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Report on identification of best practices in AUSTRIA

1 Methodological introduction

The overall objective of the Integrate project concerns the promotion of the “educational integration of refugees and asylum seeking children in the EU through sharing of best practices and developing common standards in programme development and evaluation”. The present Report aims to contribute to this goal by presenting the main findings of the identification of best practices of educational integration for refugee and asylum-seeking children in Austria.

The Methodological Guidelines for Best Practices Identification and Preparation of Country Reports, as agreed upon by the project team in 2010, provide essential guidance on key concepts of the project, including “best practices” and “educational integration”. The Sofia Seminar in January 2011 further supported finding a common understanding of the terminology and concepts used. It is not necessary at this place to repeat those deliberations in detail here, but nonetheless some important elements should be emphasized.

As far as “best practices” are concerned, several relevant criteria have been proposed, such as innovation, participatory approaches and stakeholder involvement and impact and efficiency; but in light of the comparative approach of the Integrate project, sustainability and potential for replication/transferability may be regarded as particularly relevant. Both criteria relate to structural dimensions of the programmes and initiatives under review for the Austrian assessment, and this structural dimension is also of primary importance for a human rights-based approach to education and integration. The Methodological Guidelines provide a comprehensive overview of relevant international and European human rights law, including the UN Convention on the Rights of the Child (1989) and the Council of Europe’s European Convention on Human Rights (1950). Human rights highlight empowerment of right-holder – here: child refugees and asylum-seeking children – and accountability of duty-bearers – here: primarily the government, with its relevant authorities in areas such as asylum and migration,



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education, social assistance and child and youth welfare services. In all these matters of competence policies, laws and other instruments for sustainable implementation of human rights standards are required to meet those obligations.

The human rights-based approach, however, also adds qualitative elements to educational integration of child refugees and asylum-seeking children, by establishing principles of equality and non-discrimination, and of participation in decision-making, but also in regard to questions such as how appropriate/child-friendly are integration services, including psychosocial assistance, for instance, offered to children or families, to what extent do mainstream educational programmes reflect educational aims of inter-cultural learning or a non-violent learning environment, and are there specific support services addressing needs of specific target groups, such as unaccompanied/separated children or child victims of crime (e.g. of child trafficking).

These concerns are taken up as requested in the Methodological Guidelines in the four dimensions of access to education, quality of education, enhanced protection and empowerment and participation, with the main findings and recommendations in this regard being summed up in the final chapter six of this Report.

Consequently, the considerations mentioned above should also help clarify the selection of best practices contained in chapter five. The focus, thus, has not been on individual e.g. language training courses or educational support services – there are several of local initiatives, started in local villages, schools, parishes in Austria – but more on comprehensive offerings to young people, which in many cases include support for school achievements, language training, but also - of particular importance to the main age target group (young people of 14+) – vocational training and practical skills such as computer literacy.

Regarding the main data sources and methods used for identifying best practices, it has to be noted that given the objective of providing a broad overview of services available and at the same time given the limited time frame for this undertaking the report does not claim to have reviewed exhaustively all activities in Austria past and present, nor was it possible to establish in detail qualitative elements, such as impact and efficiency of projects, which would require in different level of assessment. Such more in-depth evaluation of selected examples will be part of the second stage of the Integrate project.

For the purpose of the first stage/best practice identification, a wide range of methods has been used, starting with personal and telephone interviews with a representative of the leading network of Austrian refugee organisations (Asylkoordination) and coordinator of the child refugee working group, of UNHCR's Vienna office and of the Federal Ministry of Education, Arts and Culture. Additional interviews were conducted with school authorities in the "Länder" (Austrian provinces) as well as non-governmental and church-based organisations offering educational services to refugee children and "candidates" for best practice selection to obtain more detailed or verify existing information. All in all, some 25 such personal meetings, interviews and extensive telephone conversations have been held during the research period. These personal contacts were complemented through extensive literature review and internet research. In the case of the selected best practices, additional information such as project implementation and evaluation reports have been taken into account.



Furthermore, existing expertise of project team members in related areas, such as child trafficking, asylum policies and gender equality have been helpful in the assessment. Further details on the best practice selection process will be given in chapter 5 of this report.

2 Refugees and asylum seekers: general background

In the following chapter, a basic statistical overview is given on the numbers of refugees and asylum seekers, with a specific focus on children, as far as information is available.¹

First of all, a rough distinction can be made between the following groups:

- asylum seekers,
- beneficiaries of international protection (i.e. recognised refugees and beneficiaries of subsidiary protection),
- beneficiaries of temporary protection (however, this category currently does not play a role in Austria at the moment – examples in the past were refugees from Bosnia and Herzegovina or from Kosovo who were received under a temporary protection regime),
- persons who are entitled to stay in Austria on account of Art. 8 ECHR or on account of other reasons "particularly worth considering",
- persons without a residence right in Austria but who cannot be expelled to their countries of origin either due to the difficult situation in the country of origin or due to other difficulties e.g. in getting documentation necessary for return – such persons are merely "tolerated" in Austria (some of them are failed asylum seekers).

As far as **official statistical data** is concerned, the Ministry of the Interior collects only the number of asylum applications filed in Austria, but no statistics on the refugee population (granted status of international protection) do exist. Based on its own calculations, the Office of the UN High Commissioner for Refugees estimates that in 2009 some 38,900 refugees (with granted status under the Geneva Refugee Convention) lived in Austria,² with further 32,146 seeking asylum in Austria (consisting of those whose application for asylum or refugee status was pending at any stage in the asylum procedure: first instance, second instance, High Courts).³ Compared to the total number of third country nationals in Austria of 553,709 (2009) the share of persons in need of international protection appears to be relatively small.

In **2009**, there were 15,821 asylum applications. At the end of 2009 there were **in total 32,146 persons** in Austria. The number of asylum seekers in Austria has decreased over the last decade: from a peak in 2002 (39,354) to a low in 2010 (11,012).

¹ Further information on the legal framework for refugees and other status and its procedures is contained in chapter 3 below.

² UNHCR, 2009 Global Trends - Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons, Geneva, June 2010, see: www.unhcr.org (Resources > Statistics).

³ This data does not contain persons in need of protection who have obtained Austrian citizenship in the mean time or persons granted any other form of protection based on Art. 8 ECHR or on humanitarian grounds.



Official data on asylum applications and decisions in Austria 1999-2009⁴

Year	Asylum applications		Decisions				
	Asylum seekers	Top 5 countries of origin (CoO)	Positive (intern. Protection)	Negative	Other ⁵	CoO with highest recognition rates	Subs. protection
2000	18,284						
2001	30,127						
2002	39,354	AFG, SER, IRQ, TK, IND	1,073	4,285	24,523		n/e
2003	32,359	RUS, TK, IND, SER, AFG	2,084	4,951	29,280		3,250
2004	24,634	RUS, SER, IND, NIG, GEO	4,785	3,959	11,357	RUS 94% AFG 87 %	994
2005	22,461	SER, RUS, IND, MD, TK	2,256	2,742	1,944		772
2006	13,349	SER, RUS, MD, AFG, TK	4,063 (26 %)	5,867 (38 %)	5,558 (36 %)	RUS 71%, AFG 64 %, IRQ 35 %	909
2007	11,921	RUS, SER, AFG, TK, MD	5,197 (32 %)	6,646 (41 %)	4,204 (26 %)	RUS 72 %, SOM 63 % AFG 62 %, IRQ 53 %	1,638
2008	12,841	RUS, AFG, KOS, SER, NIG	3,753 (24 %)	7,968 (52 %)	3,605 (24 %)	IRQ 60 %, AFG 53 %, RUS 44 %, SOM 41 %	1,628
2009	15,821	RUS, AFG, KOS, GEO, NIG	3,247 (16 %)	13,531 (67 %)	3,459 (17 %)	IRQ 53 %, AFG 41 %, RUS 30 %	1,536
2010	11,012	RUS, AFG, KOS, NIG, IND	2,977 (16 %)	13,290 (71 %)	2,512 (13 %)	IRN 54 %, IRQ 34 %, AFG 34 %, RUS 31 %	1,749

In relation to the group of **refugee and asylum-seeking children** (hereinafter: RASC), numbers on these groups are only available by the Federal Ministry of the Interior with regard to *unaccompanied* asylum-seeking children. Data is further disaggregated only by age group (children under 14; children between 14 and 18) and country of origin, but not, for instance by gender in these age groups. Thus, there are no official data on children who are recognised refugees, beneficiaries of subsidiary protection or other status as mentioned above.

In 2009, there were 1,062 unaccompanied minors (thereof 43 under 14), most of them under 14 came from Russia, Afghanistan and Kosovo; most of them between 14 and 18 from Afghanistan (423), Nigeria (118) and Moldova (59). In 2010, there were 687 **unaccompanied minors** (thereof 34 under 14): most of them under 14 came from Afghanistan and Russia; most of them under 18 came from Afghanistan (284), Nigeria (62), Algeria and Moldova. The official available data shows an up and down since 2004: a decrease from 914 (2004) to 790 (2005) to 414 (2006); then a slight upwards trend in 2007 (516) and 2008 (770) and 2009 (1,062) with a decrease again in 2010 (687). What can be observed from the data is a trend towards an increasing number of age assessments of young people leading to determinations of majority (only in 2004 a similar high absolute number was determined).

⁴ Sources: Austria/*Bundesministerium für Inneres* [Federal Ministry of the Interior], Entwicklung der Zahl der Asylwerber in der Republik Österreich in der Zeit von 1999 bis 2009; Austria/Federal Ministry of the Interior, Asylum Statistics 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010.

⁵ *Einstellungen* [suspension], *gegenstandslos* [invalid], *Zurückweisung* [dismissal on formal grounds].



Unaccompanied asylum seeking children in Austria

Year	Numbers	By age group and main countries of origin
2004	914	* 43 under 14 (10 MD, 6 RUS) * 871 under 18 (231 NIG, 114 MD, 76 GAM) (298 declared adult following age assessment)
2005	790	* 81 under 14 (21 RUS, 12 MD, 12 SER) * 709 under 18 (88 AFG, 74 NIG, 63 IND) (91 declared adult following age assessment)
2006	414	* 53 under 14 (25 RUS) * 361 under 18 (44 AFG, 40 NIG, 31 RUS) (74 declared adult following age assessment)
2007	516	* 50 under 14: 19 RUS, 7 MD, 4 SER, 4 AFG * 466 under 18: 59 MD, 47 SOM, 29 NIG, 27 SER, 24 RUS (66 declared adult following age assessment)
2008	770	* 64 under 14: 12 AFG, 11 MD, 11 RUS * 706 under 18: 230 AFG, 64 NIG, 61 MD, 53 SOM, 46 RUS (104 declared adult following age assessment)
2009	1.062	* 43 under 14 (8 AFG, 8 KOS, 16 RUS) * 1019 under 18 (423 AFG, 118 NIG, 59 MD, 46 RUS, 39 SOM) (123 declared adult following age assessment)
2010	687	* 34 under 14: 13 AFG, 13 RUS; * 653 under 18: 284 AFG; 40 ALG; 24 MAR; 40 MD; 62 NIG; 21 RUS); (247 declared adult following age assessment)

The **recognition rate** (i.e. the share of persons granted refugee status in the total amount of decisions taken) has decreased in the last years (see previous table above). In 2009 out of 21,773 decisions taken 3,247 granted refugee status and 1,536 decisions granted subsidiary protection.⁶

There are no official disaggregated data for **recognised refugee children**. However, a recent project tried to obtain data on the number of recognised unaccompanied refugees children and child beneficiaries of subsidiary protection via a survey addressed to unaccompanied minors' shelters. It derived that in 2009 only 17 unaccompanied minors received refugee status (10 female, 7 male; 6 male from Afghanistan, 3 female Afghanistan), while 142 got subsidiary protection status.⁷ In comparison, in 2009 in total 3,247 persons received refugee status (and 1,536 subsidiary protection status).

