Country Report Austria
by Bernhard Perchinig

The INTEC project:

Integration and Naturalisation tests: the new way to European Citizenship

This report is part of a comparative study in nine Member States on the national policies concerning integration and naturalisation tests and their effects on integration.

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1. Introduction

Sources

The following study is based on an analysis of the scientific literature, policy documents and debate protocols of the Austrian parliament and on qualitative interviews with experts from the administration and educational institutes and with immigrants attending the integration courses. The study has an exploratory character; due to the low number of interviews, the interview results are not representative.

Interviews

Most of the interviews were conducted in Vienna, about one-third in Wiener Neustadt in Lower Austria. For budgetary reasons, it was not possible to conduct interviews in other states. The following table gives a breakdown of the interviews conducted.

Table 1: Teachers of integration courses

<table>
<thead>
<tr>
<th>Location</th>
<th>Gender</th>
<th></th>
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</thead>
<tbody>
<tr>
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<td>Male</td>
</tr>
<tr>
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<td>1</td>
</tr>
<tr>
<td>BFI Vienna</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Lower Austria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wiener Neustadt</td>
<td></td>
<td></td>
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<tr>
<td>Volkshochschule Wiener Neustadt</td>
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<td>1</td>
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Table 2: Local Officials

<table>
<thead>
<tr>
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</thead>
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<tr>
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<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Magistrate of the City of Vienna</td>
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<td></td>
</tr>
<tr>
<td>Lower Austria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wiener Neustadt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magistrate of the City of Wiener Neustadt</td>
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</table>
**Table 3: Representatives of immigrant organisations and supportive NGOs**

<table>
<thead>
<tr>
<th>Location</th>
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</tr>
</thead>
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<tr>
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<td>Male</td>
</tr>
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<td>Asylkoordination</td>
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</tr>
<tr>
<td>Beratungszentrum für MigrantInnen</td>
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<td>1</td>
</tr>
<tr>
<td>Dachverband Serbischer Vereine</td>
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</tr>
<tr>
<td>Verein Österr.-Türkische Freundschaft</td>
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</tr>
<tr>
<td>Wiener Neustadt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Verein Horizont-Beratungsstelle für MigrantInnen</td>
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</tr>
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</table>

The interviews with immigrants were conducted at a language training centre and an immigrant advice centre in Vienna and Wiener Neustadt (Lower Austria). At the language schools, the interviews were conducted during the courses; at the advice centres the immigrants seeking advice were approached. Due to the large number of different countries of origin and the random sampling, it was not possible to provide interpreters. Interviews were conducted in German (19) and English (6).

The table on the following page gives an overview of the basic demographic characteristics of the immigrants interviewed. As can be seen from the table, about two-thirds of the interviewees were female and about one-third male. Fifteen of the twenty-five interviewees were below the age of thirty, twelve of them below twenty-five. Among the twenty-five interviewees, thirteen different nationalities were represented. About half of the interviewees had post-secondary training, but only ten were working. The vast majority of the interviewees had come to Austria for family reunification reasons. Three interviewees came as students, but fulfilled the agreement to gain access to the labour market (students are only allowed to work for a limited number of hours). Two interviewees were asylum-seekers, who attended the course in order to improve their German, but did not have the possibility of taking the integration examination. Most of the interviewees had been in Austria for around a year, five of them for more than four years.
### Table 4: Immigrants

<table>
<thead>
<tr>
<th>Location of interview</th>
<th>City</th>
<th>Gender</th>
<th>Age</th>
<th>Origin</th>
<th>Highest education</th>
<th>Actual profession</th>
<th>Time spent in Austria (months)</th>
<th>Reason to come to Austria</th>
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<tr>
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<td>F</td>
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<td>Unemployed</td>
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</tr>
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<td>Compulsory School</td>
<td>Floorer</td>
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<td>Family reunification</td>
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<td>Family reunification</td>
</tr>
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</tr>
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<td>M</td>
<td>23</td>
<td>Mexico</td>
<td>High School Diploma</td>
<td>Student</td>
<td>14</td>
<td>Study/Family reunification</td>
</tr>
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<td>Nigeria</td>
<td>Secondary School</td>
<td>Pupil</td>
<td>7</td>
<td>Family reunification</td>
</tr>
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<td>F</td>
<td>18</td>
<td>Philippines</td>
<td>High School Diploma</td>
<td>Housewife</td>
<td>12</td>
<td>Family reunification</td>
</tr>
<tr>
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<td>Vienna</td>
<td>M</td>
<td>23</td>
<td>Poland</td>
<td>High School Diploma</td>
<td>Delivery boy/Student</td>
<td>7</td>
<td>Study</td>
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<td>F</td>
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<td>Serbia</td>
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<td>Housewife</td>
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<td>Trained Tailor</td>
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<td>South Korea</td>
<td>High School Diploma</td>
<td>Waiter/Student</td>
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<td>Study</td>
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<td>M</td>
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<td>Syria</td>
<td>Secondary School</td>
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<td>Family reunification</td>
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<td>Turkey</td>
<td>7th Grade High School</td>
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<td>Turkey</td>
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<td>Cleaning lady</td>
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<td>36</td>
<td>Turkey</td>
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<td>Untrained, construction</td>
<td>84</td>
<td>Asylum</td>
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<td>M</td>
<td>24</td>
<td>Turkey</td>
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<td>Macedonia</td>
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<td>Housewife</td>
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<td>Family reunification</td>
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<td>Mexico</td>
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<td>Babysitter</td>
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<td>Family reunification</td>
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<td>F</td>
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<td>Philippines</td>
<td>Trained Nurse</td>
<td>Housewife</td>
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<tr>
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<td>F</td>
<td>24</td>
<td>Poland</td>
<td>High School Diploma</td>
<td>Bartender/Student</td>
<td>12</td>
<td>Study</td>
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</tbody>
</table>
Existing Literature

Neither the implementation nor the effects of the integration contract have been evaluated yet. Only a small, 10-page study on ‘quality monitoring’ is available, published by the Austrian Fund for Integration, the institution responsible for the administration of the courses and the integration examinations, on the Fund’s web page.1 The study was based on 84 interviews with officials, 81 interviews with representatives of institutions offering courses, 154 students and 263 students who had already successfully finished their course, and a psychological profile analysis of a further 115 respondents. According to the study, most participants had a positive attitude towards the agreement (54% very positive, 25% positive) (ÖIF 2009: 5); 95% of the respondents would also attend a course in German if it were not compulsory, and more than 75% wanted to continue with a course at the next level. The quality of the courses was rated as ‘very good’ by 63% and ‘good’ by 25% (ÖIF 2009: 5). A similar picture emerged from the interviews with former course participants: 90% of former participants had a positive view of the integration agreement and 90% would also have attended a course in German if it were not compulsory. The courses were rated ‘very good’ or ‘good’ by 79%. 60% of former students said they spoke German ‘fairly often’ in their everyday life. The vast majority agreed that they had profited from the course in their private and professional life (ÖIF 2009: 7f.) The teachers interviewed stressed their high motivation and mainly suggested ensuring greater homogeneity with regard to educational background and language competence in the mother tongue on the courses, improvements to the teaching material and the possibility of extending the course length if needed (ÖIF 2009: 11).

