accessed on 18 March 2015.

⁴¹⁷ Austria, Statistics Austria (2014), *Eheschließungen*, tables of mixed marriages, available at: http://www.statistik.at/web_de/statistiken/bevoelkerung/eheschliessungen/index.html, accessed on 18 March 2015.

Annex 2: National and regional level action plans on integration

National / regional level <i>(specify region)</i>	Year of the first edition and Year of latest update (e.g. First edition: 2004, Most recent update: 2011)	Responsible ministry – public authority – reference details (URL – links)	Target groups identify migrant and refugee groups as beneficiaries (e.g. on the basis of their residence status)	Main aims, actions and activities foreseen in the focus areas – link to fundamental rights [provide both key dimensions and specific actions and aims of the policy instruments in each focus area (use a different row for each focus area if needed)]	Targeting general population? Yes/No – explanatory comments where needed	Insert here definition of integration (in EN) if any. Alternative: Indicate the core aim/objective of the NAP related to social inclusion and/or integration of migrants
National Action Plan Integration	2010 Latest update: 2014	Federal Ministry for Europe, Integration and Foreign Affairs (<i>Bundesministerium für Europa, Integration und Äußeres</i>) http://www.bmeia.gv.at/integration/ .	population as such, foreign citizens, permanently staying in Austria, Austrian citizens born abroad and persons with a migration background, living in Austria and holding Austrian citizenship	<p>The expert council issued a 20 point program of priority measures regarding the action plan on integration. In the NAP there are several different focus areas, being:</p> <ul style="list-style-type: none"> - language and education <p>German prior to moving to Austria is one goal, A1 as a prerequisite is already legally foreseen. Furthermore language classes for already settled persons were named a goal, offered near to the place of residence.⁴¹⁸ Furthermore strengthening the participation in the education system was named a priority. In the action plan a clear reference is made to</p>	YES	Integration is a mutual process, based on mutual appreciation and respect, whereby clear rules secure the societal cohesion and social peace. Successful integration is there, when there is sufficient knowledge of the German language for working life, for further education as well as the contact with public institutions and

⁴¹⁸ Austria, Expert Council for Integration (2011), *Integrationsbericht, Vorschläge des Expertenrats*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Expertenrat/Vorschlaege_Langfassung.pdf, p. 14.

				<p>human rights, the school education has to foster a democracy obliged to human rights.⁴¹⁹</p> <ul style="list-style-type: none"> - employment and work <p>The validation of qualifications is mentioned as one of the core issues, furthermore the post-qualification to secure a formal completion of education. Also measures to foster employment of migrants are listed.</p> <ul style="list-style-type: none"> - constitutional state and values <p>In this focus area a respect of democracy, human rights, human dignity and equality of men and women are named as basis for integration.⁴²⁰ One of the first measures mentioned was the establishment of a so-called "Rot-Weiß-Rot Fibel" presenting the basic legal norms of the Austrian legal order.⁴²¹ Furthermore interest to acquire Austrian citizenship shall be fostered.</p> <ul style="list-style-type: none"> - health and social issues <p>one of the planned measures is to foster the health awareness of health-wise disadvantaged groups.⁴²² Furthermore foster the diversity awareness within the health system.</p> <ul style="list-style-type: none"> - intercultural dialogue 		<p>economic independence is present as well as the respect for the basic Austrian and European legal- and value order on which the constitutional state is based (Integration ist ein wechselseitiger Prozess, der von gegenseitiger Wertschätzung und Respekt geprägt ist, wobei klare Regeln den gesellschaftlichen Zusammenhalt und den sozialen Frieden sichern. Erfolgreiche Integration liegt vor, wenn jedenfalls ausreichende Kenntnisse der deutschen Sprache für das Arbeitsleben, für die Aus- und Weiterbildung sowie für den Kontakt zu öffentlichen Einrichtungen vorhanden sind, die wirtschaftliche Selbsterhaltungsfähigkeit gegeben ist sowie die Anerkennung und</p>
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⁴¹⁹ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p.18.

⁴²⁰ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 25.

⁴²¹ Austria, Zentrum für Angewandte Spieleforschung, Donau Universität Krems, available at: www.unsere-werte.at.

⁴²² Austria (2011), *Integrationsbericht, Vorschläge des Expertenrats*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Expertenrat/Vorschlaege_Langfassung.pdf, pp. 29 seq.

				<p>A Forum.Islam was listed as a measure, being a platform for institutionalised exchange with the Muslim population and for the initiation of dialogue. Furthermore a pool of role-models of a successful life of migrants in Austria should be established. Also a glossary and self-commitment of the media was proposed, as well as a media price and subsidies for young journalists with migrant background.</p> <ul style="list-style-type: none"> - sports and leisure time <p>In the area of sports spare time at the place of schooling should be developed, to open up infrastructures at schools for a larger group of persons. Also fostering education should be a part of the federal subsidies in the area of sports (<i>Bundessportförderung</i>).⁴²³</p> <ul style="list-style-type: none"> - housing and regional dimensions of integration <p>Improving the settlement-management in the area of housing is listed as one measure within this focus area. Also integration-fostering housing administration, meaning more training for housing administrations and their staff. Furthermore the integration-competence at the communal level</p>		<p>Einhaltung der dem Rechtsstaat zugrundeliegenden österreichischen und europäischen Rechts- und Werteordnung vorliegen.).⁴²⁴</p> <p>According to the NAP integration "is an individual as well as societal process, which is to be established through self-dependent engagement as well as through official basic conditions".⁴²⁵ Furthermore integration is "the task and responsibility of each individual. Only if all persons show readiness, integration can be successful".⁴²⁶</p>
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⁴²³ Austria (2011), *Integrationsbericht, Vorschläge des Expertenrats*, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Expertenrat/Vorschlaege_Langfassung.pdf, pp. 40 seq.

⁴²⁴ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p. 2.

⁴²⁵ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p.3.

⁴²⁶ Austria, Europe, Integration, Foreign Affairs, Federal Ministry, *Nationaler Aktionsplan Integration*, available at: www.bmeia.gv.at/en/integration/national-action-plan/, p.8.

				should be fostered, by developing concepts, checklists etc for communal politics.		
Wiener Charta ⁴²⁷ (regional)	2012	Regional government https://charta.wien.gv.at/site/die-wiener-charta-2/	The entire population as such. To lay down basic rules of action and conduct.	The thematic areas mentioned in this charter are "living together", laying down rules for conduct in everyday life and conduct in public transport and traffic. Furthermore "not always the same", about different lifestyles and cultures, different languages and young and old persons living together. And finally "cleaned up feeling good" (<i>aufgeräumt wohlfühlen</i>) about a clean city and public space as a space for all.	Yes	None
Charta des Zusammenlebens in Vielfalt (regional, Styria)	2011	Regional Government (<i>Landtag</i>), http://www.zusammenhalten.steiermark.at/cms/dokumente/11562700_103650128/6aa9c633/Charta_Unterlagen_22062011_Web_.pdf	The entire population.	The charter entails strategic goals regarding <ul style="list-style-type: none"> - taking responsibility and considering diversity in all societal areas - enable equal chances - counter discrimination visibly - Styria is the home of all persons living here - Foster societal coherence together - regions, cities and municipalities together foster the living together of all 	yes	Integration is a cross-cutting issue, which has to be taken up in all policy- and administrative areas. Responsibility for a future-oriented conduct with diversity lies with the responsible persons for the respective area of action (<i>Integration ist eine Querschnittsmaterie, die in allen Politik- und Verwaltungsbereichen als Aufgabe wahrzunehmen ist. Die Verantwortung für einen zukunftsorientierten Umgang mit Vielfalt</i>)

⁴²⁷ Please note that this Charta as well as the Styrian Charter are not action plans in the narrower sense, but declarations on living together in these provinces. They are presented here to present an overview of the situation in Austria as of today.