Concerning persons who are **entitled to stay** in Austria on the basis of Art. 8 ECHR (family unity) or on account of other reasons "particularly worth considering" (e.g. for victims of trafficking), the following table contains only the total of permits granted to both adults and children. In general, the number is rather low. There are no official disaggregated data for children with other residence status. There have been indications about children in the asylum procedure who are actually **victims of child trafficking**; however, due to limitations in proper identification no exact numbers have been established so far.⁸

⁶ 13,531 decisions were negative and 3,459 decisions closed the procedure in another way. Annexes to UNHCR, '2009 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons', 15.06.2010, Table 9.

⁷ Fronck H. (2010) 'Situationsanalyse zur: Integration von unbegleiteten minderjährigen subsidiär Schutzberechtigten oder Konventionsflüchtlingen in Österreich', June 2010, 2. It is assumed that more than three quarters of all unaccompanied children/young people present in Austria were covered through this survey; however, these figures do not include those who are hosted in refugee pensions or private shelters.

⁸ For information on child trafficking, see the 2009 Report of the inter-ministerial Child Trafficking Working Group of the Austrian Taskforce against Trafficking in Human Beings, available at: <http://www.bmeia.gv.at/en/foreign-ministry/foreign-policy/human-rights/main-human-rights-issues/combating-human-trafficking.html> (8 April 2011).



	2009		2010	
	Existing permits 2009	Issuance of permits 2009	Existing permits 2010	Issuance 2010
Art. 8 ECHR settlement permit unrestricted (Sec. 43 (2) NAG)	737 (0.95 %)	first issuance: 692 prolongation: 36 changed purpose: 88	2,094 (2.79 %)	first issuance: 1,510 prolongation: 517 prolongation of purpose: 214
Art. 8 ECHR settlement permit restricted (Sec. 44 (3) NAG)	384 (0.5 %)	Prolongation: 19 changed purpose: 45	755 (1.01 %)	first issuance: 609 prolongation: 173 changed purpose: 32
Humanitarian grounds – settlement permit restricted (Sec. 44 (4) NAG)	22 (0.03 %)	First issuance: 22 Prolongation: 1	56 (0.07 %)	First issuance: 52 Prolongation: 8 changed purpose: 1
settlement permit unrestricted (Sec. 44 (3) NAG) after at least 12 months permit according to Sec. 69a NAG		347	31 (0.04 %)	
Settlement permit (former beneficiaries of subsid. protection)			340 (0,45 %)	First issuance: 339; changed purpose: 4
Temporary residence permit for specific protection , Sec. 69a (1) item 1 NAG	11 (0.06 %)	Prolongation: 14	22 (0.11 %)	First issuance: 5 prolongation: 22
Sec. 69a (1) item 2 NAG	16 (0.08 %)	First issuance: 12 Prolongation: 3	7 (0.03 %)	First issuance: 8
Sec. 69a (1) item 3 NAG	2 (0.01 %)	First issuance: 2 Prolongation: 1	13 (0.06 %)	First issuance: 13 Prolongation: 1

There are no figures available about the number of persons **without a residence title** in Austria but who cannot be expelled to their countries of origin either due to the difficult situation in the country of origin or due to other difficulties e.g. in getting documentation necessary for return.

3 Institutional set-up, legal and policy framework

3.1 Human rights framework

Austria is a State Party to the major international and European instruments in the field of refugee protection and human rights protection. Amongst others, Austria has ratified the Geneva Refugee Convention on 1 November 1954 and its Protocol on 5 September 1973.⁹ It ratified the UN Convention on the Rights of the Child on 6 August 1992. In this regard it is worth recalling what has been stated by the UN Committee on the Rights of the Child in its General Comment No. 6 on Treatment of unaccompanied and separated children outside their country of origin (2006)¹⁰, in regard to educational integration of those children (and equally applicable to any RASC). Next to the four child rights General Principles (best interests as a primary consideration, child right to participation, non-discrimination, right to life and development), the Committee called on governments to ensure that:

- access to education is maintained **during all phases of the displacement**,

⁹ Austria entered declarations regarding the provision on public education (Arts. 22 (1) GRC).

¹⁰ Available at: <http://tb.ohchr.org/default.aspx?Symbol=CRC/GC/2005/6> (8 April 2011).



- every child irrespective of status has **full access** to education, **without discrimination**, in particular, unaccompanied **girls**,
- access to quality education should also be ensured for **children with special needs**, in particular for children with disabilities,
- any child should be **registered with appropriate school authorities as soon as possible** and get **assistance** in maximizing learning opportunities,
- children have the right to **maintain their cultural identity** and values, including the maintenance and development of their **native language**,
- adolescents should be allowed to enrol in **vocational/professional training** or education,
- **early learning programmes** should be made available to young children,
- children are provided with **school certificates or other documentation** indicating their level of education, in particular in preparation of relocation, resettlement or return.¹¹

Furthermore, it should be noted that the European Convention on Human Rights (ratified on 3 September 1958) enjoys constitutional rank in Austria, with direct applicability in front of all courts. Thus, ECHR provisions and case-law, for instance, in relation to family unity (Article 8) and non-refoulement (Articles 2, 3) have become cornerstones of the domestic fundamental rights framework in relation to refugee protection.

In a most recent development, in January/February 2011 the chambers of the Austrian Parliament have adopted a specific Constitutional Act on the Rights of Children, implementing key provisions of the UN Convention on the Rights of the Child (although under a general limitation clause), including the best interests principle, the child's right to participation and rights to specific care for children outside their family environment (which could include unaccompanied refugee children). The Act entered into force on 16 February 2011, and its legal impact e.g. in the context of refugee law through interpretation by the Austrian Constitutional Court remains to be seen. Only recently, for instance, the Government proposed amendments in the field of asylum and aliens' police law to further restrict freedom of movement of asylum-seekers in reception centres, including children.¹²

Concerning international monitoring of Austrian implementation of the Convention on the Rights of the Child, already in 1999 the UN Committee on the Rights of the Child was critical of Austrian legislation in this area, expressing concern "about inconsistencies between domestic legislation and the principles and provisions of the Convention, especially with regard to the right to family reunification and some rights of immigrant, asylum-seeking and refugee children." Furthermore, it was even "seriously concerned" about the detention pending deportation of young asylum-seekers.¹³ At the latest review in 2005, the UN Committee was not pleased with progress so far, deplored the lack of detailed information

¹¹ Similarly, the Statement of Good Practice by the Separated Children in Europe Programme, (2009, D8.3 Education, Language and Training) asks for refugee children: access to **the same** statutory education as national children; schools need to take a **flexible**, welcoming approach; provide **second language support**; prepare an **individual education plan**; ensure **regular school attendance**; education authorities must be vigilant concerning peer violence and **bullying** towards separated children and measures to prevent it; preserve identity/ensure access to **mother tongue teaching**; **vocational and professional training** should be available to older separated children.

¹² For the draft, see the Website of the Ministry of the Interior, at: http://www.bmi.gv.at/cms/bmi_begutachtungen/ (8 April 2011).

¹³ Committee on the Rights of the Child, Concluding Observations: Austria, UN Document CRC/C/15/Add.98 (7 May 1999), paras 9 and 27.



about asylum-seeking and refugee children and issued several recommendations on protection standards, including:

- “(a) Ensure that guardians are systematically assigned to unaccompanied and separated asylum-seeking children and that the best interests of the child are duly taken into account;
- (b) Ensure that all interviews with unaccompanied and separated asylum-seeking children are carried out by professionally qualified and trained personnel;
- (c) Provide for adequate accommodation, taking into account the state of development of all unaccompanied and separated asylum-seeking children;
- (d) Fully take into account the principle of the best interests of the child when deciding on the deportation of unaccompanied and separated asylum-seeking children and to avoid their placement in custody pending deportation.”¹⁴

3.2 Refugee protection framework – status and procedures

3.2.1 Asylum Seekers

The Austrian asylum procedure is laid down in the *Asylgesetz 2005* [**Asylum Act 2005**]¹⁵, which aims at assessing whether a person qualifies for protection as provided in the Refugee Convention or for “subsidiary protection”.¹⁶ The procedure consists of an admissibility procedure and a verification procedure.

The **admissibility procedure** is carried out in a *Erstaufnahmestelle* [Reception Centre] of the *Bundesasylamt* [Federal Asylum Authority] and aims at finding out whether Austria is responsible for considering an application for international protection and whether the case has already been decided. Upon reception of the asylum application, the alien has the status of an asylum seeker who is entitled to stay in the reception centre and to *Bundesbetreuung* [federal care]. During the admissibility procedure, the residence of the asylum seeker is tolerated (*de facto* protection from expulsion) and the freedom of movement is restricted to the area of the competent district administration authority; only in exceptional cases this restriction does not apply – the visit of a school is not such a ground.¹⁷ A government bill (pending as of 13 April 2011 in the *Nationalrat* [National Assembly]) aims at introducing an obligatory stay of up to five days (without interruption) in the reception centre (prolongable by additional 48 hours).¹⁸ It has been criticised that this would amount to *de facto* detention.¹⁹

After “admission” of a case, asylum seekers have a temporary residence right and receive a card entitling to residence for the duration of the asylum procedure; the Federal Asylum Authority examines in the **verification procedure** whether asylum or – if refugee status is not granted or disallowed – “subsidiary protection” is to be granted.

¹⁴ Committee on the Rights of the Child, Concluding Observations: Austria, UN Document CRC/C/15/Add.251 (31 March 2005), paras 17 and 48.

¹⁵ Austria/BGBl I 100/2005, last amended by BGBl I 135/2009 (entry into force 01.01.2010).

¹⁶ If an application for protection under the GRC is rejected, the application is considered as an application for granting of subsidiary protection.

¹⁷ The restriction of the freedom of movement does not apply if this is necessary for the ‘fulfilment of legal obligations’; for being summoned at court or authority; for receiving medical treatment. See Sec. 12 (2) Asylum Act 2005.

¹⁸ Austria/Regierungsvorlage 1078 d.B. XXIV. GP, new Sec. 15 (3a) Asylum Act 2005.

¹⁹ Compare UNHCR Austria, UNHCR-Analyse der Regierungsvorlage für das Fremdenrechtsänderungsgesetz 2011, 7.



Decisions of the first instance can be **appealed** at the *Asylgerichtshof* [Asylum Court], the second and final instance of the “ordinary” asylum procedure. Dependent on the kind of decision rendered by the first instance authority, the appeal has suspensive effect or not.