Several diploma, M.A. or Ph.D. theses deal with the present integration contract, but only a few publications are available in scientific journals. Of the theses and academic articles dealing with the integration contract, the majority focus on the political debate surrounding the implementation of the contract or on comparisons with other countries that require fulfilment of integration conditions.

The first study, analysing the political debate surrounding the introduction of the integration agreement, was the diploma thesis by Rohsmann (2003). Scheck (2003) gives a critical analysis of the content of the integration contract and points to the lack of clarity about the goal of integration characterising the contract. Schmiederer (2008) analyses the history of the concept of integration as far as the 1970s and focuses on the shift in the concept of integration from social inclusion to a duty-based approach akin to assimilation. The diploma thesis by

Mititis (2003), as well as the article by Feik (2003), compare the Austrian integration contract (as of 2003) with integration courses in Denmark, Germany, the Netherlands and Sweden.

While the aforementioned works concentrate on an analysis of policy documents and scientific literature and analyse the contract implemented in 2003, both the M.A. thesis by Vavken (2009) and the Ph.D. thesis by Mourão-Permoser (2010) include the results of empirical research and analyse the reformed integration contract of 2006. Vavken’s M.A. thesis discusses the integration contract in the context of modern theories of justice and argues that the compulsory character of the courses can be justified with reference to the obligation of the state to ensure immigrants’ ability to take part in society, which might entail the use of obligations in exchange for an enhancement of abilities. Based on standardised interviews with 258 participants in the integration courses, the author argues that the courses were well-accepted by immigrants and supported their personal development and ability to participate in society.

Mourão-Permoser’s Ph.D. thesis in political sciences (2010) contrasts the political debate surrounding the integration agreement with its practical implementation, using interviews with experts and officials form the relevant ministries as its main source. According to the author, the pure linguistic focus and the pragmatic nature of implementation stand in sharp contrast to the martial political rhetoric in the political debate, which portrayed the contract as a tool to weed out immigrants not ready to integrate. According to Mourão-Permoser, the implementation of the contract is fairly flexible and gives immigrants a great deal of support for successfully passing the test. The massive difference between the political rhetoric and the actual implementation of the tests would give reason to conclude that their implementation might only be a symbolic exercise to communicate a restrictive approach to immigration to the electorate.

The naturalisation tests have been discussed in two scientific articles. The article by Hauer et al. (2008) is a critical analysis of the content of the preparatory paper at federal level, pinpointing at an outdated approach to civic education and several factual historical errors in the paper. Perchinig (2009) critically analyses the content of the tests at the state level and argues that they are based on a largely communitarian and pre-modern understanding of citizenship.

2. Overview

2.1 The integration debate in Austria and the history of ‘integration testing’

The term ‘integration’ is a key word in the migration debate in Austria. Despite its prominence, there is no common understanding or common legal definition of its meaning. Whereas the federal government tends to focus its use of the term on the integration requirements set by law, the state and the municipal governments often embrace a broader understanding of integration as partici-
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pation in economic and social life, in culture and in politics (cf. Perchinig 2009:246, Nationaler Kontaktpunkt 2005:10ff). Due to the scope of the report, the following paragraphs will present an understanding of the term ‘integration’ at the federal level, primarily with reference to federal law and federal political programmes. References to the understanding of integration at state level will only be introduced when necessary.

The term ‘integration’ was not used in federal laws on migration before the 1990s, when the Residence Law of 1992 (Aufenthaltsgesetz 1992 = AufG 1992) introduced the term ‘integration support’, to be introduced for immigrants working legally in Austria, their family members and for recognised refugees. In this law, ‘integration’ is closely associated with equal opportunities. According to § 11 AufG 1992, ‘their full inclusion in Austrian economic, cultural and societal life and wide-ranging equality of opportunities with Austrian citizens in these areas should be achieved.’

The following areas were defined as the core aspects of ‘integration support’ (AufG 1992, § 11.2):
- German courses;
- Vocational training courses and further education;
- Presentations and events for introduction into Austrian culture and history;
- Joint events with Austrian citizens to enhance mutual understanding;
- Dissemination of information about the housing market.

The implementation of these measures was delegated to private, humanitarian and religious organisations and to welfare organisations and municipalities (AufG 1992 § 11.3). The intensity of implementation was to be defined by the state and municipal governments. The law did not give a definition of how to measure integration, nor did it describe concrete curricula for integration programmes.

On the political level, the term ‘integration’ gained prominence in the early 1990s. In 1992, the City of Vienna set up the ‘Viennese Integration Funds’ with local organisations to ensure improved inclusion of immigrants into city life. The Funds was quick to criticise the existing legislation, in particular the Residence Law with its strict income and housing conditions as a precondition for residence, as preventing integration, and defined integration as a policy to achieve equal opportunities for immigrants. Within civil society, organisations active in supporting immigrants and refugees and humanitarian organisations joined forces and founded ‘SOS-Mensch’ as an umbrella organisation. In January 1993 it organised the ‘sea of light’, which attracted 300,000 persons, the largest political demonstration since 1945 against xenophobia and the politics of the far right FPÖ. In the following years, the Constitutional Court passed several decisions declaring the core paragraphs of the Residence Law unconstitutional (König/Perchinig 2003:2f).

In this political atmosphere, the Social Democratic Party, which formed a coalition with the Conservatives and held the position of Minister of the Inte-
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ior, embraced a reform of the existing migration law. The then Minister of the Interior, Caspar Einem (Social Democrats, SPÖ), a prominent member on the left of the party, under the heading of an ‘integration package’, announced a complete reform of the Aliens Law and the Residence Act, which was intended to strengthen the residence rights of immigrants and ease their access into the labour market. These reform moves were connected to the idea of reducing immigration. ‘Integration before new immigration’ (‘Integration vor Neuzuwan- derung’) was, on the one hand, to give in to the pressure of humanitarian organisations to improve the legal status of immigrants and, on the other hand, to react to the demands of the far right FPÖ to stop immigration (König/Perchinig 2003:3).

The Conservatives strongly protested these suggestions and denounced them as a breach of the coalition agreement. In October 1995 the government failed to reach an agreement on the budget and it collapsed. After the elections of December 1995 a Social Democratic-Conservative coalition government was again formed, with the post of the Minister of the Interior being given to Karl Schlögl (SPÖ), a prominent member of the right wing of the Social Democratic Party. The coalition agreement repeated the slogan, ‘Integration before new immigration’, but largely cut back on the intended improvements for immigrants, insisting instead on stricter immigration control. Nevertheless, the term ‘integration’ now was firmly anchored in the Austrian immigration debate (König/Perchinig 2003:3).


The new Aliens Act referred to ‘integration’ in two different ways. On the one hand, ‘integration support’ was now defined as measures for recognised refugees to be organised by the ‘Funds for the Integration of Refugees’ (AsylG 1997, § 41 (1)), an institution set up by the Austrian Ministry of the Interior and the UNHCR in the 1960s, which managed housing and training support for recognised refugees, whereas long-term legally resident immigrants were to benefit from measures to facilitate integration, defined as similar to the integration support measures of the AufG 1992 (FrG 1997, § 51 (1)). On the other hand, the Act associated integration with long-term residence and claimed that family members of long-term resident third-country nationals should gain privileged access to a residence permit due to their ‘advanced integration’ (FrG 1997, § 18 (6)). Furthermore, the Act installed an ‘Integration Advisory Council’ to advise the Ministry of the Interior with regard to the facilitation of integration.