				- the Styrian public administration shall be a role model for professional conduct with diversity.		<i>liegt dabei bei den Verantwortlichen für das jeweilige Handlungsfeld).</i> ⁴²⁸
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⁴²⁸ Austria, Steiermark (2011), *Charta des Zusammenlebens in Vielfalt*, available at: www.zusammenhalten.steiermark.at/cms/dokumente/11562700_103650128/6aa9c633/Charta_Unterlagen_22062011_Web_.pdf, p.10.

Annex 4: Indicators monitoring migrant integration - social inclusion/cohesion

N.	Indicator	Definition	Legal frame / policy target	Data source	Periodicity	Reference / Comments
1	Pre-school child care quota by age and citizenship (<i>Vorschulische Betreuungsquoten nach Alter und Staatsangehörigkeit</i>)	Pre-school child care quota by age and citizenship and country of birth.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>), Kindergarten Statistics, Central Register of Residents	Annually	Thematic Area: Language and education, national
2	Proportion of children with special language needs by colloquial language and kindergarten attendance among all pre-school children (<i>Kinder mit Förderbedarf im sprachlichen Bereich nach Umgangssprache und Kindergartenbesuch</i>)	Children with needs for language training are those who do not have age-adequate knowledge of the German language.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: Language and education, national
3	Pupils by school type and citizenship (<i>Schüler/-innen nach Schultyp und Staatsangehörigkeit</i>)	Overview of pupils according to school type and citizenship.	National Action Plan on Integration	Statistics Austria, School Statistics (<i>Statistik Austria</i>)	Annually	Thematic Area: Language and education, national

4	Foreign regular students at public universities (<i>Ausländische ordentliche Studierende an öffentlichen Universitäten</i>)	The share of foreign regular students at public universities in Austria.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: Language and education, national
5	Education level of persons between 25 and 64 by migration background (<i>Bildungsstandard der 25-bis 64 jährigen Bevölkerung nach Migrationshintergrund</i>)	Level of education of persons with migrant background between the ages of 25 to 64.	National Action Plan on Integration	Statistics Austria, Education Register (<i>Statistik Austria</i>)	Annually	Thematic Area: Language and education, national
6	Quota of early school-leavers after 8 th grade by colloquial language and school type (<i>Schulabbrecher nach der 8. Stufe nach Umgangssprache und Schultyp</i>)	Quota of early school leavers, percentage of non-German speaking pupils within those leaving school early.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: Language and education, national
7	Employment rate by age, gender and migration background (<i>Erwerbstätigenquote nach Alter, Geschlecht und Migrationshintergrund</i>)	Share of persons with migrant background regarding unemployment in comparison to other persons without migrant background.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: work and employment, national
8	Self-employment rate by gender and migration background (<i>Selbständigenquote nach Geschlecht und Migrationshintergrund</i>)	Share of persons with migrant background regarding self-employment in comparison to those persons with no migrant background.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: work and employment, national

9	Unemployment rate by citizenship and education (<i>Arbeitslosenquote nach Staatsangehörigkeit und Ausbildung</i>)	Share of persons with migrant background in comparison to those with no migrant background.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: work and employment, national
10	Employed persons by citizenship and highest level of completed education (<i>Erwerbstätige nach Staatsangehörigkeit und höchster abgeschlossener Ausbildung</i>)	Share of persons with migrant background in comparison to those with no migrant background.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: work and employment, national
11	Long-term unemployment by citizenship (<i>Langzeitarbeitslosigkeit nach Staatsangehörigkeit</i>)	Share of long-term unemployed persons with migrant background in comparison to those with no migrant background.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: work and employment, national
12	Youth-unemployment by citizenship (<i>Jugendarbeitslosigkeit nach Staatsangehörigkeit</i>)	Share of unemployed youth with migrant background compared to those of youth with no migrant background.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: work and employment, national
13	Netto annual income (median) of all-year round not self-employed persons (without apprentices) according to citizenship (<i>Netto-Jahreseinkommen (Median) der ganzjährig unselbständig</i>)	Netto annual income of persons with migrant background compared to the Austrian median income.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: social and health, national

	<i>Erwerbstätigen (ohne Lehrlinge) nach Staatsangehörigkeit)</i>					
14	Risk of poverty and manifested poverty by citizenship <i>(Armutgefährdung und manifeste Armut nach Staatsangehörigkeit)</i>	Share of foreigners who are at risk of poverty compared to share of Austrian citizens.	National Action Plan on Integration	Statistics Austria <i>(Statistik Austria)</i>	Annually	Thematic Area: social and health, national
15	Life expectancy at birth and at the age of 65 by gender and country of birth <i>(Lebenserwartung bei der Geburt und im Alter von 65 Jahren nach Geschlecht und Geburtsland)</i>	Life expectancy of persons born abroad compared to those born in Austria.	National Action Plan on Integration	Statistics Austria <i>(Statistik Austria)</i>	Annually	Thematic Area: social and health, national
16	Use of preventive health-care measures (like vaccinations, screening and preventive care) by gender and citizenship <i>(Inanspruchnahme von Gesundheitsvorsorgeleistungen (Impfungen, Früherkennungs- und Vorsorgeuntersuchungen) nach Geschlecht und Staatsangehörigkeit)</i>	Share of persons with migrant background or foreign nationality that use preventive health-care measures compared to the share of Austrian citizens, who use these services.	National Action Plan on Integration	Statistics Austria <i>(Statistik Austria)</i>	Annually	Thematic Area: social and health, national
17	Crime rate quota by age and citizenship <i>(Kriminalitätsbelastungsquote nach Alter und Staatsangehörigkeit)</i>	Share of foreign nationals being suspects, imprisoned or convicted among all foreign nationals compared to the share of Austrian nationals being suspects,	National Action Plan on Integration	Statistics Austria <i>(Statistik Austria)</i>	Annually	Thematic Area: security, national

		imprisoned or convicted among all Austrians.				
18	Victim quota according to citizenship (all crimes) (<i>Opferbelastungsquote nach Staatsangehörigkeit (Straftaten insgesamt)</i>)	Share of foreign nationals being victims among all foreign nationals compared to the share of Austrian nationals being victims among all Austrians.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: security, national
19	Living space per capita according to migration background of the household reference person (<i>Wohnfläche pro Kopf nach Migrationshintergrund der Haushaltsreferenzperson</i>)	Living space per capita of persons with migrant background compared to those with no migrant background.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic area: housing and systemic context, national
20	Burdens of costs of living according to citizenship (<i>Wohnkostenbelastung nach Staatsangehörigkeit</i>)	Burdens of cost of living of foreigners compared to that of Austrian nationals.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic area: housing and systemic context, national
21	Legal relation of housing according to migration background of the household reference person (<i>Rechtsverhältnis der Wohnung nach Migrationshintergrund der Haushaltsreferenzperson</i>)	Share of ownership of living space of immigrants compared to that of Austrian nationals.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic area: housing and systemic context, national

22	Population in municipalities with a quota of migrants of more than 25% according to country of birth (<i>Bevölkerung in Gemeinden mit einem Zuwandereranteil von mehr als 25% nach Geburtsland</i>)	Places of living of immigrants, areas with high percentage of immigrants living there.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic area: housing and systemic context, national
23	Marriages between persons born in Austria and abroad according to country of birth of the spouses (<i>Eheschließungen zwischen in Österreich und im Ausland geborenen Personen nach Geburtsland der Ehepartner</i>)	Share of percentage of marriages of foreigners and Austrian nationals.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: identification, national
24	Naturalization in percentage of persons with a minimum of 10 years stay in Austria according to citizenship so far (<i>Einbürgerungen in Prozent der Personen mit mindestens zehnjährigem Aufenthalt in Österreich nach bisheriger Staatsangehörigkeit</i>)	Number of acquisitions of citizenship. Share of certain nations among these naturalisations.	National Action Plan on Integration	Statistics Austria (<i>Statistik Austria</i>)	Annually	Thematic Area: identification, national
25	Sample survey on the integration climate among the general	Assessment of integration climate among persons with and without migrant background. How is the	National Action Plan	Association for Consumer,	Annually	Thematic Area: subjective questions on integration climate, national