Only under exceptional circumstances – i.e. if constitutional rights are concerned – decisions of the asylum court can be appealed to the *Verfassungsgerichtshof* [Constitutional Court]. The Constitutional Court may grant suspensive effect (so that the concerned person cannot be expelled) until it has rendered a final decision; in this case, the applicant is merely tolerated. UNHCR pleaded for making the Administrative Court again (as before 2008) competent for asylum cases to make up for the impairment of legal protection of asylum seekers.²⁰

Concerning **duration of the procedure**, as of 9 February 2010, in total, 1,337 procedures were pending longer than one year before the **first instance**, thereof 693 procedures longer than two years; 480 longer than three years; 373 longer than four years, 261 longer than five years, 180 longer than six years; 101 longer than seven years; 56 longer than eight years; 14 longer than nine years and 7 longer than ten years.²¹ At the end of the first quarter of 2010, there were 17,900 ‘open cases’ before the **second instance/Asylum Court**.²² The **Constitutional Court** received in 2009 3,500 asylum cases (out of 5,500 complaints).²³

3.2.2 Refugee (status granted)

Refugee status (*Asylberechtigte* - status of a person entitled to asylum) is granted if the application for international protection is admissible, e.g. a safe third country or a “Dublin” state is not competent for assessing a protection claim, and if it is well-founded that he/she is/was threatened by persecution in the country of origin.²⁴ Refugees have the “permanent right to enter and reside in Austria”.²⁵ They are granted a list of material rights on the same level as Austrian citizens, e.g. access to the labour market, social welfare benefits. Further, they can acquire nationality already after six years of residence (usually minimum ten years).

3.2.3 Beneficiaries of subsidiary protection

Beneficiaries from subsidiary protection (e.g. under non-refoulement safeguards) have the temporary and renewable right to entry and residence.²⁶ A temporary residence permit is to be granted initially for one year which has to be prolonged always only for one year upon application.

²⁰ UNHCR Austria, ‘Analyse des Entwurfs einer B-VG Novelle (Verwaltungsgerichtsbarkeits-Novelle 2010)’, 09.04.2010.

²¹ Austria/Ministry of the Interior, Reply to Parliamentary Query, 4309/AB XXIV. GP (26.03.2010).

²² Austria/*Asylgerichtshof*, ‘Zwischenbilanz 1. Quartal 2010’. In comparison, as of June 2008 23,600 and as of March 2009 17,400 ‘open cases’ (Austria/Parliament, Parlamentskorrespondenz/02/07.05.2009/Nr. 389).

²³ Die Presse.com, ‘Zu viele Asylfälle überlasten Verfassungsgericht’, 27.02.2010.

²⁴ Sec. 3 (1) Asylum Act 2005.

²⁵ Sec. 2 (1) item 15 Asylum Act 2005.

²⁶ Sec. 2 (1) item 16 Asylum Act 2005.



3.2.4 Persons with other status

If a return decision issued either in an asylum procedure or in an aliens' police procedure results *permanently* in the violation of **Art. 8 ECHR (the right to private or family life)**,²⁷ Austrian authorities have to declare a return decision permanently inadmissible and accord – under certain conditions – *ex officio* a settlement permit.²⁸ The general conditions (e.g. accommodation, health insurance, sufficient means of income) do not have to be fulfilled. **Outside of the scope of Art. 8 ECHR**, persons with irregular residence in Austria can be granted a residence permit only under certain circumstances: in cases which are “particularly worth considering” a quota-free settlement permit with restricted access to the labour market can be granted if a third country national has been residing in Austria continuously since 1 May 2004 and if he/she spent at least half of this period on a lawful basis (such as on the basis of a temporary residence right as asylum seeker). Authorities have to take into account the degree of integration, in particular the ability to sustain him-/herself, education and professional experience, employment, and the knowledge of the German language.²⁹ One year after introduction of this provision in April 2009 NGOs criticised that this kind of permit, which was intended to “regularise” “old asylum cases”, has been hardly granted; the barriers would be too high; out of 1,254 positive cases (as of March 2010) only 22 were granted a residence permit.³⁰

A temporary residence permit for **special protection** is to be granted *ex officio* or on application if a person is tolerated for at least one year, as a witness or victim of trafficking in human beings, or to victims of domestic violence, or to unaccompanied minors if the minor is not only temporarily in custodial care.³¹

3.3 Social assistance and integration framework

3.3.1 Basic welfare support system

Foreigners **in need of assistance**³² and **protection** are the target group of the basic welfare support system, including:

- asylum seekers, as long as the final decision has not been taken on their asylum case,
- asylum seekers whose asylum claim has been rejected but who cannot be expelled due to legal or factual reasons,
- beneficiaries of subsidiary protection and temporary protection (unless they opt for

²⁷ The right to private life is at stake if persons had spent a long time in the host country, developed personal, social and economic ties and lacked comparable personal ties in other countries – unless they had acted in a particularly dangerous manner.

²⁸ Sec. 44a Settlement and Residence Act. Depending on whether an “integration agreement” (requires basic knowledge of German language and the ability to participate in social, economic and cultural life in Austria) is fulfilled or not, a settlement permit with unrestricted access to the labour market or a settlement permit with restricted access to the labour market is to be granted.

²⁹ Sec. 44 (4) Settlement and Residence Act (NAG). An Advisory Board within the Ministry for the Interior advises the Minister of the Interior (who has to give his or her consent) in the decision-making process.

³⁰ Asylkoordination, Diakonie, Volkshilfe, Integrationshaus, SOS Mitmensch (2010) ‘Ein Jahr „Bleiberecht“, Eine Analyse mit Fallbeispielen’, April 2010.

³¹ Sec. 69a NAG.

³² In need of assistance are those who cannot make a living for themselves and their dependent family members with their own means or who do not receive such means from other persons or institutions. Persons receiving welfare support who are able to provide for their livelihood by their own means have to reimburse the necessary costs of care.



- Mindestsicherung* [needs-based guaranteed minimum income], see below),
– recognised refugees for the first four months after recognition (unless they opt for *Mindestsicherung*).³³

The Federal Government and the governments of the provinces concluded a joint agreement in 2004, the *Grundversorgungsvereinbarung* [**Basic Welfare Support Agreement**].³⁴ The agreement was incorporated into federal law³⁵ as well as into the **laws of the provinces**.

The Federation and the provinces share the responsibility and costs for the reception of asylum seekers (60:40) (persons are distributed according to the size of the population in the provinces): The Federal Government (Ministry of Interior) is responsible to provide basic welfare assistance for asylum seekers during the **admissibility procedure** in reception centres (and to those whose application has been declared inadmissible or whose application has been rejected on the merits and whose appeal does not have suspensive effect).³⁶ **After admission** the responsibility devolves to the provinces. Asylum seekers have no influence on the determination to which province and to which accommodation they will be transferred; already existent family or social networks are not taken into account. It is argued that for economic reasons they are accommodated often in isolated facilities “of a variable quality”. In some provinces asylum seekers must move to other accommodation.³⁷

Basic welfare support comprises of the following elements:

- **Accommodation/subsistence:** upon arrival, asylum seekers are accommodated in one of the two initial reception centres (Thalham and Traiskirchen). After completion of the admissibility procedure, asylum seekers are transferred to accommodation in one of the provinces. They are provided accommodation in kind (e.g. accommodation centres, housing facilities run by NGOs) but also cash support for private housing.³⁸ It is claimed that living standards and also the way food is provided in facilities vary to a considerable extent.³⁹ Dependent on the province, different forms of organisation of accommodation prevail: some provinces buy or rent out flats and run themselves organised shelters and do not involve NGOs (e.g. Tyrol). Other provinces primarily ask NGOs or private enterprises to run organised shelters (e.g. Vienna, Vorarlberg; Upper Austria). Another group of provinces primarily has accommodation run by private enterprises (Burgenland, Lower Austria, Salzburg, and Carinthia) but also NGO run accommodation. In the provinces outside of Vienna organised shelters prevail over individual shelters: as of 13.11.2008 54.26 per cent of asylum seekers were in organised shelters and 45.74 per cent in individual shelters. While accommodation in individual shelters seems to be the preferred option of asylum seekers, access to individual shelters is hampered by the discretion of authorities and the lack of clear criteria as to under what conditions persons are to be

³³ Art. 2 (1) Basic Welfare Support Agreement.

³⁴ Austria/BGBl I 80/2004 (01.05.2004).

³⁵ Austria/BGBl 405/1991 as amended by BGBl I 100/2005 (16.08.2005), last amended by BGBl I 122/2009 (01.01.2010).

³⁶ Art. 3 Basic Welfare Support Agreement, Sec. 2 (1) Federal Government Basic Welfare Support Act 2005.

³⁷ ECRI Report on Austria (fourth monitoring cycle), CRI(2010)2, para. 123.

³⁸ Flats to rent through either cash allowances or vouchers. The provinces enter into contracts with housing providers.

³⁹ ICF II – Cross-Border Asylum Action, Reception Conditions and the Impact of the EU Reception Directive in Austria, May 2007, Anny Knapp – ICF, Asylkoordination Austria / Vienna, 2.



accommodated in individual shelters; they often seen as “privilege”⁴⁰ In some provinces, organised shelters are primarily in small municipalities with little population: e.g. in Burgenland organised shelters are in municipalities with 100-1,500 inhabitants.⁴¹

- **Health Care:** A medical examination takes place – if necessary – at first admission. All persons covered by the Basic Welfare Support Agreement are covered by health insurance.⁴² Persons not covered by the Basic Welfare Support Agreement anymore, lose their health insurance but are entitled to receive emergency care, which constitutes a problem in practice. Essential medical treatment and procedures that are not covered by insurance may be covered after examination of the individual case. Language barriers constitute a problem in many provinces.⁴³
- **Other benefits** include allowances in kind or cash for necessary clothes (per year and person a maximum of € 150.00), monthly pocket money (per person € 40.00), transport to school; for school necessities per child and per year a maximum rate of € 200.00 (this amount is not provided to the asylum seeker),⁴⁴ advice and social care, return counselling, and for German language courses for unaccompanied minors (maximum 200 units) per unit and person (€ 3.63). In practice rarely the maximum of these rates is spent and asylum seekers do not receive most of this money themselves. A Member of Parliament of the Green Party stated in 2009 that the basic welfare support for asylum seekers was such low that it would usually not be sufficient for shelter and food.⁴⁵ The Committee on Economic, Social and Cultural Rights criticised the amount as being considerably lower than social assistance granted to Austrian nationals.

Basic welfare support is **suspended** while aliens are detained or during alternative measures (e.g. regular reporting obligations), if an asylum seeker gains longer-term employment and can be suspended if the person is convicted of a criminal offence.⁴⁶ Basic welfare support can be **limited or withdrawn** in case of continuous or persistent endangerment of public order through serious infringements of the internal rules of care facilities (e.g. if an asylum seeker has left the accommodation for several days).⁴⁷ A decision to withdraw or limit welfare

⁴⁰ König. A./Rosenberger S. (2010) ‘Desintegration, Dezentralität, Disziplinierung: Grundversorgung im Bundesländervergleich’, in: Rosenberger S. (2010) 289-90.

⁴¹ König. A./Rosenberger S. (2010) ‘Desintegration, Dezentralität, Disziplinierung: Grundversorgung im Bundesländervergleich’, in: Rosenberger S. (2010) 281.

⁴² Sec. 9 Basic Welfare Support Agreement.

⁴³ ICF II – Cross-Border Asylum Action, Reception Conditions and the Impact of the EU Reception Directive in Austria, May 2007, Anny Knapp, 2. In some provinces, NGOs provide interpretation services during medical consultations. In others, however, there are no regulations regarding interpretation, though public hospitals have partial access to a pool of interpreters. 2, 7.

⁴⁴ ICF II – Cross-Border Asylum Action, Reception Conditions and the Impact of the EU Reception Directive in Austria, May 2007, Anny Knapp, 3. It has been argued that in practice, the Dublin II regulation undermines access to education for children seeking asylum (up to 15 years) who are entitled to or even required to attend school. In general, children may be excused from mandatory school attendance for a maximum of three months. Austria does not offer alternative instruction to children subject to ‘more lenient measures’, or at the first reception centres.