The reform of the Aliens Act was followed by a reform of the Nationality Act in June 1998 (Staatsbürgerschaftsgesetz 1985 = StbG 1985). Reacting to massive criticism from the FPÖ, that access to Austrian nationality was too easy and even people unable to communicate in German were being naturalised, natu-
nalisation was made dependent on an ‘adequate knowledge of German’ (Çinar/Waltrauch 2006:42). The law stipulated that the applicant’s knowledge of German should be judged in relation to his/her living conditions (§ 10a StbG 1985). In practice, their knowledge of German was evaluated by the respective authorities based on a personal conversation with the applicant. In general, the ability to communicate ‘about issues of everyday life’ was regarded as sufficient by the authorities (Waltrauch/Çinar 2003:264).

2.2 The introduction of the German integration courses

The ÖVP/FPÖ coalition formed in 2000 reiterated the main concepts of immigration policy already laid down by the Social Democratic-Conservative government and linked them closely to security issues. In the governmental programmes of both 2000 (Bundeskanzleramt 2000) and 2003 (Bundeskanzleramt 2003) migration issues are dealt with under the headings, ‘Internal security and integration’ and ‘Internal affairs, asylum and integration’ respectively.

The third chapter of the governmental programme for 2000 is entitled, ‘Comprehensive Integration’ and focuses on the introduction of compulsory German language training for immigrants. It announces an active integration programme for newly arrived immigrants and an improvement in German language tuition in kindergartens and schools. Naturalisation is described as the completion of the integration process; it would therefore be necessary to ‘abide by the criteria set forth in the law’. For the first time, the programme announced the introduction of examinations in German and basic knowledge of Austria and the European Union as preconditions for the granting of Austrian citizenship (König/Perchinig 2003:4).

The idea of committing immigrants to fulfilling specific integration measures had first been mentioned by the former Chairman of the parliamentary faction of the Freedom Party (FPÖ), Peter Westenthaler, who, at a press conference in April 2001, first suggested restricting access to a permanent residence permit to immigrants who could demonstrate a certain level of knowledge of German and of Austria in order to distinguish between immigrants ready to integrate and those refusing integration. Immigrants should be obliged to sign an ‘integration contract’, including the obligation to attend a language and integration course as a precondition for a permanent residence permit and the rights associated with that status. (Rohsmann 2003: 68-72).

Referring to the positive experiences with this type of integration measure in the Netherlands, the Conservatives supported the suggestion. The opposition parties and humanitarian NGOs criticised the idea en masse. The focus of their criticism was the use of the term ‘contract’, which would imply an agreement between equal partners, whereas the suggested provisions would be a unilaterally imposed obligation and the link between language acquisition and the granting of a permanent residence status.
The draft of a new ‘integration agreement’ was presented to the Council of Ministers by the Minister of the Interior in August 2001. This contract required new immigrants and all immigrants resident in Austria since 1 January 1998 to attend a 100-hour German course within the first four years of residence in Austria. Half of the costs of the course were to be refunded by the government upon successful completion. In the event of non-compliance, sanctions ranging from financial penalties to expulsion were to be implemented (Rohsmann 2003: 69).

Despite conflicts between the Conservatives and the Freedom Party about the details of the contract, the draft bill was accepted within the coalition government two months later – not least to silence the late governor of Carinthia, Jörg Haider, who, after the attacks on the World Trade Center on 11 September 2001, had called for tighter immigration requirements (Rohsmann 2003: 73 f.). While the Ministry of the Interior repeatedly pointed to the positive effects of comparable courses on the labour market and societal integration in the Netherlands, the Freedom Party defined the ‘integration agreement’ as a tool to test the immigrants’ willingness to integrate (Rohsmann 2003: 75).

In the political debate, the Freedom Party presented the introduction of the agreement as a major political success and as a paradigm shift towards a more restrictive migration policy. The then head of the parliamentary faction of the FPÖ, Peter Westenthaler, described the aim of the agreement as the selection of immigrants willing to integrate and as a remedy for immigration into the welfare system.² (Mourão-Permoser 2010, 198):

‘We are making it clear that abuse of the social system will no longer be possible in the future. I fully support the negotiated solution of the so-called ‘sanction ladder’ through which we are saying, Yes, sir! We want to know within 3 years if somebody who came to Austria after 1998 is at all willing and able to integrate! (...) After three years we must be able to ask those people who do not want to integrate why they are in this country in the first place. If they cannot answer, then it is clear what shall happen: they will no longer be allowed to stay here! After all, this is not what the Austrian social system is meant for, ladies and gentlemen! (...)With this law, we are making one thing clear: Austria is not and will never be an immigration country. We will make sure of that!’ (Österreichisches Parlament 09.07.2002, 52, cited in Mourão-Permoser 2010, 198f.)

The duty to fulfil an ‘integration agreement’ became legally binding with the Amendment of the Aliens Act of 2002 (Fremdengesetz 2002, FrG 2002). As of 1

² As Mourão-Permoser rightly comments, Austria was simultaneously negotiating the Family Reunification and Long Term Residence Directive in Brussels and was one of the three countries demanding the imposition of integration requirements. Nevertheless, both directives largely improved the access of resident third-country nationals to social rights in Austria. Mourão-Permoser thus concludes that the imposition of the integration agreement should primarily be understood as ‘exclusionary symbolism’ (Mourão-Permoser 2010, 201).
January 2003, all non-EU and non-EEA nationals residing in Austria since 1 January 1998 had to attend a language course in German lasting 100 hours, leading to a knowledge of German at level A1 of the Common European Framework of Reference for Languages (EFRL) within the first four years of residence as a condition for an extension of their residence permit.

In contrast to the martial rhetoric of Mr. Westenthaler’s speech, the aim of the law was defined in a supportive tone (§ 50a FrG 2002). According to the Article, ‘the Integration Agreement serves the integration of permanently settled aliens. It is aimed at the acquisition of a basic knowledge of German in order to facilitate participation in the economic, cultural and societal life in Austria. This capability may be acquired by attending a German integration course.’ The law did not give a further definition of how ‘participation in the economic, cultural and societal life in Austria’ was to be understood.

Furthermore, the ‘Austrian Fund for Integration’ – the successor to the Fund for the Integration of Refugees, an institution completely financed by the Ministry of the Interior – was assigned the task of organising the certification of course providers and coordinate integration measures in Austria.

The content of the courses was defined as follows (FrG 2002, § 50d):
1. Simple basic knowledge of German so as to be able to communicate and read simple texts;
2. Issues of everyday life with elements of regional and federal citizenship;
3. Issue of communicating European democratic fundamental values.

The target of the integration agreement was defined in Article 50a FrG 2002. According to the Article, ‘the Integration Agreement covers the integration of permanently settled aliens. It aims for the acquisition of a basic knowledge of German in order to facilitate participation in the economic, cultural and societal life of Austria. This ability may be acquired by attending a German integration course.’ The law did not stipulate a further definition of how ‘participation in the economic, cultural and societal life of Austria’ was to be understood.