	<p>population and selected migrant groups <i>(Stichprobenerhebung zum Integrationsklima bei der Gesamtbevölkerung und bei ausgewählten Zuwanderungsgruppen)</i></p>	<p>integration climate perceived, has the situation improved or worsened within the last five years.</p>	<p>on Integration</p>	<p>Marketing and Sales Research (GfK) Austria <i>(Gesellschaft für Konsum-, Markt- und Absatzforschung (GfK) Austria)</i></p>		
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Annex 5: Use of funding instruments

Table 1 - European Integration Fund (EIF)⁴²⁹

	European Integration Fund (EIF) - TOTAL	Own funds	Funds distribution / Thematic areas							
			Participation	Social Cohesion / social inclusion	Active citizenship	Welcoming society	Employment	Education	Healthcare	Other
2010	€ 1.558.860,02	€ 962.871,75	€ 686.336,01	€ 413.555,38	<i>Please find explanation to blank columns in the submission template chapter 2.1.5. "Funding integration policies (EIF, ERF, EMIF)"</i>	€ 427.861,86		€ 993.978,52		
2011	€ 1.558.873,82	€1.288.370,03	€ 224.095,00	€ 775.550,00		€ 490.997,49		€ 881.761,21		
2012	€ 1.806.021,87	€ 1.355.075,85	€ 931.732,88	€ 600.874,41		€ 465.647,01		€ 1.162.825,77		
2013	€ 2.434.615,87	€ 1.401.826,90	€ 1.077.496,64	€ 683.900,00		€ 535.950,00		€ 1.559.096,00		
2014	€ 3.035.804,17	€ 1.268.800,00	€ 1.061.410,00	€ 795.524,17		€ 436.570,00		€1.275.037,75		

* Please indicate if Asylum, Migration and Integration Fund is used for 2014

⁴²⁹ Information received by the Federal Ministry for Europe, Integration, Foreign Affairs, Department VIII/3 (*Bundesministerium für Europa, Integration und Äußeres, Abteilung VIII/3*) on 12 March 2015.

Table 2 - European Refugee Fund (ERF) aiming at integration of beneficiaries of international protection⁴³⁰

	European Refugee Fund (ERF) - TOTAL	Own funds (national)	Funds distribution / Thematic areas							
			Participation	Social Cohesion / social inclusion	Active citizenship	Welcoming society (host society targeted)	Employment	Education	Healthcare	Other
2010	€ 4.522.043,83	€ 4.952.872,38		€ 410.025,46	<i>Please find explanation to blank columns in the submission template chapter 2.1.5. "Funding integration policies (EIF, ERF, EMIF)"</i>		€ 4.280.399,56	€ 996.913,20	€ 1.920.682,79	€ 1.866.895,20
2011	€ 4.647.335,28	€ 4.604.769,53		€ 308.449,65			€ 4.107.105,32	€ 1.355.041,34	€ 1.586.446,27	€ 1.895.062,23
2012	€ 4.638.960,88	€ 4.587.593,52		€ 257.983,90		€ 4.345.469,09	€ 1.426.786,60	€ 1.369.983,11	€ 1.826.331,70	
2013	€ 4.331.448,96	€ 4.666.872,67		€ 206.000		€ 4.964.929,93	€ 562.900	€ 1.437.186,13	€ 1.827.305,57	
2014	€ 4.510.024,33	€ 4.601.214,31		€ 262.000		€ 4.914.957,16	€ 605.219	€ 1.550.734,75	€ 1.778.327,73	

* Please indicate if Asylum, Migration and Integration Fund is used for 2014

⁴³⁰ Information received by the Federal Ministry of the Interior, Department III/5/a (*Bundesministerium für Inneres, Referat III/5/a*) on 12 Mars 2015.

Annex 7: Promising practices

Thematic area	Social Cohesion
Title (original language)	Initiative für ein gutes Zusammenleben
Title (EN)	Initiative for a good coexistence
Organisation (original language)	Stadt Wien, Magistratsabteilung 17 Integration und Diversität
Organisation (EN)	City of Vienna, Municipal Department 17 Integration and Diversity
Government / Civil society	Municipal Government (Vienna)
Funding body	Stadt Wien, Magistratsabteilung 17 Integration und Diversität
Reference (incl. url, where available)	<p>City of Vienna, Municipal Government 17: www.wien.gv.at/english/social/integration/index.html</p> <p>Action: You for Vienna – Vienna for you – be involved (<i>Du für Wien – Wien für Dich – Sei dabei!</i>) www.seidabei-wien.at/</p>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Since 2009
Type of initiative	<p>The initiative for a good co-existence encompasses 5 concrete actions: 1. Be involved (<i>Sei dabei</i>): The Municipal Government supports various project ideas, which contribute to a better coexistence (intercultural pick nick, football matches, photo exhibitions, etc.) and which support the communication between new and native Viennese people. The best projects are awarded annually in the frame of a gala event. 2. Hotline and project office for “be involved”. This is a platform for an exchange of experiences, inspiring assistance and support for the implementation of projects. 3. German language courses for seniors – Young “German-masters” with migratory background go on recruiting tour. The aim is offering German language courses for migrants, who have been living in Vienna for a long time but did not benefit from integration measures so far. The announcement of these courses happens in close cooperation with migrant organizations. Furthermore, young migrants with good German skills will announce these courses in their communities. 4. Integration work on-site: The Municipal Department 17 – Integration and Diversity founded 5 regional offices to be present in the whole Viennese area. They promote good neighbourly relations in their districts and in the whole city. They are contact points for all questions, ideas and suggestions regarding</p>

	good relations in the neighbourhood and how to improve them. 5. Bassena – Talks in apartment complexes aims at intensifying intercultural and intergenerational talks in apartment complexes. The City Councillor carries out visits in apartment complexes and is available for any questions, fears and desires. She is also interested in learning more about coexistence in Vienna.
Main target group	Persons with and without migratory background in Vienna
Indicate level of implementation: Local/Regional/National	local
Brief description (max. 1000 chars)	The initiative mainly aims at creating a better understanding among all Viennese habitants independent from origin, promoting respect and a tolerant coexistence. Projects are not only funded, the project developers are also counselled and supported in the process of project implementation. The Municipal department itself also organizes projects and events, such as “intercultural public barbeque”. The teams of the regional offices advice and support the people on site. The teams of the regional offices speak the languages of most migrant groups; they know their clubs, associations, pubs and restaurants and so form a part of the networks in the neighbourhoods. The teams in the regional offices of the MA 17 reflect the diversity of the Viennese population and are experts of intercultural communication.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements of the actions named in the section “type of initiative” are transferable to urban areas.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	This practice is an ongoing initiative, it has no project end. We consider that collaborative work in the organisation of very local and neighbourhood specific projects and events strengthens social cohesion. Additionally, the municipal staff is located on-site to offer support and not only on demand. Thus, this is outreach work, which can be perceived as more sustainable than offering services only on demand.
Give reasons why you consider the practice as having concrete measurable impact	It is a low-threshold practice, which involves beneficiaries at all stages.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The local level of implementation makes the initiative transferable to other member States and settings, particularly in urban areas. In rural areas, municipalities could realise such projects themselves rather than funding and counselling others to developing and implementing. The issue of the practice – improving the co-existence in districts and apartment complexes, improving neighbourhood-relations – is perceived as relevant not only in Vienna, but also in other MS.