⁴⁵ Austria/ Parlamentskorrespondenz/01/21.10.2009/Nr. 888, ‘Nationalrat beschließt weitere Verschärfung des Fremdenrechts’.

⁴⁶ Art. 2 (4) agreement; Sec. 2 (5) Federal Government Basic Welfare Support Act 2005. It is argued that this exclusion clause is not in line with the Reception Directive.

⁴⁷ Art. 6 (3) Basic Welfare Support Agreement. Sec. 2 (4) Federal Government Basic Welfare Support Act 2005.



support must not, however, restrict access to emergency medical care⁴⁸ and should possibly be preceded by an interview with the person concerned.⁴⁹

The Federal Government Basic Welfare Support Act as well as laws of the provinces contain further grounds for withdrawal or suspension. Asylum seekers who can make a living from their own means must **refund** welfare costs.⁵⁰ Asylum applicants who do not receive basic welfare support depend on the social benefits of provinces or the support provided by charitable non-governmental organisations. The EU Reception Directive introduced the right to a decision on the withdrawal or suspension of welfare benefits and the right to appeal against such a decision. However, it was argued that Austria has not always abided by this obligation.⁵¹

3.3.2 “Needs-based guaranteed minimum income”

Recognised refugees and beneficiaries of subsidiary protection (who do not receive basic welfare support) are entitled to *Bedarfsorientierte Mindestsicherung (BMS)* [**needs-based guaranteed minimum income**], which replaced the earlier social assistance scheme in 2010, aiming at uniform minimum standards across all provinces to ensure livelihood, accommodation, and health insurance.⁵² As of October 2010, it was implemented in the provinces Vienna, Lower Austria and Salzburg; persons receive a fixed amount of money 12 times a year (2010: single persons - € 744.00, couples - € 1,116.00). Whereas third country nationals would be entitled to BMS only after five years of residence, recognised refugees and beneficiaries of subsidiary protection are entitled from the day of recognition. All beneficiaries of international protection who receive BMS (or still benefits from the predecessor, i.e. social assistance) are covered by health insurance.

3.3.3 Access to employment

Recognised refugees and beneficiaries of subsidiary protection have free access to the labour market. During the admissibility procedure as well as during the first three months after admission of their asylum procedure, asylum seekers are barred from exercising wage-earning or independent employment. Afterwards, they need a special authorisation in order to access wage-earning employment or apprenticeship: they are subject to the **Aliens’ Employment Act**. Such an authorisation is issued to the employer and not to the asylum seeker. However, in practice such an authorisation is very difficult to obtain: only if the job is not taken by an Austrian or EU/EEA-citizen or another integrated third country national and if a certain quota is not exhausted, an authorisation may be issued. What is more, due to a special decree of the Federal Ministry of Economics and Labour (2004) asylum seekers may only obtain an authorisation for seasonal work (i.e. for a maximum period of six months).

⁴⁸ Art. 6 (4) Basic Welfare Support Agreement, Sec. 2 (4) Federal Government Basic Welfare Support Act 2005.

⁴⁹ This is not possible if the person has been summoned to the interview but does not attend it or if his or her place of residence is not known (Sec. 2 (6) Federal Government Basic Welfare Support Act 2005).

⁵⁰ Sec. 3 (2) Federal Act on Basic Welfare Support 2005.

⁵¹ ICF II – Cross-Border Asylum Action, Reception Conditions and the Impact of the EU Reception Directive in Austria, May 2007, Anny Knapp, 5f. Priewasser C. under the responsibility of Brandl U. (2007) National Report done by the Odysseus Network for the European Commission on the Implementation of the Directive on Reception Conditions for asylum seekers in Austria, 36ff.

⁵² Austria/*Vereinbarung zwischen dem Bund und den Ländern gemäß Art. 15a B-VG über eine bundesweite Bedarfsorientierte Mindestsicherung*, BGBl I 96/2010 (01.12.2010).



3.3.4 Integration

The Methodological Guidelines refer to several key aspects of integration, described as a two way process of rights and obligations and corresponding participation of foreign nationals in “in economic, social, cultural and civil life”, and in relation to educational integration of refugee and asylum-seeking children the Guidelines stress principles of equal access to education and protection from discrimination and possibilities for exchange and mutual learning between cultures.⁵³ Consequently, integration should be regarded as a cross-cutting political concern and issue for policy development, with particular emphasis on social assistance, education (including vocational training) and parental support, as far as children are concerned. Sec. 68 of the Asylum Act, however, speaks more generally of recognised refugees that “may be granted” support in integration, including language courses, assistance for accommodation, participation in “events on Austrian culture and history” as well as services offered by the Austrian Integration Fund. On the federal level, the main responsibility for integration lies with the Federal Ministry of the Interior, which was also mandated to coordinate the development of the **National Plan of Action for Integration**, adopted by the Government on 19 January 2010.⁵⁴ However, the NPA deals basically only with integration of migrants, by stressing permanent residence in Austria as a main criteria for defining its target group;⁵⁵ refugees are mentioned only once in the beginning of the NPA, asylum-seekers not at all. A comprehensive integration strategy with short-, medium- and long-term measures specifically designed for refugees and asylum-seekers – for adults and children alike – has not yet been developed.

4 Overview of the educational system and the education status of refugees and asylum seekers in the country

4.1 The Austrian Educational System

The Austrian Educational System is characterized by a very distinct and **complex decentralised system**. In general it can be stated that federal and provincial authorities have mixed competences in the areas of legislation and implementation. The legal base for education in Austria is the **School Organization Act** (*Schulorganisationsgesetz*) introduced in 1962⁵⁶. Any legislation on the main elements regarding the Austrian school education system needs a qualified majority in Parliament (two thirds of all parliamentary votes, similar to constitutional votes). Another important feature of the Austrian school system is its highly bureaucratic basis with a clearly defined hierarchy.

For the training of compulsory school **teachers**, University Colleges were set up in 2007, whereas teachers for secondary and higher schools already previously were subject to

⁵³ Integrate Methodological Guidelines for best practice identification, p. 17/18.

⁵⁴ For further details, see the Ministry’s website at http://www.bmi.gv.at/cms/BMI_Asylwesen/integration/start.aspx (8 April 2011).

⁵⁵ Government of Austria, National Plan of Action for Integration, 2010, p.7.

⁵⁶ Austria/School Organization Act (*Schulorganisationsgesetz*), BGBl 242/1962.

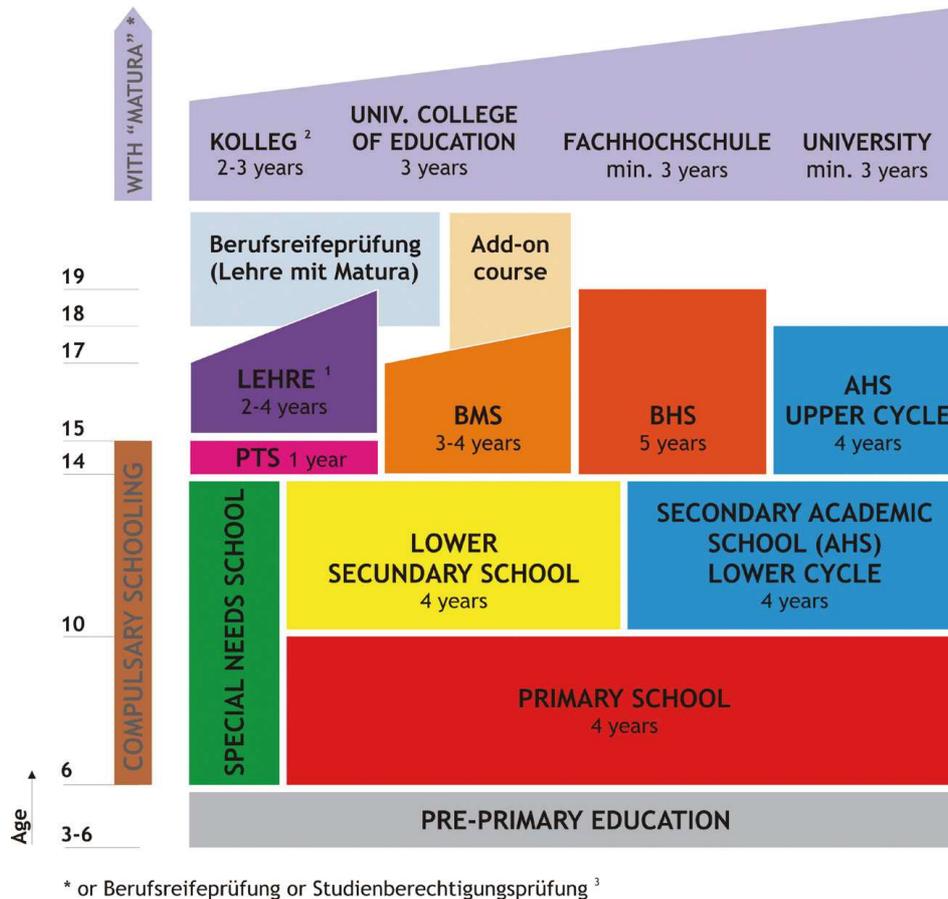


university education. Currently efforts for a new interlinked curriculum are under way to be put in place for all educational professions.

Schooling is mandatory in Austria for nine years, usually from ages six to fifteen. From ages six to ten, children attend **primary school** (*Volksschule*); from age ten to fourteen, they go to **lower secondary school** (*Hauptschule*) or **secondary academic school/lower cycle** (*Gymnasium/Unterstufe*);⁵⁷ and from ages 14 to 17 or 18/19 they attend **secondary academic school/upper cycle** (*Gymnasium/Oberstufe*) or **medium-level /upper level secondary** (technical or vocational) **school** (*mittlere/höhere berufsbildende Schulen*). Another option is to leave school at the age of 15. In this case, they have to undergo three more years of vocational training (**apprenticeship**) on site at a company, combined with vocational school. Apprenticeship is the major form of acquiring a vocational qualification in Austria. An average of 40% of school leavers each year opts for an apprenticeship. Currently there are some 260 apprenticeship occupations in Austria.

After compulsory schooling, there are different options for higher education. The medium-level secondary technical and vocational colleges last for three or four years, and upper-level secondary technical and vocational college end with a “*Matura*” exam, which grants access to university education. On the tertiary level the **University College** for teacher training, the “*Fachhochschulen*” (**Universities of Applied Sciences**) and all other **universities** are open for students, having passed the “*Matura*” exam or similar qualifications.

⁵⁷ Since 2008 a “New Middle school” model was introduced, providing a joint school education for all aged 10 to 14 years, in order to overcome early segregation based on social status.



Source: *Learning for your future. Educational and career choice for people with a migration background*, WKO Wirtschaftskammern Österreichs, Vienna 2009

4.2 Access to education for RASC

According to the 1989 UN Convention on the Rights of the Child, Austria is obliged to make primary education compulsory and available free to all (Article 28; a similar provision is contained in the 1966 UN Covenant on Economic, Social and Cultural Rights). Moreover, Art. 2 Protocol Nr. 1 to the European Convention on Human Rights, which is guaranteed at constitutional level in Austria,⁵⁸ contains elements of the right of education. Furthermore the EU-Reception Conditions Directive⁵⁹ guarantees minimum standards for the reception of asylum-seekers, including access to education. Austrian school legislation provides that Austrian public schools are generally accessible without distinction on account of birth, sex, ethnicity, social class, language or religion⁶⁰. Similarly, the citizenship/legal status for a child's presence is not relevant for the right to education. Every child, who lives in Austria on a permanent basis, is also obliged to attend school for nine years starting from the age of six.