The course had to be paid for by the immigrant. Depending on the year of residence in which the course was successfully completed, up to 50% of the costs were to be refunded by the state. The Law included a wide variety of exceptions to the obligation, so in practice the integration agreement did not play a big role. According to a report in the daily Die Presse, by June 2004 only about 10% of the envisaged target group of some 118,000 immigrants had had to attend the courses (Die Presse, 17 March 2005:3).

In the debate following the revelation of the high numbers of exemptions, NGOs, academics and language teachers pointed out that 100 hours are by no means sufficient to really acquire a basic knowledge of German. When, in 2005,

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3 In German the paragraph reads, ‘Themen des Alltags mit landes- und staatsbürgerschaftlichen Elementen’. This formula does not refer to citizenship in the sense of political participation, but in the sense of knowledge of political institutions and constitutional law.
the government decided to pass a complete reform of Austria’s migration law in order to implement the EU acquis on long-term residents and family reunification, it also included a reform of the integration agreement. The duration of the obligatory course was extended to 300 hours and a separate provision for a 75-hour literacy course for illiterate immigrants was included (Perchinig 2009: 243). While there was a vigorous public debate on the imposition of the integration agreement in 2003, the reform of 2005 received only scant attention in public.

Furthermore, an important technical change regarding exemptions was implemented. Whereas, in the previous law, certain categories of people were exempt from the duty to take the test, now those who fulfilled certain conditions were regarded as having fulfilled the integration agreement per se. These included all persons belonging to the category of ‘key personnel’ – those who held key managerial or technical functions and earned 60% or more of the maximum pensionable income, and all persons who successfully completed vocational training in Austria leading to the national vocational training diploma (Lehrabschlussprüfung), or who finished compulsory secondary education in Austria with a positive grade in German, or who finished non-compulsory postsecondary education by taking the Matura examination, which allows access to university studies. Exemptions were introduced for health reasons and for children under the age of 14 and for those unable to attend the course because of high age.

This technical change had the effect that, among the number of immigrants reported as having fulfilled the integration agreement, a considerable number of people were counted who had not, in fact, attended any course or passed any test, but had fulfilled the contract by completing school or vocational training in Austria. As shown in the statistical data below, between 50% and 60% of the persons reported as having fulfilled the integration agreement belonged to these categories.

The Settlement and Residence Act 2005 (Niederlassungs- und Aufenthaltsgesetz 2005 = NAG 2005) reiterates the definition of the aim of the integration agreement of the FRG 2002 (see above). The definition of the agreement has been changed and now includes two modules, one regarding literacy, and the second regarding the acquisition of ‘knowledge of German’ (as opposed to ‘basic knowledge of German’ in 2002) and the ability to participate in the economic,

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4 In Austria, social security contributions are deducted from the gross income up to a certain ceiling, the ‘maximum pensionable income’. No social security contributions are deducted from the portion of the salary above this limit. As of 2010, the maximum pensionable income is set at EUR 4,110 per month (14 times a year). Thus, currently, a minimum gross monthly salary (14 times a year) of EUR 2,466 (= EUR 34,524 per year) is necessary to fulfil the income requirements for being granted the status of ‘key personnel’. In 2007, the median yearly income of wage-earners in Austria was EUR 22,815 (Statistik Austria 2009, table Unselbständige Erwerbstätige – Überblick).
Austria

cultural and societal life of Austria. The literacy module consists of 75 course units of 45 minutes each, the language course module of 300 units of 45 minutes each. Persons proving literacy through school certificates (see below) do not have to attend module 1. Also previously illiterate persons have to fulfil both modules.\(^5\) (NAG 2005, §14). The act further regulates exemptions from the agreement (§ 14), costs (§ 15) and the types of courses (§ 16). The details of the agreement are to be regulated in a separate decree on the integration agreement (§ 14 (6)).

The Aliens Law was again reformed in 2009. The reform sharply increased the income requirements necessary for access to the status of a long-term resident third-country national, but did not change the regulations regarding the integration test. Since 1 January 2010, the applicant has had to prove a steady income of at least the legal minimum pension for the last three years (minus a deduction, depending on the case), plus costs for rent, loan repayments and support obligations, if applicable.

The government envisages increasing the requirements for the fulfilment of the integration contract. The Minister of the Interior, Maria Fekter (ÖVP), had announced that a higher level of language competence (B1) would be required in future, since the current level would not be sufficient for societal and labour market integration, on several occasions in 2009 (e.g. Die Presse, 25 March 2009), and that knowledge of German would be required at level A1 before immigration.

Despite criticism from NGOs and the Green Party, the ‘National Action Plan on Integration’, which passed parliament on 19 January 2010, reiterated these suggestions and announced that level B1 would be set as the level of knowledge of German necessary to fulfil the integration agreement and level A1 as a precondition for immigration to Austria (BMI 2010:15). In presenting the Action Plan, the Minister announced corresponding draft bills for autumn 2010.

On 4 October 2010, the Minister of the Interior, Maria Fekter (ÖVP), announced in an interview in the daily Kurier that, in the autumn an amendment to the Aliens Law would be passed, requiring knowledge of German at level A1 as a precondition for immigration, and the fulfilment of the existing integration agreement (A2) after two years (instead of five years). The idea of raising the requirements to level B1 obviously had been abandoned.\(^6\)

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\(^5\) Both language schools and NGOs have continuously pointed to the fact that 75 course units are not sufficient for the acquisition of literacy. According to Mourão-Permoser, the government primarily intended to target immigrants familiar with a non-Latin alphabet with this module, not those incapable of reading or writing at all.

\(^6\) According to many decisions by the Austrian Constitutional Court, after five years of legal residence the provisions of the European Convention on Human Rights regarding the right to private and family life only allow deportations in exceptional cases. Although the current provisions require fulfilment of the integration agreement within five years of residence and, in the event of non-compliance, threaten not to renew the residence permit, it is very likely that the Constitutional Court will continue to protect the right of immigrants to private and
2.3 The introduction of naturalisation testing

Tightening the conditions for naturalisation was an issue mainly pushed by the Freedom Party since it entered the coalition with the ÖVP in 1999. Representatives of the Freedom Party regularly demanded stricter conditions for naturalisation, in particular the introduction of compulsory language testing. According to their reasoning, naturalisation should be the culmination of the integration process and thus only be awarded to immigrants who earn a steady income, speak fluent German and who have adapted to the ‘Austrian way of life’. Both parties rejected the idea that naturalisation was a means of integration, but understood it as the completion of the integration process (Perchinig 2006: 302f.)

In February 2005, the FPÖ again strongly demanded restrictions on access to nationality, arguing that the high number of naturalisations in recent years demonstrated an unfavourably liberal attitude to nationality in Austria. In this context, the then Deputy Chancellor, Herbert Gorbach (BZÖ), announced the development of a new Nationality Code, including a German test and a test covering knowledge of Austria. Gorbach was supported publicly by the Mayor of Innsbruck, Herwig van Staa (ÖVP), who demanded an extension of the waiting period for naturalisation to 15 years for third-country nationals and 13 years for EU citizens (König/Perchinig 2005:7).

The draft of a reformed nationality law submitted by the Ministry of the Interior increased the residency requirements and denied naturalisation to any person who had received welfare support payments during the three years preceding the application for naturalisation. Furthermore, it demanded proof of a knowledge of German at level A2 of the EFRL and success in a naturalisation test as preconditions for naturalisation.