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The action "be involved" involves beneficiaries in the design, planning and evaluation of the practices, since they themselves initiate and implement the projects, but get support by the Municipal Department in all stages too. The Municipal Department consults stakeholders (migrant associations) and collaborates with them in announcing the German courses for seniors. Thereby stakeholders get involved.
Explain, if applicable, how the practice provides for review and assessment.	Project reports are available at the project-website. ⁴³¹

Thematic area	Social cohesion, participation, education/language
Title (original language)	„Mama lernt Deutsch“ - Kurse
Title (EN)	"Mum learns German" - courses
Organisation (original language)	Stadt Wien, Abteilung Integration und Diversität (MA 17), in enger Kooperation mit Schulen und Kindergärten.
Organisation (EN)	City of Vienna, Municipal Department 17 Integration and Diversity, in close cooperation with schools and kindergartens.
Government / Civil society	Municipal government (Vienna)
Funding body	Province of Vienna (<i>Land Wien</i>), Federal Ministry of Education and Women's Affairs (<i>Bundesministerium für Bildung und Frauen</i>) (before 2014: Federal Ministry for Education, Arts, and Culture (<i>Bundesministerium für Unterricht, Kunst und Kultur</i>))
Reference (incl. url, where available)	www.wien.gv.at/english/social/integration/learning-german/mum-lerns-german/ Folder: www.interface-wien.at/system/attachs/113/original/mama-lernt-deutsch-folder.pdf?1409650852
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Since 2006
Type of initiative	Basic German language course for mothers of pupils and kindergarten children

⁴³¹ Austria, www.seidabei-wien.at/Projekte.htm.

Main target group	Migrant mothers of children in compulsory schooling age/kindergarten age. The practice particularly targets educationally disadvantaged migrant women and/or those for whom it is difficult to attend regular language courses because of domestic responsibilities.
Indicate level of implementation: Local/Regional/National	Local/regional (the City of Vienna is also a federal state). The concept was also taken up by the City of Salzburg.
Brief description (max. 1000 chars)	<p>The German and basic skills education course "Mum learns German" take place in schools and kindergartens in Vienna during the school time of their children and they are free of charge. Mothers who attend the course get to know their child's teachers, the school environment and other parents. The course also includes excursions to Viennese authorities and institutions. It also includes a step-by-step literacy course for women who are not literate in the Latin alphabet. If required there is childcare free of charge during course hours for smaller children (siblings) who do not yet attend kindergarten or school.</p> <p>Course objectives: German language learning; improving communication with the child's school or kindergarten; learning to help the child how to learn</p> <p>Duration: 3 lessons twice a week; a total of 150 lessons; from October to June</p>
Highlight any element of the actions that is transferable (max. 500 chars)	Language courses for mothers in their child's school or kindergarten, during school hours, free of charge.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	7,000 women participated from 2006 to 2013. ⁴³² Courses are offered at 62 schools/kindergartens in 17 out of 23 districts of Vienna. ⁴³³ The course design proved successful in reaching the target group of women who are not in employment and/or are not used to school learning. Courses are offered during school hours, this makes it attractive to mothers usually taking or picking up their child at school.
Give reasons why you consider the practice as having concrete measurable impact	The courses were evaluated after the first year. ⁴³⁴ The evaluation identified as key factors for success: the low-threshold accessibility, the free of charge child care, and the course location (school/kindergarten of the participants' child). Courses did not only improve the participants' German skills but also contributed to the

⁴³² Austria, City of Vienna, MigAward 2013, Mama lernt Deutsch ist Projekt des Jahres, www.wien.gv.at/menschen/integration/deutsch-lernen/mama-lernt-deutsch/migaward.html.

⁴³³ Austria, City of Vienna, "Mum learns German" course locations, www.wien.gv.at/menschen/integration/pdf/mama-lernt-deutsch-kursstandorte.pdf.

⁴³⁴ Blaschitz, V., Doroschkar, N., de Cillia, R. (2007) "Jetzt merke ich, dass ich doch etwas kann." Evaluation und Dokumentation der Mama lernt Deutsch-Kursreihe der Stadt Wien im Schuljahr 2006/2007, Universität Wien, available on: www.wien.gv.at/menschen/integration/pdf/mama-lernt-deutsch-evaluation.pdf

	women's empowerment and initiated contact to the German speaking environment.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The approach to address mothers by offering language courses at the schools and kindergartens of their children can be transferred to other member states.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The courses follow a framework curriculum by the Municipal Department 17 Integration and Diversity of the City of Vienna. ⁴³⁵ Six course carriers (folk high schools (<i>Volkshochschulen</i>), associations) share between them the 23 districts of Vienna. ⁴³⁶ The schools and kindergartens provide for the infrastructure. The courses were evaluated after the first year by the Department of Linguistics of the University of Vienna.
Explain, if applicable, how the practice provides for review and assessment.	The Federal government and the federal states launched an Adult-Education-Initiative (<i>Länder-Bund-Initiative Erwachsenenbildung</i>) in 2012. The initiative aims at guaranteeing nationwide quality standards in adult education. It provides financial support for educational programs that are accredited under the initiative. Quality criteria concern course carriers, pedagogical concept and teachers' qualification. ⁴³⁷ "Mum learns German" is accredited. The Adult-Education-Initiative is evaluated periodically (first report 2012-2014 ⁴³⁸).

Thematic area	Trust in institutions, Welcoming culture
Title (original language)	Start Wien
Title (EN)	Start coaching Vienna
Organisation (original language)	Stadt Wien, Magistratsabteilung Integration and Diversity (MA 17), in Kooperation mit: Magistratsabteilung Einwanderung und Staatsbürgerschaft (MA 35), Wiener ArbeitnehmerInnen Förderungsfonds (waff), Beratungszentrum für Migrantinnen und Migranten, Arbeitsmarktservice (AMS), Wiener Arbeiterkammer (AK)

⁴³⁵ Austria, City of Vienna, "Mum learns German" curriculum, www.wien.gv.at/menschen/integration/pdf/mama-lernt-deutsch-curriculum.pdf.

⁴³⁶ Austria, City of Vienna, „Mum learns German“ course carriers, www.wien.gv.at/menschen/integration/pdf/mama-lernt-deutsch-kurstraeger.pdf.

⁴³⁷ Austria, Federal government (*Bund*) and the federal states (*Länder*), Adult-Education-Initiative (*Länder-Bund-Initiative Erwachsenenbildung*), www.initiative-erwachsenenbildung.at/.

⁴³⁸ Austria, Institute of Labour Market Supervision and Research Styria (*Institut für Arbeitsmarktbetreuung und -forschung Steiermark*) (2014) 'Evaluation der ersten Periode der Initiative Erwachsenenbildung', carried out on behalf of the nine federal states (*Länder*) and the Federal Ministry for Education and Women (*Bundesministeriums für Bildung und Frauen*), available at: https://www.initiative-erwachsenenbildung.at/fileadmin/docs/Evaluation_Abschlussbericht.pdf.