⁵⁸ Austria/BGBl 210/1958; BGBl 59/164

⁵⁹ Council Directive 2003/9/EC of 27 January 2003.

⁶⁰ Austria/Sec. 4 *Schulorganisationsgesetz* (School Organisation Act), BGBl 242/1962 idF BGBl I 116/2008 (§4 idF BGBl I 113/2006 (25.07.2006)).



Children, who live only temporarily in Austria (regardless of their residence status), are entitled to visit school as well.

This clearly applies to refugee and asylum-seeking children as well. In Austrian reception centers, where asylum-seeking families stay with their children, as well as unaccompanied children, for several weeks during their admissibility procedure, educational measures are very rare and limited to some basic German courses, with not fully adequate provision of psychosocial assistance to stabilize people often having experienced trauma. A secure environment, psychosocial support and basic services, are of primary importance at this stage and are preconditions for further educational integration. After admissibility procedures in reception centres are concluded, asylum seeking children, their families and UMFs are accommodated according to the “basis welfare support agreement” (*Grundversorgungsvereinbarung*, see above) throughout Austria. Besides accommodation and food, they are supplied with medical care, pocket money and e.g. with money for school materials (max. € 200,-). In general it can be assumed that most RASC of school age are integrated in the formal educational system.

However, according to our research it has to be stated that the Austrian educational system hardly provides specific programmes, pedagogical measures or projects addressing the particular needs of RASC in schools. By looking at information gathered from a number of teachers and school experts, the development of projects, excursions and exchange programmes dealing with “refugees” still strongly depends on the individual engagement of teachers and school leaders.

Certain general provisions have been introduced in order to protect students (migrant children as well as RASC) against disadvantages, e.g. in relation to language barriers, making it possible for those children to attend school together with same aged peers for up to two years without being graded.⁶¹ It has to be emphasized that in Austria mother tongue education (within a certain range of languages taught, see below) is provided for all pupils with a different first language as German including migrant children as well as RASC without distinction. In 2009/10, 201.275 pupils in all types of schools in Austria had a first language different from German. On the compulsory school level - which might be of relevance for RASC, hence most of them remain in compulsory schooling - the average number increased from 103.877 (15,2%) in 2002/03 to 129.848 (22,4%) in 2009/10 in Austria. The highest number (55,3%) of those pupils who have a first language different from German, can be found in Vienna (2009/10) and the lowest (10,9%) in the southern province of Carinthia.⁶² A minimum of eight pupils with special German training needs can take language enhancement courses (to an extent of eleven hours per week).⁶³

⁶¹ Austria/Sec. 4 *Schulunterrichtsgesetz* (School Education Act).

⁶² A further differentiation regarding type of schools in 2009/2010: primary school (6 to 10) 49%; general secondary school (10 to 14) 20,9%; special schools (6 to 15) 27,8%; polytechnic school (14 to 15) 23,2%; model test – new middle school (is to provide a joint school for all 10 to 14-years old pupils) 27,5%; academic secondary school – lower level (10 to 14) 15,2%; See: Pupils with a different fist language than German; statistical overview School-Years from 2002/03 to 2009/10; In: Information Sheet of the department for migration and school Nr. 2/2011; Bundesministerium für Unterricht, Kunst und Kultur.

⁶³ Austria/*Schulorganisationsgesetz*, § 8 e Abs. 2 und 3, 1962.



Only at the level of compulsory schools, **language training in the child's mother tongue**⁶⁴ is provided all over Austria since 1992/93. All pupils with a different first language than German are eligible to attend courses in different languages.⁶⁵ In primary schools, special schools and lower secondary schools, mother-tongue-courses are provided as optional exercises and free subjects up to six hours per week. Statistically, Turkish⁶⁶ (13.961 pupils or 46,8%) and BKS (Bosnian/Croatian/Serbian – 10.870 pupils - 36,5%) are the most widely spoken (first) languages and account for more than 80% (24.831 in total) of all pupils attending one of these two mother tongue language courses.

It is unknown how many RASC are actually benefiting from the mother tongue language training, due to the lack of disaggregated data. In 2010 approximately half of all asylum-seeker-applicants (in total 11.012) came from the Russian Federation (21,08%) and from Afghanistan (14,36%), followed by Kosovo (5,64%) and Nigeria (5,20%). Among asylum seeking unaccompanied children (687), most children came from Afghanistan (42,23%), followed by Nigeria (9%), Moldavia (6,11%), Algeria (5,9%), etc.⁶⁷ In comparison to the mother tongue courses which are being offered, it can be concluded that not all RASC schooled in Austria are able to attend this language support measure.

While RASC may have access to Austrian schools, they often remain disadvantaged because of poor previous schooling opportunities in their countries of origin, their suffering from psychological stress before and during the flight experience, lack of knowledge of the German language and often inappropriate learning conditions in their accommodations in Austria. Due to these and other reasons they often fail school, end their educational career or interrupt it for an uncertain amount of time. Only few RASC are properly prepared to attend upper secondary schools or even university. Vocational training - as an educational path – is often a valuable opportunity for refugee children and beneficiaries of subsidiary protection. Regarding access to vocational education in Austria, a precondition is – apart from nine years of compulsory schooling – a contract of apprenticeship. However, the latter is subject to the Aliens Employment Act (*Ausländerbeschäftigungsgesetz*), requiring work permits from all non-EU citizens.⁶⁸ Only refugee children and those with subsidiary protection are entitled to enter into an apprenticeship, whereas asylum-seeking children are barred from such employment. Being excluded from vocational training has extremely negative consequences for asylum-seeking children, who even after having completed compulsory schooling, are left with rather limited options for the future. Many of them try to benefit temporarily from educational projects and language courses provided by NGOs. However, the basic problem remains that these children

⁶⁴ For primary (*Volksschule*) and special schools (*Sonderschulen*): BGBl 528/1992; secondary academic school (lower cycle, AHS): BGBl II Nr. 133/2000; Lower secondary school (*Hauptschule*): BGBl. II Nr. 134/2000;

⁶⁵ In the schooling-year 2010/11 following languages are provided: Albanian, Arabic, Armenian, Bosnian/Croatian/Serbian (BKS), Bulgarian, Chinese, Dari, French, Kurdish, Pashto, Persian, Polish, Romanes, Rumanian, Russian, Slovakian, Spanish, Czech, Chechen, Turkish and Hungarian. Information Sheet, department for migration and schooling, Nr. 1/2010, Ministry for education, art and science.

⁶⁶ However, when it became known in early April 2011 that Turkish language could become an optional subject for the final "Matura" graduation exam at 18, it stirred a political controversy with populist right-wing groups expressing fears of "parallel societies and cultures" emerging from such steps, *Die Presse*, Übertriebener Wirbel um Türkisch als Maturafach, 7 April 2011.

⁶⁷ Austria/Bundesministerium für Inneres (Federal Ministry of the Interior), Asylum statistic 2010,

http://www.bmi.gv.at/cms/BMI_Asyllwesen/statistik/files/Asylstatistik_Jahresstatistik_2010.pdf (24.03.2011).

⁶⁸ See Wladasch, K./Köhler, K./Ammer, M. (2009) „Diversities in Schools. Challenges for educational systems in the fields of converging interests of protection of minorities and anti-discrimination”, in: *europa ethnica*, Vol. 65, No.1/2, pp. 2-14.



are denied essential opportunities for their own empowerment, with dim perspectives for their future and comprehensive integration into society.

As has already been mentioned, many efforts are constantly being undertaken by non governmental organisations through developing and conducting projects and programmes addressing specific needs of RASC. Some of them provide a special extra-curriculum learning support, preparation courses in order to pass the compulsory final exam, and re-qualification in German, English, Math, computer skills, etc. Others offer specialized projects on mentoring, tutoring and psycho-social assistance, supporting and fostering mental strength and well-being. There is a wide variety of different measures, ranging from projects with various focal points such as education, language courses, integration into the labour market all the way to physical and mental programmes as well as awareness-raising.

5 Good practices description and analysis

Against the background described in the previous sections on the manifold practical, legal and political challenges for refugee and asylum-seeking children in Austria, the following chapter attempts to present activities to support young people in overcoming these difficulties.

In the course of the best practice research we reviewed more than 60 different policies, programmes, projects, initiatives and tools in Austria. Methodologically, we grouped them according to criteria and dimensions closely related to the template provided in the Methodological Guidelines. In the end we had established a short-list of practises from a broad range of categories: comprehensive approaches to educational integration, efforts to support integration of young people in the labour market through vocational training, language courses, computer courses and other skills training, educational support as part of accommodation schemes, kindergarten and child care facilities for refugee parents, psychosocial assistance and play, mentoring/coaching programmes, counselling services, school-initiated measures/measures initiated by school authorities, financial support and sensitisation of the general public (including school classes) about the situation of refugee and asylum-seeking children.

Within these measures we then undertook an assessment on the basis of the information available in regard to criteria such as sustainability, innovation, multi-dimensional approach (versus isolated activities), transferability (non-reliance on particular circumstances), as well as relevance for at least one of the main areas of reference, namely access to education, quality of education, enhanced protection and empowerment and participation. Another aspect we had to deal with has been the fact that most of the activities under review did not make a clear distinction between refugee children and migrant children. Integration as well as education in that context is much too often seen from e.g. a language perspective only, which in the first moment does not seem to make such distinctions between flight and migration necessary (and there certainly can be traumatic experiences in both situations). Nevertheless, it is essential to be aware of the differences, in order to find/develop the most appropriate



assistance needed (be it e.g. legal advice, offering contacts to specialised institutions, dealing with traumatic experiences, knowing one's own competences etc).

Unfortunately, for instance, the Austrian National Plan of Action for Integration presented early 2010 by the Ministry of the Interior, basically deals only with integration of migrants – the 40+-pages document mentions refugee integration only once, and child refugees not at all.⁶⁹

The following examples of best practices have been selected because in our view they meet several of the criteria outlined above, while at the same time offering enough distinctiveness in their approaches to hopefully enrich the discussion within the Integrate project on identifying relevant measures for better educational integration of refugee and asylum-seeking children.

The following four case studies all contain the same basic structure: a basic description of goals, strategies, target group(s), involved partners/financing, main activities and results, as well as an analysis of their points of strengths and weaknesses.

⁶⁹ For further information, including download, see the website of the Austrian Integration Fund, at: <http://www.integrationsfonds.at/nap/bericht/> (8 April 2011).



5.1 Dynamo

“Dynamo” is a comprehensive programme consisting of a network of partners, which offers a broad range of qualification skills and educational achievement for young migrant/RASC persons for integration into the educational system and into the job market.

Websites: JUBIZ/Vienna Adult Education Centre, Ottakring: <http://www.jubiz.at>;
ISIS/Vienna Adult Education Centre, Rudolfsheim: <http://www.vhs-15.at>; *Integrationshaus*
Vienna: <http://www.integrationshaus.at>

General description and background

The **target group** of these courses and seminars of the network are adolescents and young adults with migration background, including refugee and asylum-seeking children, to whom an extensive range of classes and different modules addressing their specific needs and individual concerns are offered. More than 1.000 participants attended courses and seminars provided by three partners (*Integrationshaus* Vienna, *Volkshochschule Rudolfsheim*, *Volkshochschule Ottakring*) on different areas and topics.