The bill passed parliament against the votes of the Social Democrats and the Green Party and a reformed Nationality Act (STbG 1985 (2006)) became effective as of 1 March 2006. The technical implementation of the Nationality Law was organised in a separate order. The naturalisation test was to cover three areas (§ 21 StbG 1985 (2006)):

1. Basic knowledge of the democratic order of the Austrian Republic;
2. Basic knowledge of the history of Austria;
3. Basic knowledge of the history of the relevant province.

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family life, including in cases of non-compliance with the integration agreement. Lowering the time period for the fulfilment of the integration agreement from five to two years would make deportation orders more easily enforceable.

7 The Bündnis Zukunft Österreich (BZÖ) was a splinter party of the Freedom Party (FPÖ). Although chaired by Peter Westenthaler, Jörg Haider, the late governor of Carinthia was an important informal leader of the party.

In 2010, the reformed Aliens Law again amended the Nationality Law with regard to the income requirements. They were set at the same level as for access to the status of *Daueraufenthalt – EG* (permanent residence – EC), which is the status of a long-term resident third-country national according to the EU directive on long-term residents.\(^9\) Since 1 January 2010, the applicant has had to prove a steady income of at least the legal minimum pension for the last three years (minus a deduction, depending on the case), plus costs for rent, loan repayments and obligations for support, if applicable.

### 2.4 The definition of integration in the National Action Plan for Integration

Following the elections of 2006 a coalition government was formed between the Social Democrats and the Conservatives in January 2007. In September 2007, the then chancellor Alfred Gusenbauer (SPÖ) announced the formation of a ‘platform for integration and security’, which was to bring together experts and to advise the government on integration issues.

On October 15, the platform held its first meeting. Minister of the Interior Günther Platter (ÖVP) announced the publication of an expert report in January 2008 and the publication of an Austrian integration strategy in the summer of 2008. Following the expert meetings, several public discussions were organised in the provincial capitals and an internet website on integration was opened (www.integration.at).

In January 2008, the aforementioned expert report, entitled *Gemeinsam kommen wir zusammen* (Jointly we come together), was published and presented to the press. The report consisted of eight chapters covering different issues (fundamental values and rights, education and language, labour market and the economy, security, housing and urban development, integration at municipal level, participation and the majority society). In the introduction by the Minister, he announced a federal plan for integration for the summer of 2008.

In June 2008, then Minister Platter was nominated as the Conservatives’ top candidate for the elections to the state parliament of the Tyrol. In the elections, the Conservatives gained the majority and Minister Platter was elected state governor of the Tyrol on 1 July 2008. The post of Minister of the Interior was given to Maria Fekter (ÖVP). On 7 July 2008 the coalition between the Social Democrats and the Conservatives broke up. Following the elections in October, a coalition between the two parties was again formed, with Ms. Fekter being re-appointed Minister of the Interior.

In the coalition programme (BKA 2008), the government announced a ‘National Action Plan on Integration’, which would coordinate the activities of the federal and the state governments, the social partners, the municipalities and civil society. On 22 April 2009, the first steering group meeting for the National Integration Strategy was held.

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\(^9\) Directive 2003/109/EC.
Action Plan on Integration took place, bringing together representatives of the federal government, state governments, the social partners and municipalities. During 2009, several expert meetings on different topics were held.

On 18 January 2010, the National Action Plan on Integration (BMI 2010) was published. It contains an introduction by the Minister, a chapter on general guidelines for integration and separate chapters on language and education, work and vocation, the rule of law and values, health and social affairs, intercultural dialogue, sports and leisure and housing and regional integration. Unlike the 2007 report of 2007, it does not contain a chapter on participation.

The definition of integration used in the report combines societal characteristics, such as mutual respect and tolerance and freedom from discrimination, with individual capacities, such as knowledge of German, financial independence and adherence to fundamental ‘Austrian and European values’. The definition mentions ‘integration’ and an ‘integrated society’ separately and reads as follows:

‘Integration is a reciprocal process, characterised by mutual esteem and respect, whereby clear rules safeguard societal cohesion and social peace. One can speak of successful integration when there is sufficient knowledge of German for participation in working life, training and re-training and contact with public authorities, the person concerned can fund his/her life, and the Austrian and European legal order and values, which form the basis of the rule of law, are accepted and respected.

An integrated society is characterised by openness and social permeability. It allows the individual to lead one’s life under one’s own responsibility without discrimination based on of descent, language or skin colour’ (BMI 2010:. 2.)

3. Integration testing in Austria

3.1 Description of the test

In fact, the title of the chapter is misleading with respect to Austria. Although the Residence and Settlement Act (NAG 2005) speaks of the duty to fulfil the two modules of the integration agreement as a precondition for permanent residence in many cases, it does not define the need for an ‘integration test’. In fact, there are several possibilities for fulfilling this contract without taking a test or attending a course. The two that are closest to the idea of testing are defined as the combination of a) proof of the ability to read and write (Module 1, NAG 2005, § 14 (5) 1.) and b) ‘attendance and successful completion of a German integration course (Module 2, NAG 2005, § 14 (5) 2.).

The integration agreement is embedded in the Austrian system of residence and settlement permits for third-country nationals. The Residence and Settle-
Austria Act 2006 (NAG 2005) differentiates between several types of permit that can lead to a permanent residence permit:

The most important of these is the so-called ‘settlement permit’ (Niederlassungsbewilligung), which is issued for a limited period of time for planned long-term residence with a specific aim and allows for a transfer to the status of permanent residence (EC), the status of a long-term resident third-country national according to the Directive 2003/109/EC. Unlike the settlement permit, the ‘residence permits’ are issued for a limited period of time and do not allow for a transfer to permanent status.

The fulfilment of the integration agreement (Integrationsvereinbarung) is a precondition for any non-EU and non-EEA immigrant intending to stay in Austria for longer than 24 months. Those not intending to fulfil the agreement have to provide a written declaration, stating that they do not plan to stay longer than 24 months. In this case, they are not allowed to apply for an extension of the residence permit (NAG 2005 Art. 3). The integration agreement also has to be fulfilled by non-EU and non-EEA spouses of Austrian citizens. Asylum-seekers are not covered by this provision, since they do not integrate before their case is decided. If their asylum application is accepted, they earn the right to residence without fulfilling the integration conditions; if the case is rejected, they either have to leave the country and may be deported or are regarded as not deportable, but in this case they will not be given a permanent residence permit. In both cases, they are not regarded as legally resident and do not have to fulfil the agreement, but they also have no access to the federal subsidies for the costs of language courses offered under the integration agreements.

The integration agreement is regulated in § 14 of the Residence and Settlement Act (NAG 2005). Article 1 defines the integration agreement as follows:

1) The integration agreement facilitates the integration of permanently or long-term legally resident or settled third-country nationals. It aims for the acquisition of knowledge of the German language, in particular the ability to read and write, the acquisition of the ability to participate in the societal, economic and cultural life of Austria;

2) Within the framework of the integration agreement, two consecutive modules have to be fulfilled, whereby:

1. Module 1 is aimed at the acquisition of the ability to read and write; and
2. Module 2 is aimed at the acquisition of knowledge of the German language and of the ability to participate in the societal, economic and cultural life of Austria.