	Wien), Wirtschaftskammer Österreich (WKÖ), VHS Wien – Wiener Volkshochschulen
Organisation (EN)	<p>City of Vienna, Municipal Department 17 - Integration and Diversity (MA 17),</p> <p>in cooperation with: Municipal Department 35 – Immigration, Citizenship and Registry Offices (MA 35), Vienna Employment Promotion Fund, Recognition and continuing education counselling centre (competence centre) of the Counselling centre for migrants, Public Employment Service Austria, Vienna Chamber of Labour, Vienna Economic Chamber, Vienna Folk High Schools</p>
Government / Civil society	Local government – City of Vienna
Funding body	City of Vienna
Reference (incl. url, where available)	<p>www.startwien.at/cms/view/content/2?locale=en</p> <p>www.wien.gv.at/english/social/integration/start-wien/</p>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2008 - ongoing
Type of initiative	Providing new migrants in Vienna with a good start in their new hometown (start coaching, information lectures).
Main target group	All new inhabitants of Vienna who receive their first-time permission (<i>Erstniederlassungsbewilligung</i>) or a registration for the purpose of family member (<i>Familienangehörige/r</i>).
Indicate level of implementation: Local/Regional/National	Local/Regional (City of Vienna = Region of Vienna)
Brief description (max. 1000 chars)	<p>The “Start Wien” project forms part of the integration programme and welcome package of the City of Vienna. A core element is the Start coaching: The one-hour consultation can be held in 24 languages. It is usually held right after migrants receive their residence permit from Municipal Department 35 - Immigration, Citizenship, Registry Offices (MA 35). At the start coaching appointment migrants receive the Vienna education booklet (<i>Wiener Bildungspass</i>) that includes the Vienna language vouchers (<i>Wiener Sprachgutschein</i>) in the amount of 300 € (for migrants following family reunification with an Austrian citizen or with a third-country national) or 150 € (EEA (European Economic Area) nationals and third-country nationals who are family members of EEA nationals). “Start Wien” also includes lectures in several languages about the rules of living together as good neighbours, the structures of the Austrian education and public healthcare systems, the labour market and housing market in Vienna, and the Law on Residence and Settlement in Austria (for list of subjects see www.startwien.at/cms/view/content?p_id=6-module-subjects).</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>Mother-tongue consultation right after the migrant receives his/her residence permit at the immigration office.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Start Wien is a service offer for every migrant receiving his/her first residence title. The service has been institutionalized with no finishing date. The key factor of success is the mother tongue information and counselling. Most staff members are native speakers and have migration experience on their own, and can therefore better understand the needs of clients and promote intercultural understanding.⁴³⁹</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>To offer consultation at the office where the residence permit is issued is an effective approach to reach migrants and provide them with valuable information. Migrants are invited to ask questions, and get answers in a language they feel comfortable with. A city official reports that 80 - 90% of targeted persons are reached. She estimates that the service had a positive impact in reducing difficulties for newly arrived migrants in dealing with authorities, and helped migrants to accelerate search for schools/kindergartens and health services.⁴⁴⁰</p>
<p>Give reasons why you consider the practice as transferrable to other settings and/or Member States?</p>	<p>The practice to offer mother-tongue counselling for newly arrived migrants directly at the registration office is transferrable to all other member states. We consider it in particular transferrable to bigger cities, in which it is feasible to make multi-language consultation at the registration office constantly available.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Start Wien partners: www.startwien.at/pdf/partner_engl.pdf</p> <ul style="list-style-type: none"> - Municipal Department 17 – Integration and Diversity (MA 17): initiative and coordination - Municipal Department 35 – Immigration, Citizenship and Registry Offices (MA 35): customer service centre, information in residence law matters in several languages - Vienna Employment Promotion Fund: information for job seekers, career counselling for newly arrived migrants in Albanian, Arabic, Bosnian/Croatian/Serbian, Bulgarian, Chinese, German, English, Polish, Romanian, Russian and Turkish; information on further training measures and financial assistance for the training - Counselling centre for migrants, Recognition and continuing education counselling centre <p>(competence centre): career counselling, advice on training and further education, support during training and further education and with recognition procedures, in German, Bosnian/Croatian/Serbian,</p>

⁴³⁹ European Union, European Language Label (*Europäisches Spracheninnovationssiegel*) (2010), http://www.oesz.at/ESISNEU/include_esis.php?&open=770#770.

⁴⁴⁰ Information received from a representative of the City of Vienna on 26 September 2014 (in the course of an ETC research project)

	<p>Chinese, English, French, Polish, Portuguese, Russian, Slovakian, Spanish and Czech.</p> <ul style="list-style-type: none"> - Public Employment Service Austria: registration for jobseekers - Vienna Chamber of Labour: represents all gainfully employed persons and persons with freelance employment contracts; free advice and legal representation in labour law disputes; financial assistance for further training measures in the form of its education voucher - Vienna Economic Chamber: representation of entrepreneurs; consulting for start-ups, legal advice and advice on social insurance, support in creating networks, trainings - Vienna Folk High Schools; list of all course carriers for German language courses see: www.startwien.at/kurstraeger
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>An external evaluation was conducted in the first year of the programme (method: face-to-face interviews with 135 users in Turkish, Bosnian/Serbian/Croatian, Arabian and English and with 10 lecturers/counsellors). Results show that the majority of users are highly satisfied with the offer, and that the programme made users feel welcome in Vienna. Users consider the programme as helpful guidance, and subjects of modules as interesting. Users are highly satisfied with the staff at the start coaching and lecturers of the modules, concerning both expertise and customer friendliness (average 1.3-1.9 on a scale of 1 to 5 (1 being most satisfied)).⁴⁴¹ Start Wien was awarded the European Language Label (ELL) in 2010.</p>

⁴⁴¹ European Union, European Language Label (*Europäisches Spracheninnovationssiegel*) (2010), http://www.oesz.at/ESISNEU/include_esis.php?&open=770#770.

Annex 8: Discrimination complaints submitted to Equality Bodies

Table 3 – Numbers of discrimination cases on any ground submitted by third country nationals (TCNs) in 2014*

Number of cases (report the 10 Largest nationality group that submitted a complaint by the end of 2014)	Grounds								
	Racial or ethnic origin	Nationality (where applicable)	Race / skin colour	Religion / faith/ belief	Disability	Gender	Sexual orientation / gender identity	Age	Other
The Ombud for Equal Treatment does not document citizenship, ethnic affiliation or migrant background of its clients. Statistics are only available on the number of consultations classified by grounds of discrimination. ⁴⁴² Latest available data is for 2013. ⁴⁴³									
Consultations by the Ombud for Equal Treatment on Part II of the Equal Treatment Act (equal treatment irrespective of ethnicity, religion or belief, age, or sexual orientation in employment)	208	Not applicable	Not applicable	Religion: 88 Belief: 21	Not applicable (there is a separate law for discrimination on the ground of disability)	Not applicable (gender discrimination in employment is covered by Part I of the Equal Treatment Act)	30	159	

⁴⁴² Information received from the Ombud for Equal Treatment on 24 February 2015.

⁴⁴³ Austria, Ombud for Equal Treatment (*Gleichbehandlungsanwaltschaft*), Tätigkeitsbericht 2012/2013, available at: www.gleichbehandlungsanwaltschaft.at/site/7803/default.aspx.

Consultations by the Ombud for Equal Treatment on Part III of the Equal Treatment Act (equal treatment irrespective of ethnicity in other areas, and equal treatment between women and men in the area of goods and services)	207	Not applicable	Not applicable	Not applicable	Not applicable	129	Not applicable	Not applicable	
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* Provide data for 2013 if 2014 not available by March 2015

Table 4 - Outcome of discrimination cases on grounds of ethnic origin submitted by third country nationals*

Competent Body (e.g. Equality Body, Administrative court etc.)	Outcome						
	Pending from previous years	Pending – submitted in 2014	Established discrimination	Shift of the burden of proof applied	Successful mediation – restoring rights/fairness – sanctions applied	Unsuccessful mediation	Not admissible (formal admissibility / withdrawal reasons)
The Equal Treatment Commission does not document citizenship, ethnic affiliation or migrant background of its clients. Data is only available on the number of cases on the ground of ethnic discrimination. ⁴⁴⁴							
Equal Treatment Commission – Senate I (competent for equal treatment and equal opportunities for women and men in employment (Part I of the Equal Treatment Act) and multiple/intersectional discrimination)	7	No information available on the number of pending cases submitted in 2014	2013: 3 (0 rejected) 2014: 0 (2 rejected)	No information available	No information available	No information available	2013: 2 withdrawal 2014: 0

⁴⁴⁴ Information received from the Equal Treatment Commission's executive management, dept. IV/3 of the Austrian Federal Ministry of Education and Women's Affairs, on 23 February 2015.