Objectives

- Enhancing equal opportunities for young migrants, refugees and asylums-seeking children in the field of educational system, labour market and society.
- Providing basic education and qualifications
- Preventing unemployment through qualification/relevant skills
- Preparation for higher secondary education
- Imparting competences in social skills and practical life

Main activities of the overall programme

Within the network a variety of complementary measures are offered, which help to “educate and empower” young persons; the main network activities of ‘DYNAMO’ can be divided into three different sub-programmes carried out by three partner organizations:

1. Sub-programme ‘Youth, Education & Labour’ (carried out by *Integrationshaus*)

This Sub-programme is further divided into three areas:

- Bajü – (course on basic education)
- J-u-L-I-A (course on integration into the labor market)
- Strengthening individual capacities by mentoring and educational partnerships

“**BAJU**” courses: the target group includes young migrant, refugees and asylum-seeking children in the age between 15 and 25 years with limited German knowledge. Focus is put on



increasing German languages skills, gaining fundamental basic education that enable completing Secondary Education Graduation and improving the opportunity to integrate in the working process. Accompanying measures are psychosocial counselling and individual coaching. Volunteers trained by the *Integrationshaus* support the participants in language training, professional orientation but also in social and cultural matters.

“J-u-L-I-A” courses: this project focuses on the preparation into the labour market and is therefore only addressed to young migrants, refugees and beneficiaries of subsidiary protection (between 15 and 21 years) and not to asylum-seeking children. Further preconditions are good knowledge in German as well as a Graduation of Secondary Education. The main areas of the project are: occupational orientation, application training and presentation techniques, training in relevant terminology for specific professions, IT trainings, English language training, social studies, psychosocial counselling. One important aspect of the sub-programme is to provide practical experience in terms of internships in various businesses. During these phases of getting to know the world of labour market they are accompanied by so called ‘mentors’ who received a specific training offered by the *Integrationshaus*. After the final stage of the project the participants should have signed a contract on apprenticeship or even employment.

Strengthening individual capacities: due to the assistance of specifically trained mentors and educational partners/tutors, participants are provided with individual support during the courses.

2. Sub-programme ‘ISIS’ (carried out by *Volkshochschule Rudolfsheim*, Vienna)

The target group here comprises of young migrants, refugees and asylum-seeking children between 15 and 25 years who already completed Secondary Education Graduation and attend higher-level education i.e. higher secondary schools, technical and vocational schools. In particular the project refers to young people, who have participated at external preparatory courses to obtain the Secondary Education Graduation and have not yet been regularly involved in the schooling system in Austria. Thus, the main objectives are:

- Individual coaching of students (migrants, refugees and asylum-seeking children) shall improve their chances to complete higher-level education, i.e. medium- and upper-level secondary technical and vocational schools.
- Particular emphasis being put on gender sensitivity in terms of methodology and implementation addressing different cultural and gender-specific concerns.
- By means of intensive learning accompanying measures reduce discrimination against migrants, refugees and asylum-seeking children in school system by a comprehensive approach including teachers, parents and pupils.

For this purpose ‘ISIS’ includes following individual measures promoting educational integration in schools:

- Counselling and coaching in order to develop educational orientation and perspectives
- Tutoring to enhance competencies in linguistic and writing abilities as well as learning strategies
- Providing supporting groups for accompanying learning assistance if required



- Social work and psychosocial support avoiding drop-out
- Advice for teachers at schools working with participating pupils to optimize the learning environment
- Awareness-raising programmes, dissemination of information and networking

3. Sub-programme ‘JUBIZ’ (carried out by *Volkshochschule Ottakring*, Vienna)

This sub-programme is divided into five different areas focusing on various topics:

- Counselling (educational opportunities and social work)
- Literacy and Basic Education
- German Courses
- Qualification Measures: Preparatory Course for Secondary Education Graduation (German and English language + computer training, teamwork skills) and “Komflex - Competence & Flexibility” (movie/video clips and other creative activities)
- Project “Rasant”: preparation for Vocational Matriculation Examination (specific exam allowing access to tertiary education for students having completed apprenticeship/vocational training, without higher secondary education), educational support, social counselling and career orientation.

All courses of ‘JUBIZ’ are based on the concept of managing diversity referring to identity matters (enhancing the potential for self-development, reflect on patterns of perception), the educational system (gender-sensitivity and intercultural learning, inclusive methodologies, learning for democracy), the labour market (reducing stereotypes in relation to vocational aims and expectations) and culture (working against racism in every day life, sensitizing towards multiculturalism). The courses are complemented by the cooperation and work with **parents** which is essential for a successful implementation.

As a **cross-cutting strategy**, all courses and seminars within the network ‘**Dynamo**’ are accompanied by psychosocial support, social work and coaching, hence, the participants often have to live in difficult social conditions and still suffering from traumatic experiences.

Furthermore, there are **awareness raising measures** and **development projects**, which aim to inform the host society about the life situation and competences, as well as difficulties, of young migrants (including refugee and asylum-seeking children). By doing so, they help raise the readiness to make and maintain contacts.

Implementing agencies/financing of Dynamo

Dynamo is carried out by three partners (Vienna Integrationshaus/Integration-house, Volkshochschule/Adult Education Centre Rudolfsheim, Volkshochschule/Adult Education Centre Ottakring). ‘Dynamo’ is financed through funding from ESF, the Austrian Federal Ministry of Education, Arts and Culture, the City of Vienna, Vienna Employee Promotion Fund (WAFF), Federal Chamber of Labour and Employment Service Austria. For 2011 temporary grants could be raised, but further financial support is rather insecure, depending on decisions which have to be adopted at the federal and province government level. The



Austrian Coalition government agreement (2008) emphasizes the specific importance of educational programmes.

General assessment

As far as **integration problems addressed** are concerned (Methodological Guidelines: education access/quality/protection/empowerment and participation), Dynamo encompasses basically all four of the dimensions: networking approach to ensure comprehensive access to a variety of forms of education, quality of education (gender-sensitivity, inter-cultural learning), enhanced protection (individual psychosocial support) and participation (young centre activities, mentors/tutors).

Points of strength

All modules are based on common objectives and strategies of empowering young migrants, refugees and asylum-seeking children through education and self-determination. The wide variety of different courses on diverse educational levels enables the participants completing a whole educational career starting with literacy and German courses, obtaining the Secondary Educational Graduation and finally entering university after completion of the final ‘Matura’ exam’. Due to the interlink between these three sub-programmes there is a great flexibility i.e. in regard to basic education: young people with different level of literacy can join either the project ‘JUBIZ’ or the project ‘BAJU’, depending on their abilities. Dynamo is also characterized by a strong commitment to the individual concerns of their participants, that’s why there is an intensive exchange of their developments and needs even outside the project in inter-institutional working groups. The participants may easily change from one course to another one if required. Meetings of project leaders on a regularly basis ensure the monitoring and quality management of the programme. Worth mentioning is also the development of a handbook including guidelines on ‘basic education’ assuring quality and sustainable implementation. ‘Dynamo’ also obtained several awards among them the ‘State Prize for Adult Education 2010’ by the Ministry for education, art and culture.

Points of weakness

In Vienna there is an enormous need for educational courses demanded by young migrants, refugees and asylum-seeking children and Dynamo has too little resources to provide education for all. In general, Dynamo focuses on a quite inhomogeneous target group including youth migrants, refugees and asylum-seeking children. The project leader, John Evers, articulated in a phone-interview⁷⁰ that might be a weakness of the whole project, since there is i.e. insufficient intensive psychosocial support especially for refugees and asylum-seeking children suffering from traumatic experiences, which are considered very important for the successful educational integration.

5.2 EPIMA I + II (EU EQUAL) and B.A.C.H. Programme

⁷⁰ Telephone interview with John Evers (project leader, *Volkshochschule Ottakring*) dated from 8th of April 2011.



EPIMA I+II (2002 – 2007): targeting asylum-seeking children, mainly through providing basic and advanced education, job orientation and preparation for the labour market, psychosocial counseling

Website: <http://www.epima.at/>

General description and background

Although the EPIMA programme *per se* has already been terminated, it can still be considered an important model for integration activities, which has inspired several follow-up programmes, including the BACH programme described later on.

The EPIMA programme was part of the EU EQUAL Strategy started in 2001; EPIMA dealt specifically with the situation and the disadvantages of young asylum seekers in relation to the labour market in EU Member States, including Austria. EPIMA aimed to develop and implement measures in terms of education and integration of young asylum seekers into the labour market, including offering young asylum seekers a “pre-qualification” to facilitate the transition from education to work. The project was based on the assumption that interrupted pathways of education, language barriers, social exclusion and lack of information are main reasons for discrimination at the labour market. The EPIMA programme consisted of EPIMA 1 (autumn 2002 until May 2005) and EPIMA 2 (autumn 2005 until summer 2007), based on experiences of the first project round. 180 participants from 36 different countries participated in Austria in EPIMA 1, whereas EPIMA 2 offered 197 young asylum seekers the opportunity to participate, with 43 attending further qualification initiatives (Secondary Education Graduation, higher secondary schools, vocational schools, etc.). Most of them came from Chechnya, followed by Afghanistan and Nigeria. EPIMA 2 carried out six different modules in six Austrian federal provinces, each coordinated by a different institution.

The **target group** of EPIMA comprised of asylum seekers aged between 15 and 25 years, provided they had a perspective for continued stay in Austria. Particular attention was paid to unaccompanied refugee minors. More than half of the participants were under 18 years, about one quarter were female.

Objectives of EPIMA

- Preparation of young asylum seekers for the labour market
- Assistance in planning further education and/or in job orientation, i.e. conveying of information about access to labour market and further education
- Improvement of professional experience by vocational trainings and internships
- Strengthening the asylum seekers’ potential of self-determination
- Improvement of German language skills
- Supporting in computer skills (IT trainings)
- Advocating against structural discrimination of asylum seekers and enhancing better chances for integration in the labour market.

Strategies and description of activities



The EPIMA program encompassed various modules, which shared a common structure and at the same time had at least one individual focal point depending on regional circumstances, where the modules have been taken place. Group work strengthening teamwork capacity was always complemented by individual coaching.

The modules were divided into a basic course and a specialized course. The basis course included a German language course, IT training and basic education in Mathematics, Geography, English, health and social topics. Focus was always put on intercultural learning, i.e. by discussion on socio-critical topics, religion and on challenges arisen from everyday life. The specialized courses focused on vocational orientation and professional training in theory and practice. First it was important to discuss with the participants their various perceptions in relation to professions and the qualifications needed. After that trainings on communication and presentations have been carried out. The participants got first experiences in the labour market by internships, excursions and taster days. For example, they had the chance to gain professional experience as radio journalists, or developing skills in vocational fields like gastronomy, garden and park maintenance, wood processing or health care.

By means of self-designed theatre plays, documentary films, discussion forums and exhibitions, the participants presented themselves and their works to public in order to make their situations, wishes and problems visible. This kind of awareness-raising led to more understanding, openness and tolerance within the communities. Because the participation at EPIMA was voluntary, a higher readiness for integration could be achieved without constraint.

Implementing agencies/financing of EPIMA

EPIMA was developed jointly by several organizations: Asylkoordination Österreich, Integrationshaus, Volkshilfe Oberösterreich, SOS-Kinderdorf Salzburg, SOS-Mitmensch Burgenland, Verein Zebra, WUK Wien, Berufsförderungsinstitut Linz and Burgenland, and Volkshochschule Burgenland. It was supported by the Austrian Ministry of the Interior, the Austrian Chamber of Commerce, the Austrian Federation of Trade Unions, and the Public Employment Service Austria. EPIMA was evaluated by the department of clinical psychology of the University of Vienna. This cooperation between practice and academics was very valuable for all actors involved – students experienced an increase of competences and understanding, at the university level an appropriate instrument could be developed and the adolescents got to know Austrian students who became increasingly important conversational partners.