Minors and those who can prove, by certification by a public health officer, that they are not able to fulfil the agreement because of their age or health status, are

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10 NAG 2005, § 8 (1). Aufenthaltstitel werden erteilt als 1.) „Niederlassungsbewilligung’ für eine nicht bloß vorübergehende befristete Niederlassung im Bundesgebiet zu einem bestimmten Zweck (Z. 2) mit der Möglichkeit, anschließend einen Aufenthaltstitel „Daueraufenthalt-EG (Z.3) zu erlangen."
exempt from having to fulfil the contract (§ 14.4). No jurisdiction is available for cases of exemption.

The two modules of the integration agreement may be fulfilled in several ways (§14.5):

Module 1:
- The ability to read and write is proven (for instance by a certificate of completion of compulsory schooling);

Module 2:
- Attendance and successful completion of a German integration course (completion meaning taking an examination, the author); or
- Five years of compulsory schooling in Austria and a positive grade in German at the level of the 9th school year; or
- A positive grade in German from a foreign school where German is taught at least at the level of the 9th school year; or
- Demonstration of sufficient knowledge of German (Module 2). A school leaving examination granting access to university studies in Austria or at the level of a vocational secondary school in Austria; or
- A final vocational training examination (Lehrabschlussprüfung) in Austria; or
- Possession of a settlement permit for key personnel or a labour permit as a distinct executive according to the Austrian Foreigners’ Employment Act (Module 2). In both cases, family members are also regarded as fulfilling the integration contract.

Fulfilling Module 2 includes the fulfilment of Module 1. The examination is taken at the school or institution where the course was attended. In practice, the instructors also set the examinations.

The Austrian Fund for Integration is the main institution implementing the courses and carrying out testing in practice. It has the right to certify language schools, adult education centres and NGOs as institutions allowed to offer courses and to set examinations. The Fund publishes a list of certified institutes and evaluates the courses (NAG 2005, § 16.2.). The Fund also is responsible for quality control and the development of course material. The Fund has developed its own teaching material and curriculum.

Although the law refers to attendance and completion of a German Integration course, it also provides the option to fulfil the agreement ‘by proving knowledge of German’. The decree defining the details of the integration agreement (Integrationsvereinbarungsverordnung 2005 – IV-V 2005) states that knowledge of German may be demonstrated by possession of the Austrian Language Diploma in German from the Goethe Institute and of the WBT Weiterbildungs-Testsysteme GmbH. Thus in practice, no obligation to attend any integration course exists, rather an obligation to prove one’s knowledge of German by a certificate from a recognised training institution.
Since the institutes decide themselves whether they want to follow the course model of the Austrian Fund for Integration or the Austrian Language Diploma, no data exist about the distribution of the different course models in practice.\textsuperscript{11} In Vienna, the largest course provider, the Association of the Viennese ‘Peoples Universities’ (\textit{Verband Wiener Volksbildung}) has decided not to follow the course model of the Austrian Fund for Integration because of its alleged low didactic quality.\textsuperscript{12}

‘Key personnel’ – those fulfilling a key managerial or technical function and earning 60\% or more of the maximum pensionable income\textsuperscript{13} and their family members fulfil the integration agreement by possession of a settlement permit in the capacity as key personnel and all those who attended compulsory schooling in Austria, successfully finished vocational training or acquired a high school leaving diploma, are also already deemed to have fulfilled the agreement.\textsuperscript{14}

If successfully passed within one year after immigration to Austria, the costs of the first module (literacy) are refunded 100\% (up to EUR 350) by the Austrian Fund for Integration (NAG 2005 § 15.1). Persons entering Austria for family reunification are refunded 50\% of the costs of the second module (up to EUR 750), if they successfully pass the examination for Module 2 a) within two years of passing the examination for Module 1, or at least within three years of their immigration to Austria, if they cannot prove their literacy, or b) within two years of applying for the residence permit. A successful examination for Module 2 is proof of the fulfilment of Module 1 (NAG § 15.2). The rest of the costs have to be paid by the immigrant himself, although local or state agencies may offer support. The Austrian Fund for Integration was assigned the duty of certifying adult education institutions, language schools and NGOs as course providers and establishing a system of quality control. If the person fails the test, he can retake it as often as necessary within the given time frame.

The agreement has to be fulfilled within the first five years of residence, but there is no regulation whatsoever concerning the date of commencement. This period may be extended for two years by the authorities based on considerations of the specific circumstances of a case, and the extension may be renewed. There is no limit on how often a candidate may try to fulfil the agreement by passing the tests for Module 1 and Module 2.

\textsuperscript{11} The Austrian Fund for Integration estimates, that 80\% of the course providers follow their curriculum (Mourão-Permoser 2010, 201).
\textsuperscript{12} Interview with the head of the competence centre for migration of the \textit{Verband Wiener Volksbildung}.
\textsuperscript{13} In Austria, social security contributions are deducted from the gross income up to a certain cap, the ‘maximum pensionable income’, for the part of the salary exceeding this limit no social security contributions are deducted. As of 2010, the maximum pensionable income is set at EUR 4,110 monthly (14 times a year).
\textsuperscript{14} Interestingly, gaining an academic degree from an Austrian university is not mentioned here.
Austria

Non-compliance leads to gradually increasing penalties. If not fulfilled within two years (or three years for those who need to fulfil Module 1), federal subsidies for participants in the courses are withdrawn. If the agreement is not fulfilled within five years, the period may be extended by the authority in the event of convincing personal reasons. The extension may last for a maximum of two years and may be renewed (NAG 2005, § 14.8).

In cases of non-compliance within five years and no extension of the five year-period, the authorities may impose an administrative fine. Furthermore, they have to consult the alien police in order to determine whether, in view of the applicant’s right to private and family life, measures to terminate his residence in Austria are justified. In this case, they have to inform the applicant of the plan not to extend his residence permit and to impose measures to terminate his residence in Austria, giving reasons why the termination of residence is applicable after considering the protection of his right to private and family life. The applicant has the right to react within 14 days. If the authorities do not agree with his arguments, the alien police is informed and will start the termination of residence (order to leave Austria, then deportation if this is not followed) (NAG 2005, § 25). In this case, the applicant has the right to appeal as in any other case of deportation.

In practice, only three deportation orders were issued until 2009. All three people are still in Austria and have lodged an appeal against the decision (Mourão-Permoser 2010, 210).

Since the integration agreement is an administrative act in legal terms, in cases of non-compliance administrative penal law applies. As in any other case of a breach of administrative rules, administrative fines are imposed by the district administrative authorities. No data are available on how often fines have been imposed because of non-compliance with the integration agreement. According to a report in the daily *Kleine Zeitung* of 5 October 2010, a Turkish immigrant living in the Tyrol, who had signed the agreement in 2004, was recently fined EUR 77 for non-compliance. The woman, who had unsuccessfully taken the examination four times, had lodged an appeal but lost the case. According to the Head of the Department for Integration of the State Government of the Tyrol, Johannes Gschier, some 40% of those obliged to fulfil the agreement do not comply in time. The article also cites the Head of the Department for Integration and Residence of the State Government of Styria, Ingrid Koiner, who stated that only very few people are not able to demonstrate fulfilment of the integration agreement within five years.