		Submitted cases in 2013: 2 2014: 2					
Equal Treatment Commission – Senate II (competent for equal treatment irrespective of ethnicity, religion or belief, age, or sexual orientation in employment (Part II of the Equal Treatment Act))	25	No information available on the number of pending cases submitted in 2014 Submitted cases in 2013: 15 2014: 19	2013: 1 (6 rejected) 2014: 3 (9 rejected)	No information available	No information available	No information available	2013: 5 withdrawal/not competent 2014: 5 withdrawal/not competent
Equal Treatment Commission – Senate III (competent for equal treatment irrespective of ethnicity in other areas, and equal treatment between women and men in the area of goods and services (Part III of the Equal Treatment Act))	2	No information available on the number of pending cases submitted in 2014 Submitted cases in 2013: 9 2014: 5	2013: 4 (3 rejected) 2014: 1 (1 rejected)	No information available	No information available	No information available	2013: 2 withdrawal/not competent 2014: 3 withdrawal/not competent

* Provide data for 2013 if 2014 not available by March 2015

Annex 9: Case law – 5 leading cases

1 - Thematic area	Citizenship test
Decision date	27 February 2013
Reference details	Highest Administrative Court, 2010/01/0030 http://www.ris.bka.gv.at/JudikaturEntscheidung.wxe?Abfrage=Vwgh&Dokumentnummer=JWR_2010010030_20130227X01
Key facts of the case (max. 500 chars)	<p>The authority rejected the claim for granting of citizenship of a Bosnian citizen. The first instance stated, that the claimant stated that she could not fulfil module 2 of the integration agreement, as she suffers from severe impairment of the eyes and provided a certificate of the medical officer (<i>Amtsarzt</i>), which stated, that the claimant is at that point of time not able to participate in the German language classes. As this certificate only talks about “at that time” and “German classes” the authority asked for another certificate. This certificate stated that there are no hindrances, but the claimant will only be able to participate in a course for visually impaired persons. The institution offering German classes stated, that it does not offer courses for visually impaired persons and that the test for language level A2 cannot be taken by visually impaired persons as it comprises parts on reading, writing and hearing and even the part about hearing is only manageable with reading and writing skills.</p> <p>The first instance rejected the claim as no ongoing bad status of health was attested, which would allow the claimant to be excluded from having to fulfil the tests.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The first instance rejected the claim as no ongoing bad status of health was attested, which would allow the claimant to be excluded from having to fulfil the tests.</p> <p>The Highest Administrative Court stated that the appeal is justified, as the deciding body did not deal with the fact that according to § 10 a (5) 1 of the Citizenship Act (<i>Staatsbürgerschaftsgesetz</i>) the test has to be taken in writing, while the attest stated that the claimant’s ability to take the test other than in hearing and speaking was questioned.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Considering a person’s ability to take the language tests required for receiving Austrian citizenship.
Results (sanctions) and key	The decision by the former instances was lifted.

consequences or implications of the case (max. 500 chars)	
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p><i>Nach der von der Staatsbürgerschaftsbehörde ihrer Entscheidung betreffend die Ablehnung des Einbürgerungsantrages zugrunde gelegten amtsärztlichen Stellungnahme ist der Fremden aufgrund der stark reduzierten Sehkraft nur die Absolvierung eines Kurses für Sehbehinderte bzw. der Erwerb von Kenntnissen der deutschen Sprache "lediglich über Hören und Sprechen" möglich. Davon ausgehend käme die Erbringung eines Nachweises nach § 14 Abs. 5 Z. 2 NAG nur dann in Betracht, wenn sowohl entsprechende Kurse, die die in §§ 1 und 8 IV-V genannten Voraussetzungen erfüllen, angeboten würden, als auch in deren Rahmen die Absolvierung der erforderlichen Abschlussprüfung für Sehbehinderte bzw. "über Hören und Sprechen" möglich wäre. Feststellungen dahin, dass dies der Fall wäre, hat die Staatsbürgerschaftsbehörde nicht getroffen.⁴⁴⁵</i></p> <p>According to the medical officer's statement, on which the citizenship office based its decision to reject the citizenship application, due to her strongly reduced vision the foreigner is only capable to complete a course for visually impaired persons or to acquire knowledge in the German language "only by hearing and speaking". Consequently the proof according to § 14 Abs. 5 Z. 2 NAG can only be applied when both suitable courses, that fulfil the requirements of §§ 1 and 8 IV-V, would be offered and also taking the required final exam would be possible for visually impaired persons or "by hearing and speaking". The citizenship office did not determine that this is the case.</p>

2 - Thematic area	Withdrawal of already awarded citizenship
Decision date	29 September 2011
Reference details	Austrian Constitutional Court, G154/10 incident: B1090/09 www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vfgh&Dokumentnummer=JFT_09889071_10G00154_00
Key facts of the case (max. 500 chars)	A person with almost 10 years of continuous legal residence in Austria received a notification from the authority, that she will be rewarded Austrian citizenship if she provides evidence for expatriation within 2 years. She provided this evidence in July 2007. Since 2000 she has been working as executive secretary in a pizzeria and became unemployed in 2007 due to insolvency preceding. As stateless person she had no access to the labour market. The Province of Vorarlberg appealed against the notification on the award of the Austrian citizenship according to §20 Abs.2 Austrian Citizenship Act and

⁴⁴⁵ Austria, Highest Administrative Court (*Verwaltungsgerichtshof (VwGH)*), 2010/01/0030, 27 February 2013, available at: http://www.ris.bka.gv.at/JudikaturRechtssaetze.wxe?Abfrage=Vwgh&Dokumentnummer=JWT_2010010030_20130227X00, Rechtssatz.

	rejected her application for citizenship. Rejection was justified with the applicant's insecure living (according to §10 (1) Z 7 Austrian Citizenship Act).
Main reasoning/argumentation (max. 500 chars)	The argument was an infringement of the ban on discrimination according to Art14 ECHR. The argumentation was that the complainant met all requirements for the Austrian citizenship according to the Austrian Citizenship Act in July 2007. She also had a notification on the reward of citizenship. Only because of the authority's inactivity in awarding her the already pledged citizenship, the complainant was stateless and had no access to the labour market. Only therefore was unable to meet the requirement of secure living.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Denaturalization of the country of origin is the requirement for receiving Austrian citizenship. But statelessness prevents the citizenship applicant from fulfilling the requirement of secure living (no access to the labour market). In this case the requirements for Austrian citizenship were contradictory.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Annulment of § 20 (2) of Nationality Act 1985 last amended by BGBl I 37/2006 because of an infringement of Art. 1 (1) Federal Constitutional Law-Race discrimination. The norm was declared unconstitutional and lifted as of 1 October 2012.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Zusammenfassend ist daher §20 Abs2 StbG mangels Differenzierung im Hinblick auf die Gründe für den Widerruf der Zusicherung der Staatsbürgerschaft unsachlich und verstößt somit gegen ArtI Abs1 B-VG zur Durchführung des Internationalen Übereinkommens über die Beseitigung aller Formen rassischer Diskriminierung, BGBl. 390/1973. ⁴⁴⁶ In summary therefore § 20 (2) Nationality Act is not objectively justified due to a lack of differentiation regarding the reasons for repeal of assurance of citizenship and violations Art. I (1) of the constitutional act on the execution of the international Convention on the Elimination of All Forms of Racial Discrimination, BGBl 390/1973.

3 - Thematic area	Annuling the word „marriage“ in the Nationality Act
Decision date	29 November 2012
Reference details	Austrian Constitutional Court, G 66/12-7 and G 67/12-7 www.vfgh.gv.at/cms/vfgh-site/attachments/3/2/4/CH0006/CMS1361283227334/staatsbuergerschaftsg_g66-7.12.pdf

⁴⁴⁶ Austria, Austrian Constitutional Court (*Verfassungsgerichtshof (VfGH)*), G154/10 incident: B1090/09, 29 September 2011, available at: http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vfgh&Dokumentnummer=JFT_09889071_10G00154_00, 2.6.