General assessment

As far as **integration problems addressed** are concerned (Methodological Guidelines: education access/quality/protection/empowerment and participation), EPIMA set priorities on two of the four areas: comprehensive and non-discriminatory (part of EQUAL Strategy!) access to vocational training and empowerment and participation (approach focusing on practical experiences).



Points of strength

EPIMA brought together many different actors and therefore increased the opportunity of integration. It combined the improvement of language and educational skills with first practical experiences. The project was constantly evaluated by different institutions. By its sub-division in two parts, it was made possible to consider and implement the results of evaluations at an early stage and therefore the quality of the project could be improved. Since EPIMA was part of the EQUAL strategy and embedded in national and international networks, a constant exchange of experiences, comparisons and a joint development of ideas to improve the quality of the project was enabled. A certain sustainability of the project is ensured by implementing follow-on projects such as BACH, which will be described next.

Points of weakness

EPIMA considers integration too much as a one-sided process. The problems of asylum seekers on the employment market are not only caused by a lack of skills, but also by unwillingness of employers often as a result of little information and structural barriers related to the employment market. Therefore, it would be important to promote sensitize employers for the specific situation and concerns of asylum seekers. Apart from the project a continuous advocacy towards policy makers regarding the free access of asylum seekers to the labour market would be urgently needed. The current situation discriminates asylum seekers and impedes their social and economic integration. EPIMA benefited also from a variety of networking activities. On the national level, five developmental partnerships built up the network AUTARQ2, which aimed to maintain the results and products of the developmental partnerships even after the program was finalized. On a transnational level, EPIMA was part of the network “AIM - Acceptance - Integration – Migrants”. These networks tried to compare national practices and legal frameworks, exchanging experiences and know-how and transferring proven methods and products.

BACH programme (EPIMA follow-up programme), Lower Austria

Educational project “BACH”: Basic Education – Coaching – Courses for the Graduation of Secondary Education

Website: <http://fluechtlingsdienst.diakonie.at>

Background and general description

The results of EPIMA I+II has shown the outstanding importance of educational attainments, which enables young refugees and asylum seeking children further opportunities regarding educational and vocational integration.

The **target group** of BACH consists of adolescent refugees and asylum seekers mainly in lower Austria (one of the nine federal provinces in Austria). From 2007 to 2011 a total of 87 participants mainly from Afghanistan (28%) and Russia (24%) attended courses and some 1.600 educational counsellings have been conducted. Among the participants of the seminars and courses 62 were women and 25 men. About one third of the target group has recognized



refugee status, one third is under subsidiary protection and one third is still in the asylum procedure.

Objectives

Besides the main objective “achieving the Graduation of the Secondary Education” cooperation, support in motivation and self-determination as well as intercultural learning are of most importance. Moreover, it aims at:

- Integration of young migrants, refugees and asylum-seeking children in the educational system in Austria
- Improvement of their involvement in the labour market
- Special attention to the promotion of young women
- Networking on the basis of volunteers and cooperation with schools
- Target group oriented learning and teaching, including excursions, lecturing, workshops and project studies (i.e. encounter project with Austrian pupils from secondary school “Jakob-Thoma-Hauptschule” and “Montessori-school” in Mödling)

Activities

The project is divided into three different areas:

- Basis education (specially in German, Mathematics and English)
- Coaching (counselling in educational and job opportunities)
- Preparatory courses for the Graduation of Secondary Education (basically important for refugee and asylum-seeking children due to the fact that they have limited chances for higher education and integration in the labour market.

Moreover the participants have to attend computer skills trainings weekly and optionally, they may take part in additional German or English courses as well as guitar lessons. Because of the good cooperation with many volunteers individual educational support and private tutoring could be organized.

From the 62 refugees and asylum seeking children completing courses between 2008 and 2010 a vast majority of 53 successfully obtained the Secondary Education Graduation. 22 of those attending higher level education, ten got an apprenticeship contract and five are involved in evening classes for further education. Some of those haven't yet completed the final exam are still participating at German courses.

Implementing agency/financing of BACH

The project is implemented by *Diakonie Flüchtlingsdienst* (the protestant church-based refugee and asylum-seeking support organization in Austria), with funding provided by the ESF and the Austrian Federal Ministry of Education, Arts and Culture.



General assessment

As far as **integration problems addressed** are concerned (Methodological Guidelines: education access/quality/protection/empowerment and participation), BACH is focusing particularly on the aspect of non-discriminatory access to education and the prevention of drop-outs (coaching approach) as well as empowerment and participatory approaches.

Points of strength

The comprehensive approach including preparatory courses in German, English and Mathematics, completion of the Secondary Education Graduation and the instrument of individual as well as professional coaching facilitate learning processes and enhancing motivation towards educational integration. Apart from that the experiences and lessons learned from the programme ‘EPIMA’ led to a broader understanding in relation to the concerns of the target group and therefore enriched the project design and the process of implementation. In particular the individual coaching complemented by the support of volunteers and tutoring enables the participant self-determined development and fostering their abilities and strengths.

Points of weakness

The project is actually financed partly by funds of ESF and the Austrian Federal Ministry of Education, Arts and Culture. The future funding is not granted, hence the ESF intends to withdraw from the financial support and therefore negotiations have been started with the federal province of lower Austria. Concerning the financial uncertainty long term strategic planning as well as perspectives towards further advancement and assessment can hardly be developed which may have a negative influence on the implementation and the general outcomes. An interviewed project leader⁷¹ stated that due to the difficult financial situation the project staff can’t be hired on a regular employment basis but rather on a freelanced basis. This leads to a high rate of turnover among staff-members which may have also a negative impact not only on the quality but also on the sustainability of the whole project. Beside that he focused on necessary basic conditions being also relevant for the success of the learning process, i.e. providing free food for refugee and asylum seeking children who are often faced with lack of money. He suggested implementing a kind of day school providing subject related units, free time for recreation, lunch time and accompanied learning assistance. From his point of view a stronger networking and co-operation among institutional partners, NGOs, public administration and school authorities on a rather structural level would be very much appreciated.

5.3 MINERVA Programme (Salzburg)

Project Minerva: Basic Education – Preparatory Courses for Secondary Education Graduation – Developing of intercultural and social competences

⁷¹ Telephone interview with Pawel Serkowitsch (project leader of BACH) on the 6th of April 2011.



Websites: <http://www.sos-kinderdorf.at> (> Flüchtlingsprojekte > SOS-Kinderdorf Clearing House), <http://www.vhs-sbg.at> (*Volkshochschule Salzburg, Jugendzentrum IGLU*)

General description and background

Concerning **target groups**, Minerva is focusing on refugees, unaccompanied minors and asylum-seeking children in the age between 15 and 25 years with little knowledge of German and weak educational background. Especially young asylum-seekers over 15 years have very limited educational opportunities, hardly any school leaving certificates and almost no chances getting an employment. In their home countries many of them in the project have had only little or no previous education. Since the asylum procedures may last many months up to more than a year educational projects can be a valuable contribution for asylum-seeking children and young people during this period of time.

The project Minerva has been started in 2008 and is still going on. Up to now 79 participants, primarily refugees and asylum-seeking children (about three-quarters), took part in the activities. 23% of those are female and the largest group is coming from Afghanistan (40%).

Main objectives

- Integration of young people, in particular of unaccompanied minors and adolescents with migration background, into the Austrian educational system and labour market;
- Providing basic education based on a life-long-learning concept.

Activities

Minerva is a project with a comprehensive approach carried out by three different partners with varying priorities:

- *SOS-Kinderdorf Clearing House*, Salzburg

The SOS-Clearing House Salzburg offers an one-year-long intensive course for the German language, but which includes also basics in Mathematics, English, History, Geography and Biology to be prepared for joining later on the preparatory course for the Secondary Education Graduation. Besides, participants are provided by psychological support and assistance in coping everyday life. Furthermore intercultural learning and project-oriented lesson are important instruments in order to strengthen their competences and capabilities. Individual counseling and coaching as well as accompanying learning assistance promote self-development and motivation.

- *Volkshochschule/Adult Education Center* Salzburg

The Adult Education Center focuses on courses preparing participants for Secondary Education Graduation exams. Beside that, IT trainings, sports, creative workshops as well as social counseling is being offered.

- *Jugendzentrum/Youth Centre* IGLU

Participants can choose between several courses and workshops offered by the youth center IGLU. Daily tutoring in small groups enables the deepening and solidification of the learning



content, taking the particular interests and needs of the participants into account. Numerous workshops address social needs and various interests of the participants. In these workshops, i.e. cooking, excursions, theater performances, etc are on the program.

- **Cross-cutting strategies**

Participants with refugee status may receive financial support from the Employment Service Austria to complete their Secondary Education Graduation. Three times a week a social worker gives individual assistance and get in contact particularly with those participants who often came too late to the courses or miss them without any excuses. It's important being informed about the reasons in order to be able to react in a moderate way and motivate them continuing their educational paths. Moreover project-meetings take place on regular basis in order to coordinate substantive and organizational matters. Due to the fact that there are only few female participants, strong efforts are put on gender-sensitive measures, e.g. separate girl groups were set up for particular teaching exercises to encourage their participation and strengthen their abilities. The topic of gender equality is a cross-cutting educational issue in all curricula.

- **Awareness-raising activities**

Students from the University of Salzburg were invited to the project and exchanged their points of views with the participants. This gathering was very much appreciated by both sides. The participants took also part in a theatre piece on the topic of "being foreign" performed by the theatre of Salzburg. Many school-classes visited the play and learned about intercultural topics, racism and tolerance.

Implementing agencies/financing of Minerva

The project was initiated and implemented by three institutions working in the field of child care and youth work as well as adult education (SOS-Kinderdorf Clearing-House/Volkshochschule Salzburg/Jugendzentrum IGLU). The project is financed by the Ministry of Education, Arts and Culture and the ESF.

General assessment

As far as **integration problems addressed** are concerned (Methodological Guidelines: education access/quality/protection/empowerment and participation), Minerva deals with three of the four areas: comprehensive access to education (including gender-sensitivity), enhanced protection (individual psychosocial support) and participation (young centre activities).

Points of strength

The project design includes a comprehensive approach addressing various needs and concerns of the target group. Minerva provides tailor-made offers so that each of the participants can find an appropriate course. Due to the cooperation of three different institutions a wide variety of several educational programs could be implemented. Emphasis has been put also on intensive psychological support.

Points of weakness



The participation of the project is free of charge, but the young people don't get any daily allowance for their attendance. The project leader⁷² critically remarked: if, for instance, an asylum-seeker obtains regular refugee status during his education it is quite often the case that he or she is quitting school and starts working in (underpaid) jobs to support their families in the home countries. In view of this development, financial support could lead to more motivation and fewer drop outs.

5.4 “LOBBY.16”

Re-qualification programme following Secondary Education Graduation – preparation for labour market in cooperation with the private business sector (apprenticeships, internships, employment)

Website: <http://www.lobby16.org/>

General description and background

Lobby.16 was founded in autumn 2008 in order to improve the educational situation of unaccompanied minors (asylum seekers, refugees and beneficiaries of subsidiary protection). It aims to enable unaccompanied minors to take part in social life by granting them access to education and labour market and to assist them in the development of their skills and talents through a well-developed mentoring programme.