The reformed integration agreement entered into force on 1 January 2006. Thus the five year period for the fulfilment of the agreement still is in force and not enough experience has been acquired to evaluate the effects of the threat of

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15 As the reformed integration agreement entered into power on January 1, 2006, no applications for extension have been filed yet and there is no information about the handling of this provision available.
expulsion. Since the Austrian Constitutional Court has decided in several cases that after five years of residence the right to private and family life precludes deportation, it is very likely that, in cases of expulsion due to non-fulfilment of the integration agreement brought before the Constitutional Court, the court will declare the deportation order void.\textsuperscript{16}

In this case, the person concerned will receive a temporary residence permit for one year, which has to be renewed annually, and will not have access to the rights associated with the status of a long-term resident according to the EU Directive. Since only those who hold long-term resident status have unlimited access to the labour market in Austria, whereas others need an employment permit that is only granted if no Austrian or EEA citizen is available to fill the position, this might lead to a growing number of de facto long-term residents’ being excluded from access to the labour market. Furthermore, equal access to many social provisions, in particular social security payments, are dependent on that status. In most cities, access to council housing is dependent on being an EEA citizen or holding the status of a long-term resident, so those not fulfilling the integration agreement might face serious discrimination in the area of housing. The same is true for education, where access to federal or provincial school subsidies and support payments, for example for skiing courses or other expensive school activities, are only granted to pupils who have at least one parent with the status of a permanent resident.

Since ‘key personnel’ and their family members are regarded as fulfilling the integration contract automatically and any person who has completed compulsory schooling or vocational education in Austria is exempt from fulfilment of the integration agreement, only two target groups have to attend courses or take the necessary language examinations: labour migrants outside the category of ‘key personnel’ and family members.

Since no immigration quota for ‘regular’ labour migrants has been fixed since 2003, labour migration in Austria is restricted to ‘key personnel’ and seasonal workers, neither of whom need to attend courses or fulfil the integration agreement. Thus, the integration agreement exclusively targets persons entering Austria for the purposes of family reunification with third-country nationals or Austrian citizens, who do not hold an EU or EEA passport\textsuperscript{17} and who are not reuniting with a person holding the status of key personnel. In practice, the agreement thus targets family members of Austrian citizens independently of their income and – since the main criterion for the definition of ‘key personnel’ is income – of low-income immigrants. Exemptions are only made for medical reasons and on the grounds of advanced age (to be demonstrated by a certificate from a public health officer) or for minors.

\textsuperscript{16} Should the period for the fulfilment of the agreement be reduced to two years, as announced, there would be no comparable protection.

\textsuperscript{17} No other countries are exempt.
According to the law, the details of the agreement and the curricula of the courses are regulated in a separate decree (§ 14. 6). The decree on the integration agreement (Integrationsvereinbarungs-Verordnung, BGBGl 449/2005 = IVV 2005) regulates the certification of institutes and the minimum qualification for teachers, the curricula for the courses, the details of the examination and the details regarding refunding.

Institutes wishing to teach integration courses and set the examinations have to be certified by the Austrian Fund for Integration (IVV 2005, § 1) and employ teachers trained in teaching ‘German as a Foreign Language’ or ‘German as a Second Language’ (IVV 2005, § 2). The Austrian Fund for Integration was defined as the institution in charge of the organisation of refunds and of developing the curricula and the tests for the German integration courses.

The aim of module 1 (reading and writing ability) is defined in the framework curriculum in the annex to the IVV 2005 as the acquisition of reading and writing abilities in standard German. After finishing the module, the candidates should be able to read simple written content and understand it after repeated reading. The texts used should be simple in syntax and semantics and be related to the everyday life of the applicant. Furthermore, they should be able at least to write down simple words as they understand them, learn the numbers from 0 – 9 and solve simple calculation tasks using them. A test certifying knowledge of German at least at level A2 of the EFRL also certifies the fulfilment of module 1.

The aim of module 2 (German integration) is defined as achieving level A2 of the EFRL and the ability to act and react adequately in everyday situations and to formulate one’s own opinions and needs in familiar areas. The course culminates in a written and oral examination organised by the teachers and graded by the teachers as ‘pass’ or ‘fail’. The examination papers have to be submitted to the Austrian Fund for Integration (IVV 2005, §9). Generally, the courses should last 300 hours, but students with a knowledge of German may take shorter courses.

The framework curriculum divides the content of the courses into two areas: everyday life in Austria (T1), including for instance the area’s own identity, housing, health, education etc.; and state and administration (T2), including for instance the basic values of a democratic society, political institutions, dealing with bureaucracy, the social system of Austria etc.

According to the framework curriculum, students should be able to communicate on familiar subjects in German, to provide information about themselves and about their surroundings, family and acquaintances. They should be able to inform others about their likes and dislikes, to ask for help and to talk about the past. Furthermore, they should be able to use simple phrases adequately and to follow well-articulated spoken German. No comparable targets are defined regarding the knowledge of Austria’s society, history and polity or regarding ‘integration’.
Preparation courses are offered by more than 300 certified institutions, ranging from private language schools, such as Berlitz or Inlingua, to well-established vocational training centres run by the social partners and to small NGOs. The courses range from 100 to 600 hours, depending on the target group, with the majority teaching for 300 hours. The costs vary, but are usually in the range of around EUR 350 for module 1 (literacy) and EUR 1,500 to 2,500 for module 2 (German). The City of Vienna refunds an extra EUR 300 if the immigrant has also attended the Start Vienna programme, consisting of individual advice and coaching on language and vocational training courses and afternoon lectures on life in Vienna, given in the mother tongue of the largest immigrant groups.

There is no way of completely avoiding the costs. Refunds are administered by the Austrian Fund for Integration. Persons only taking the examination have to pay a fee of between EUR 50 and 100, which is not refunded.

The test component of the German integration course developed by the Austrian Fund for Integration consists of the four areas: reading, listening, writing and oral self-presentation and is based on practical situations from everyday life. The Austrian Language Diploma as well as the TELC test organised by the WBT-Weiterbildungs-Testsysteeme GmbH and the Diploma of the Goethe Institut both also consist of the areas of reading comprehension, listening comprehension, writing and speaking and are also based on simple examples from newspaper articles, advertisements or invitations to a birthday party. None of these tests includes any questions regarding knowledge of the Austrian society, history and politics. So in fact, Austria does not follow a model including cultural assimilation or the provision of knowledge about the political system, but a model strictly confined to language competency testing.

3.2 Purpose of the test

The parliamentary report on the motives for the reform of the Aliens Law in 2002, which for the first time included a provision for an integration agreement to be fulfilled by attending a German course leading to level A1 EFRL (100 hours), makes a clear reference to the governmental programme of 2000, which defined the acquisition of a high level of competence in German as a main issue for integration and stated that active integration programmes with compulsory language courses, which should be taken immediately after immigration, should guarantee linguistic and socio-cultural integration from the beginning. Naturalisation should be the culmination of a successful integration process. The path to naturalisation should be constructed as an ‘integration compressing

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process’. Proving one’s knowledge of German and of basic knowledge about Austria and Europe should become a precondition for naturalisation (BMI 2002:27f). The acquisition of a basic knowledge of German (level A1 EFRL) was defined as the main aspect of the integration agreement (BMI 2002:58).