<p>Key facts of the case</p> <p>(max. 500 chars)</p>	<p>The claimant was born in 2008 in Vienna as the child of an Austrian father and a Ukrainian mother, who never held Austrian citizenship. According to § 7 (3) nationality Act 1985 children born out of wedlock will only receive Austrian citizenship at birth automatically if the mother was Austrian citizen at time of giving birth. As only children born in wedlock automatically receive Austrian citizenship according to § 7 (3) children born out of wedlock were excluded. The Highest Administrative Court brought this case in front of the Constitutional Court as it raised concerns about this provision being unconstitutional. The Highest Administrative Court – with reference to the ECtHR in “Genovese” stated that it saw the case falling within the scope of Art. 8 and Art. 14 ECHR.</p>
<p>Main reasoning/argumentation</p> <p>(max. 500 chars)</p>	<p>As there are different rules regarding receiving Austrian citizenship for children born in or outside wedlock this amounts to discrimination according to Art. 14 together with Art. 8 ECHR.</p>
<p>Key issues (concepts, interpretations) clarified by the case</p> <p>(max. 500 chars)</p>	<p>Equal treatment of children born in and out of wedlock.</p>
<p>Results (sanctions) and key consequences or implications of the case</p> <p>(max. 500 chars)</p>	<p>The word „marital“ in § 7 (1) Nationality Act was declared as being against the constitution and was repealed, also § 7 (3) was repealed.</p>
<p>Key quotation in original language and translated into English with reference details</p> <p>(max. 500 chars)</p>	<p>I. Das Wort "Eheliche" in § 7 Abs. 1 des Bundesgesetzes über die österreichische Staatsbürgerschaft (Staatsbürgerschaftsgesetz 1985 – StbG 1985), BGBl.</p> <p>Nr. 311/1985 (Wv.), sowie § 7 Abs. 3 des Staatsbürgerschaftsgesetzes 1985, BGBl. Nr. 311 (Wv.), werden als verfassungswidrig aufgehoben.⁴⁴⁷</p> <p>I. the word „marital“ in § 7 (1) Nationality Act as well as § 7 (3) Nationality act are repealed as being unconstitutional.</p>

<p>4 - Thematic area</p>	<p>Discrimination because of ethnic affiliation (external ascription)</p>
<p>Decision date</p>	<p>24 July 2013</p>

⁴⁴⁷ Austria, Austrian Constitutional Court (*Verfassungsgerichtshof (VfGH)*), G 66/12-7 and G 67/12-7, 29 November 2012, available at: www.vfgh.gv.at/cms/vfgh-site/attachments/3/2/4/CH0006/CMS1361283227334/staatsbuergerschaftsg_g66-7.12.pdf, p. 2.

Reference details	Austrian Supreme Court, OGH 9 ObA 40/13t https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20130724_OGH0002_009OBA00040_13T0000_000
Key facts of the case (max. 500 chars)	The origins of the case go back to a production manager harassing the plaintiff who had been working as a kitchen aid in the company by insulting remarks about her "foreignness" (she is of Polish origin). As a reaction to her complaints about the behaviour, the kitchen chef dismissed her. The lower courts found that behaviour to constitute harassment and victimisation on the ground of ethnic affiliation. The defendant claimed that the harassment she faced was not connected to her ethnic affiliation.
Main reasoning/argumentation (max. 500 chars)	In its decision, the Court reasoned that, referring to the "foreignness" of an employee in a harassing way constituted harassment on the basis of ethnic affiliation. It stated that the requirement of harassing activity being linked to a "protected characteristic" may not be interpreted too narrowly and that the characteristic of "ethnic affiliation" is not depending on the existence of real differences – the attribution by the harasser is enough.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Discrimination on grounds of assumed characteristics is prohibited.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Discrimination or harassment in the sense of the Equal Treatment Act must be connected to a discrimination ground protected by the law. This requirement of connection must not be interpreted too narrowly. The discrimination ground "ethnic affiliation" or "race" according to Directive 2000/43/EG is not dependent from factual ethnic differences or differences of origin. It is sufficient if the perpetrator bases the harassment/discrimination on an ascribed foreign origin.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<i>Eine Belästigung steht dann mit dem geschützten Merkmal (zB ethnische Zugehörigkeit iSd § 17 Abs 1 GIBG oder § 4a Abs 1 VBO 1995) „im Zusammenhang“, wenn die konkrete belästigende Verhaltensweise der Tatsache, dass ein geschütztes Merkmal vorliegt, zugerechnet werden kann. Das Erfordernis des „Zusammenhangs“ darf dabei, um den Zweck des Gesetzes, Diskriminierungen hintanzuhalten, zu erreichen, nicht zu eng gesehen werden (Hopf/Mayr/Eichinger, GIBG § 21 Rz 9; 8 ObA 8/09y; 9 ObA 21/12x). Das Merkmal der ethnischen Zugehörigkeit - die Antirassismus RL 2000/43/EG spricht in diesem Zusammenhang von „Rasse oder ethnische Herkunft“ - ist nicht vom Bestehen tatsächlicher Unterschiede abhängig. Es genügt - wie im vorliegenden Fall - die durch herabsetzende Bezugnahme auf die ausländische Herkunft zum Ausdruck gebrachte „Fremdzuschreibung“ (vgl RV 307 BlgNR 22. GP 14; Hopf/Mayr/Eichinger, GIBG § 17 Rz 15; 10 ObS 34/06g ua).⁴⁴⁸</i>

⁴⁴⁸ Austria, Austrian Supreme Court (*Oberster Gerichtshof (OGH)*), OGH 9 ObA 40/13t, 24 July 2013, available at: https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20130724_OGH0002_009OBA00040_13T0000_000, 3.1.

	<p>Harrassment is then "linked to" a protected ground (e.g. ethnic origin in the understanding of § 17 (1) Equal Treatment Act or § 4a (1) Contract Staff Order 1995), if the concrete harassment can be attributed to presence of a protected characteristic. The requirement of "in connection" is not to be interpreted too narrowly, to hinder discrimination in the purpose of the law (<i>Hopf/Mayr/Eichinger</i>, GIBG § 21 Rz 9; 8 ObA 8/09y; 9 ObA 21/12x). The characteristic ethnic origin – the Anti-Racism Directive 2000/43/EC talks about „racial or ethnic origin" – is not dependent on actual differences being present. The pejorative linkage of the attribution of foreign origin – as in this case – is sufficient (see RV 307 BlgNR 22. GP14, <i>Hopf/Mayr/Eichinger</i>, GIBG § 17 Rz 15; 10 ObS 34/06 et al).</p>
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5 - Thematic area	School starting aid for third country nationals
Decision date	7 January 2014
Reference details	District Court Innsbruck, 26 C 263/13y – 11 http://www.klagsverband.at/dev/wp-content/uploads/2014/02/BG-Innsbruck_26C263-13y_anonym.pdf
Key facts of the case (max. 500 chars)	The federal state of Tyrol grants the so-called "school starting aid". Families who do not achieve a certain income, can apply for this aid in the amount of 145 € at the beginning of every school year. The claimant is Croatian national. Although he fulfils all criteria required for the school starting aid, his applications (prior to 2013) were rejected because he was a TCN. (Croatia joined the EU in 2013; school starting aid for the school year 2013/14 was granted). The claimant called for additional payment of the school starting aid for 2008 to 2012 and compensation for material loss and personal impairment suffered according to § 7 Tyrolean Antidiscrimination Act 2005 (<i>Tiroler Antidiskriminierungsgesetz 2005</i>).
Main reasoning/argumentation (max. 500 chars)	The administration can grant financial aids under private-law (<i>Förderungen privatrechtlich durchführen</i>), but is still bound to the law, in particular the fundamental rights. According to Directive 2003/109/EC long-term residing TNCs have to be treated equally to citizens. States are obliged to grant benefits to long-term residing TCNs under equal conditions and must not circumvent this obligation in private-sector administration activities. The school start aid is considered a "family benefit" and therefore a "social security benefit" in the definition of the Directive; it has to be granted equally to long-term residing TNCs.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Private-sector administration activities are bound by the law and therefore by the principle of equal treatment of long-term TCNs as stated in Directive 2003/109/EC. Family benefits have to be granted to long-term TCNs on equal conditions.
Results (sanctions) and key	There has been no material loss beyond the amount of the school starting aid, and the rejection on ground of Croatian nationality is no