The majority of young refugees are over 15 years old when arriving in Austria; this means they are not obliged attending at schools anymore. As a consequence, many of them attempt to do their formal Secondary Education Graduation in Austria, for which courses are usually offered via adult education institutions. Since those educational measures are often of a very short duration and given other factors, such as poor training in their mother tongue, limited schooling opportunities in the country of origin, and difficult learning conditions in their accommodation now in Austria, an overwhelming majority of RASC do not pass admission tests for apprenticeships or fail in schools of higher education; many drop out after the first semester because of such excessive demands. Due to their severely limited access to the labour market and the fact that asylum seeking children are not allowed to follow an apprenticeship, the situation for RASC becomes especially difficult having reached the age of compulsory education.

The **target group** of this programme is unaccompanied children and young people. In the first year of its foundation, 75 unaccompanied minors from 23 countries of origin worked with lobby.16. In 2010, the number increased to 106 (94 of them male, 12 female). The majority of these unaccompanied minors came from Afghanistan, many others from African states like Nigeria, Gambia, Ghana or Somalia, some of them came from Mongolia, Chechnya, China,

⁷² Final telephone interview with Dr. Krassing, 7th of April 2011.



Serbia, Kosovo; 40% of these were under subsidiary protection, 40 % were asylum seekers, 15 % recognised refugees and 5 % had permanent residence permits.

Objectives

The programme aims at enhancing educational and occupational perspectives of young people by:

- helping young asylum seekers to pursue an educational career
- identifying occupational interests, strengths and abilities (through interviews, career interest tests, work placements/job-shadowing in business companies)
- assisting in finding/arranging an apprenticeship position
- assisting in finding/arranging other educational programmes

Activities

- Volunteer mentors and tutors (teachers, senior students) assist RASC in their daily routine;
- Courses on German, Mathematics, English are held by volunteer professionals (teachers and trainers, some of them native speakers) for young people having completed mandatory schooling;
- Creativity projects (e.g. intercultural photo-shooting exercises)
- Preparation for apprenticeships: getting companies involved (required abilities, opportunities of higher qualification, etc.), job application training workshops
- Political lobbying for asylum seekers' access to the labour market (mainly in cooperation with business companies)
- Long-term cooperation with the private sector (T-Systems Austria, Oracle Austria, Microsoft Austria, Austrian Chamber of Commerce etc)

Since Lobby.16's main focus is on job-related measures, the sub-project "Path of Education 2010" has been selected for further description and analysis below.

"Path of Education 2010" (Project period: April – December 2010)

The specific project aim was to create educational perspectives for recognised young refugees and those under subsidiary protection through **apprenticeships**: asylum seekers in form of educational training followed by a 3-month traineeship. During the project period, ten refugees and asylum-seeking children took part, most to them from Afghanistan (five participants with subsidiary protection), followed by Lebanon, Chechnya, Kosovo and Guinea.

The project was implemented in four different phases:

1. Identifying of professional interests by thorough interviews on competences, interests education in country of origin and in Austria. Apart from that the specific professional interests and wishes from RASC could also have been found out due to career interest tests and determination of career aspiration.



2. Job orientation: RASC were thoroughly informed about the jobs and educational trainings they were interested in. Furthermore, participants had the opportunity to test their “dream jobs” in practice. The young refugees and beneficiaries of subsidiary protection did short internships (1 – 2 weeks) in companies, so-called “job-shadowings”. This job-shadowing was negotiated between lobby.16 and the Public Employment Service (AMS) in 2010 and could take place under following conditions: duration will not exceed 2 weeks, under clear supervision, with no payment, but accident insurance coverage.

3. Start of apprenticeship/educational training, mentoring, tutoring

Mentoring: nine of the ten RASC were provided with volunteer mentors when they started their apprenticeships/educational trainings. Aim of the mentoring was to accompany them during education and let them profit from the mentor’s occupational and life experience. Regular meetings to support the mentors were scheduled; if requested, those meetings focused on a special topic (psycho-social situation of RASC, legal framework, basic welfare, etc.).

Tutoring: two young refugees were additionally provided with tutors during their educational trainings (doctor’s assistant, kindergartener’s assistant), two others are still meeting with their tutors although they already regularly attending at vocational school. Around 30 people form part of the volunteer-tutoring team of lobby.16. One volunteer, a student at the University of Vienna, supports in finding new volunteers by placing bulletins in various faculties.

4. Traineeships for young asylum-seekers: as explained above, one aim of the project was to find traineeships for the young asylum seekers when they finished their educational trainings. Those traineeships were supposed to consolidate and broaden the acquired knowledge and competencies. They need to be authorized by the Public Employment Service, their maximum length being 3 months/year. Lobby16. succeeded in providing 2 young asylum seekers with such traineeships.

After having completed these project-phases five participants got contracts for apprenticeships and five of them still attending educational vocational trainings at Adult Education Centres.

Implementing agency/financing

Lobby.16 works on a non-profit basis and has been financed since its foundation exclusively by contributions from the private sector.

General assessment

As far as integration problems addressed are concerned (Methodological Guidelines: education access/quality/protection/empowerment and participation), Lobby.16 works on three of the four areas: non-discriminatory access to education/vocational training, enhanced protection (mentoring approach supports establishment of relationships, stabilizing effect) and participation (young people are involved in decision-making).

Points of strength



The activities of lobby16 address a wide variety of needs of RASC, including language training, cooperation with schools, individual professional counselling and specific measures for integration into the labour market. Due to this comprehensive approach their projects so far could have been implemented in a successful way. Lobby.16 proficiently demonstrated that educational initiatives have to take fully into account the various interests and needs of RASC and provide tailor-made training measures. Its strong political efforts regarding advocating for asylum seeking children's free access to the labour market is an important and necessary matter of concern.

Point of weakness

Considering the fact that Lobby.16 and all its activities are exclusively financed by business companies this may lead to a certain dependency of economic developments. Nevertheless this close cooperation provides also concrete job-opportunities and internships, which are of great importance for RASC and their integration in the labour market and further integration in society. In terms of sustainability, however, and given the rather low number of participants so far, it's hard to give an assessment only after two years whether lobby.16 has already successfully transformed educational integration in Austria.

6 Summary of findings and policy recommendations

General observations

- “Educational integration” needs to reflect the personal development of children and young people by offering targeted education measures corresponding to their needs. Thus, for young people aged above mandatory schooling age, specific programmes to continue with either higher secondary (and, later on, tertiary) education or vocational training and entry into the labour market are essential; in this regard, restrictions particularly for asylum-seeking young people, barring them from apprenticeships creates difficulties for them in finding meaningful occupation during their stay in Austria.
- Educational integration should be seen as going well beyond e.g. host country language training and computer classes: mother tongue language support, social work and psychosocial assistance, kindergarten programmes, creativity and recreational activities etc are of equal importance to help the young person to stabilize in such a context; moreover, educational offerings for refugee/asylum seeking children needs to be sensitive to the individual's specific needs, difficult context and possible traumatic experiences, but should also highlight the distinct resources and capacities of students with refugee background.
- On the political level, educational policy in Austria follows a consensus model in which many interest groups and social partners/trade unions, political parties, academia and other institutions and groups play an important role (unfortunately not students themselves). Enacting educational laws is similar to constitutional amendments, as it generally requires a qualified two-thirds majority in parliament and therefore an agreement/compromise among the main political parties. Educational discussions are often determined by ideological arguments preserving conservative positions and programmes, and for several years now we have a controversial public and political discussion in regard to fundamental



educational reforms (concerning both structural/organisational matters, such as early segregation at the age of ten, and matters of curriculum review). Change in the educational system would be necessary to achieve e.g. stronger transparency and a feedback culture at school, student-orientation and individual advancement, integrative measures for disadvantaged children (including RASC), quality management, reform of teachers' education etc. However, in the current educational debate, RASC, as a distinct target group for educational measures (including vocational training), are widely missing and only come to the forefront of media and public interest in the case of police action to enforce expulsion decisions against children and families.

- In the course of the review of integration measures it became evident that support for educational integration is often part of a more comprehensive support scheme offered by all major care institutions; but at the same time there are rather few refugee-specific programmes in place and sometimes it was difficult to distinguish between integration projects targeting asylum-seeking/refugee and migrant children – many activities focus on children and young people with migrant background in general, irrespective of their status of refugees or migrants.
- There is even less attention being paid to particularly disadvantaged groups of RASC, such as unaccompanied children or child victims of crime (e.g. trafficked children – only one largely dedicated institution in Austria, but without distinct educational programme).
- There is a clear need for statistics, research and empirical data on RASC to establish evidence for policy-making and monitoring, including, for instance, research on follow-up experiences of children after being granted refugee status
- Given the rather migrant-only focus of the 2010 National Plan of Action for Integration a distinct, comprehensive child rights-based integration strategy for child refugees is essential to cover all areas of both child's needs and state responsibilities; this should include measures for asylum-seeking children, i.e. also for groups with uncertain future residence status, who nevertheless may spend years in Austria until their final decision on the asylum application.
- Such a strategy needs to establish clear responsibilities, in particular in decentralised settings such as Austria, with competences divided between the federal and the provincial level; in this regard, the role of the youth welfare system vis à vis school administration and social services should be addressed.
- There is a general strong dependency on EU funding (ESF, ERF etc) for many of the (larger, more comprehensive) programmes, which makes them difficult to sustain after termination of EU funding – instruments for a smooth take-over by Austrian authorities funding (e.g. Ministry of Education, as already providing follow-up funding to some initiatives) should be developed.

Access to education

- In general, integration into the formal school system is less problematic for children during compulsory schooling age, but difficulties start when young people reach age for vocational training (which is not considered education any more in Austria, but employment, triggering all applicable restrictions for work permits for non-nationals also for young people) - labour market/apprenticeships for asylum-seeking young people



should be opened up; accommodation of RASC should take into account mobility needs of young people to get to places of education.

- In light of the non-discrimination principle, there is a need for heightened attention to particularly groups of RASC – e.g. ensuring legal guardians for unaccompanied children who also take responsibility for educational measures, trafficked children, girls.

Quality of education

- Currently, mother tongue training is only insufficiently provided to children and young people, with the political debate focusing on German language only (and leading immediately to polemical discussions, such as in the context of offering Turkish language as a subject for the final “Matura” Graduation exam (see below, ch. 4).
- Similarly, education of teachers needs to be reviewed, not only in relation to necessary language skills, but also in regard to inter-cultural competences, mediation skills etc.
- Furthermore, fora for improved networking and exchange of experiences/successful interventions/good or best practices should be established (would be, in particular, helpful for smaller local initiatives)

Enhanced protection

- As already stressed before, educational integration should be based on a comprehensive policy, which also is aware of potential security/safety threats, and which does help stabilise the refugee child; but not by de facto detaining all asylum-seekers as a matter of general policy in the reception centres for up to seven days.

Empowerment and participation

- The research has shown that many activities are mainly project-driven and thus difficult to sustain, which may create problems for continuous support of RASC; in a related area, funding difficulties also lead to quite frequent changes in a given project team.
- While the principle of involvement of children and young people in decision-making processes within the integration projects seems to be increasingly established, it appears that to the contrary this cannot be said in relation to formal procedures in the asylum and alien’s and youth welfare area.
- Mentoring programmes (refugee children and nationals (children/school classes) linked together to assist each other) seem to be promising approaches to offer support and learning opportunities for both sides.

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