<p>consequences or implications of the case (max. 500 chars)</p>	<p>personal impairment suffered within the meaning of § 7 Tyrolean Antidiscrimination Act 2005 (<i>Tiroler Antidiskriminierungsgesetz 2005</i>). Compensation was denied.</p> <p>The claimant was successful in claiming payment of school starting aid for the years 2011 and 2012. The claim for the year 2008 was time-barred and the claimant was not able to prove that he had applied in time for the aid in the years 2009 and 2010.</p> <p>The federal State of Tyrol changed the criteria for eligibility for school starting aid: The criterion of nationality was replaced by the criterion of principal residence (<i>Hauptwohnsitz</i>) in Tyrol.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>Daher verpflichtet die Daueraufenthalts-RL die Mitgliedsstaaten dazu, eine freiwillig erbrachte Leistung in jenen Lebensbereichen nicht nur den eigenen Staatsangehörigen zukommen zu lassen, sondern auch den langfristig aufenthaltsberechtigten Drittstaatsangehörigen. Dieser Verpflichtung können sich die Mitgliedsstaaten nicht alleine dadurch entziehen, dass sie die in der Richtlinie genannten Leistungen in den jeweiligen Lebensbereichen im Rahmen der Privatwirtschaftsverwaltung vergibt.</i>⁴⁴⁹</p> <p><i>Damit stellt die Schulstarthilfe eindeutig keine Leistung der Sozialhilfe dar, da deren Zweck vor allem darin liegt, den Empfängern ein menschenwürdiges Leben zu ermöglichen. Die Schulstarthilfe der Beklagten ist eine Familienleistung, die als Leistung der sozialen Sicherheit i.S.d. Daueraufenthalts-RL auch langfristig aufenthaltsberechtigten Drittstaatsangehörigen zuerkannt werden muss.</i>⁴⁵⁰</p> <p>Therefore the Directive on permanently resident third-country nationals obliged member states, to grant voluntary benefits in those life spheres not only to citizens but also to long-term residing third country nationals. Member states cannot circumvent this obligation by administrating the benefits that are mentioned in the Directive in the respective life spheres in the framework of the private-sector administration.</p> <p>School starting aid is clearly no service of social aid, as the purpose thereof is primarily to enable the recipients a dignified life. School starting aid of the defendant is a family benefit, which, as a benefit of social security in the meaning of the Directive on permanently resident third-country nationals, is to be given also to long-term resident third-country nationals.</p>

<p>6 - Thematic area</p>	<p>Commuter's aid for third-country nationals</p>
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⁴⁴⁹ Austria, District Court Innsbruck (Bezirksgericht Innsbruck), 26 C 263/13y – 11, 7 January 2014, available at: www.klagsverband.at/dev/wp-content/uploads/2014/02/BG-Innsbruck_26C263-13y_anonym.pdf, p. 8.

⁴⁵⁰ Austria, District Court Innsbruck (Bezirksgericht Innsbruck), 26 C 263/13y – 11, 7 January 2014, available at: www.klagsverband.at/dev/wp-content/uploads/2014/02/BG-Innsbruck_26C263-13y_anonym.pdf, p. 10

Decision date	31 January 2013
Reference details	Provincial Court St. Pölten, 21 R 16/13f-13 http://www.klagsverband.at/dev/wp-content/uploads/2008/06/LG-St.-P%C3%B6lten-21R16_13f.pdf
Key facts of the case (max. 500 chars)	In Lower Austria, persons who commute each day more than 25 kilometres to their workplace can ask for commuters' aid. The claimant is a Turkish national, who has continuously been working in Austria for 40 years and fulfils all criteria required for the Lower Austria commuters' aid. His application was rejected on the ground that he is a Turkish national (TCN).
Main reasoning/argumentation (max. 500 chars)	The rejection is a discrimination on the ground of ethnic origin according to § 4 Anti-Discrimination Law of Lower Austria (<i>Niederösterreichisches Antidiskriminierungsgesetz, NÖ ADG</i>). Persons of other nationalities can be considered as an ethnic group; therefore a claim on ethnic discrimination is justified. The NÖ ADG applies, because the commuters' aid is a social advantage (<i>soziale Vergünstigung</i>) according to § 3 Abs 1 Z 5 NÖ ADG, even though it is a voluntary benefit that does not give rise to a legal claim. Neither the fact, that there is no legal entitlement to the commuters' aid, nor the legal reservation that commuters' aid is granted under reservation of sufficient budgetary resources, provides an objective justification for differentiation on the ground of nationality.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The term 'social advantages' includes voluntary benefits by the federal states (<i>Länder</i>). The fact, that there is no legal entitlement to a benefit does not provide an objective justification for the differentiation between TCNs and non-TCNs. The legal reservation that a benefit is granted under reservation of sufficient budgetary resources does not provide an objective justification for the differentiation between TCNs and non-TCNs.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The rejection of the application by a Turkish citizen was discrimination on the ground of ethnic origin. The court awarded compensation (300 €) and lost commuters' aid for one year (400 €). The Federal State of Lower Austria changed the criteria for eligibility for commuters' aid: The criterion of nationality was replaced by the criterion of principal residence (<i>Hauptwohnsitz</i>) in Lower Austria.
Key quotation in original language and translated	<i>Bei verfassungskonformer Interpretation der genannten spezifischen Zusatzvoraussetzung im Sinne einer "sachlich</i>

<p>into English with reference details</p> <p>(max. 500 chars)</p>	<p><i>gerechtfertigten Differenzierung“ erfordert eine solche relevante Unterscheidung im Tatsachenbereich nach objektiven Unterscheidungsmerkmalen. Dazu hat der Berufungsbewerber schon in erster Instanz vorgetragen, es gebe keine sachliche Rechtfertigung, Personen, die seit 40 Jahren in Niederösterreich ihren Lebensmittelpunkt hätten und zwischen Wohn- und Arbeitsort pendelten, von der Gewährung der NÖ Pendlerhilfe auszuschließen. Diesem Argument hat die behauptungs- und beweisbelastete Beklagte nicht Stichhaltiges entgegengehalten.</i>⁴⁵¹</p> <p><i>(...) so gibt weder der der fehlende Rechtsanspruch noch der Vorbehalt der vorhandene budgetären Mittel ein objektives Unterscheidungsmerkmal in Bezug auf die Staatsangehörigkeit der Antragssteller ab. Da – wie bereits ausgeführt – „soziale Vergünstigungen“ auch dann dem Gleichbehandlungsgebot unterliegen, wenn sie nur auf Ermessensbasis und unter Vorbehalt ausreichender Mittel erbracht werden, bedarf es zusätzlicher Kriterien (als der Freiwilligkeit und der beschränkten budgetären Mittel), um eine entsprechend sachlich gerechtfertigte Ausnahme zu konstituieren.</i>⁴⁵²</p> <p>When the specific additional requirements mentioned above are interpreted in conformity with the Austrian constitution in the sense of an “objectively justified differentiation”, such a differentiation requires a relevant distinction based on facts according to objective distinction criteria. The claimant stated already in the first instance, that there is no objective justification to exclude persons from Lower Austria’s commuter’s aid, who have the centre of their live in Lower Austria for 40 years and commute between home and workplace. The burden of proof is on the defendant, who did not present a valid argument against.</p> <p>(...) therefore, neither the fact, that there is no legal entitlement to the commuters’ aid, nor the legal reservation that commuters’ aid is granted within the budgetary resources of the state of Lower Austria, provides an objective justification for differentiation on the ground of nationality of applicants. Since - as already mentioned above - “social advantages” fall under the protection of the equal treatment requirement, even if they are granted on a discretionary basis and under reservation of sufficient budgetary resources, it requires additional criteria (to the voluntariness and limited budgetary resources), in order to constitute an objectively justified exemption.</p>
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⁴⁵¹ Austria, Provincial Court St. Pölten (*Landesgericht St. Pölten*), 21 R 16/13f-13, 31 January 2013, www.klagsverband.at/dev/wp-content/uploads/2008/06/LG-St.-P%C3%B6lten-21R16_13f.pdf, p. 12.

⁴⁵² Austria, Provincial Court St. Pölten (*Landesgericht St. Pölten*), 21 R 16/13f-13, 31 January 2013, www.klagsverband.at/dev/wp-content/uploads/2008/06/LG-St.-P%C3%B6lten-21R16_13f.pdf, p. 13.