The suggestions for introducing an obligatory integration agreement were sharply criticised by the then opposition parties (SPÖ, Greens), NGOs and humanitarian organisations, but also by the City of Vienna, which rejected the idea of enforcing integration. In their statement on the draft of the new Aliens Law 2002 for the parliamentary appraisal procedure, the City government stated that:

‘the term ‘integration agreement’ was misleading. On the contrary, it is a precondition for granting a settlement permit. The term ‘agreement’ cannot be used, as it is not a contract between equal partners. Foreigners coming to Austria are dependent on being granted residence status in order to secure their basic needs legally. They do not have the possibility of deciding freely about their consent to the integration agreement (Amt der Wiener Landesregierung 2002:4)… The state of Vienna rejects the use of force for the fulfilment of the integration agreement as a basic principle. The integration desired by the City of Vienna is unenforceable, but has to be achieved through encouragement. Moreover, the envisaged integration agreement paints a false picture of immigrants who do not want to learn German. The five years of experience with the language programme of the Viennese Integration Fund show that immigrants are eager to learn German, but on a voluntary basis’ (Amt der Wiener Landesregierung 2002:17).

Critical comments were also expressed by the Ministry of Education and Sciences and the Legal Service of the Federal Chancellery. While the Ministry of Education and Sciences pointed chiefly to the negative effects on academic mobility if scientists were obliged to fulfil the agreement (BMBWK 2002:3 f), the Legal Service of the Federal Chancellery was critical that it was unclear whether the agreement was covered by public or private law and suggested formulating an integration requirement instead (BKA 2002:10). In the parliamentary debate, both the SPÖ and the Greens sharply criticised the draft law as preventing integration and enhancing the possibility for seasonal employment (which was also included in the draft bill), whereas the Conservatives and the BZÖ supported the bill.

A similar debate took place in 2005, when the integration agreement was reformed and the level of knowledge of German necessary for its fulfilment was raised to A2. The parliamentary motivation report again stated the importance of language for integration and suggested quantitatively and qualitatively raising the level of the requirement:

'because concentration on acquisition [of German] is urgent, because knowledge of the language is, on the one hand, an indispensable key qualification for further integration and, on the other hand, depends heavily on the individual readiness of the alien to engage openly and communicatively with his new living environment (Parlamentsdirektion 2005: 13)…. At any rate, the task is not ‘coercion to assimilation’, but it is imperative only to strengthen the ability to communicate and thus to open or improve the possibility for societal, economic and cultural participation’ (Parlamentsdirektion 2005: 124).

Again, critical voices were raised, including by humanitarian organisations, the Austrian Association of Students, the Social Democrats, the Green Party and the City of Vienna. The City of Vienna largely upheld its criticism on the obligatory nature of the agreement and criticised the planned format of the examination, which, according to the draft, was only to be taken in writing (Amt der Wiener Landesregierung 2005a: 3). ‘Helping Hands’, an important humanitarian NGO, sharply criticised the risk of expulsion as a penalty for non-fulfilment of the agreement (Helping Hands 2005:4), whereas the Green MP, Th. Stojsits, sharply attacked the reduction of exemptions and the high costs to the immigrants (Stojsits 2005). Finally, the ‘Network for Language Rights’, represented by Professor Krumm, who holds a chair in German as a Second Language at the University of Vienna, criticised the lack of differentiation and the didactic bluntness of the draft (Krumm 2005: 3).

The law stipulates that four types of test are permitted in fulfilment of Module 2: the test developed by the Austrian Fund for Integration, the Austrian Language Diploma (the Austrian chapter of the EFRL), the test set by the Goethe Institut and the test organised by the TELC company. Whereas the Austrian Language Diploma is developed by an expert group under the surveillance of the Ministry of Education, the Austrian Fund for Integration, which is completely financed by the Federal Ministry of the Interior, has developed its curriculum and test format in-house without the involvement of the Ministry of Education or the relevant university institutes.

Some of the interviewees explained this somewhat surprising two-pronged approach as a symbol of an internal conflict between the Ministry of Education, with its scientifically based approach to language acquisition, and the Ministry of the Interior, which allegedly wants to gain control of the entire language acquisition infrastructure in the field of integration. No single scientific study, e.g. of the number or social composition of the target group or the didactic construction of the language course and the test, was commissioned before the implementation of the integration agreement.
3.3 Analysis of statistics

Statistical data on the integration tests are not published by the Ministry of the Interior, the state governments or the Austrian Fund for Integration. The only available statistical data stem from the answers of several parliamentary inquiries to the Minister of the Interior by the Green Party\textsuperscript{20} and the Social Democrats.\textsuperscript{21}

According to the reply from the Ministry of the Interior to the parliamentary enquiry by the Green Party of 17 January 2008 (3352/AB XXIII. GP), only data about the successful completion of the integration requirements are collected. There are no data available on the number of applications or failed tests, nor a breakdown with regard to age, gender, nationality or income.

Table 5.: Fulfilled integration agreements and number of exemptions 2003 – 2009\textsuperscript{22}

<table>
<thead>
<tr>
<th>Year</th>
<th>Required Agreements</th>
<th>Fulfilled Agreements</th>
<th>Exemptions (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>9,114</td>
<td>951</td>
<td>N/A</td>
</tr>
<tr>
<td>2004</td>
<td>5,540</td>
<td>1,568</td>
<td>N/A</td>
</tr>
<tr>
<td>2005</td>
<td>3,758</td>
<td>1,683</td>
<td>46,383 (2)</td>
</tr>
<tr>
<td>2006</td>
<td>22,958</td>
<td>5,795</td>
<td>220</td>
</tr>
<tr>
<td>2007</td>
<td>16,690</td>
<td>5,485</td>
<td>181</td>
</tr>
<tr>
<td>2008</td>
<td>15,147</td>
<td>4,655</td>
<td>183</td>
</tr>
<tr>
<td>2009</td>
<td>N/A</td>
<td>5,219</td>
<td>109</td>
</tr>
</tbody>
</table>

(1) Since 2006, only exemptions on medical grounds are mentioned.

\textsuperscript{20} Parliamentary Enquiry by Member of Parliament Weinzierl and friends regarding the integration agreement of 17 January 2008, 3347/J XXIII. GP, answered by the Ministry of the Interior on 14 March 2008 (3352/AB XXIII GP); Parliamentary Enquiry by Member of Parliament Korun and friends regarding the so-called integration agreement of 8 July 2009, 2638/J XXIV. GP, answered by the Ministry of the Interior on 8 September 2009 (2707/AB XXIV GP); Parliamentary Enquiry by Member of Parliament Korun and friends regarding the so-called integration agreement as a reason for expulsion of 23 December 2009, 4186/J XXIV. GP, answered by the Ministry of the Interior on 23 February 2010 (4128/AB XXIII GP).

\textsuperscript{21} Parliamentary Enquiry by Member of Parliament Dr. Elisabeth Hlavac and comrades regarding newly-settled immigrants of 14 July 2006, 4670/J XXII. GP, answered by the Ministry of the Interior on 13 September 2006 (4589/AB XXII. GP).

\textsuperscript{22} Own calculations based on Parliamentary Enquiry by Member of Parliament Weinzierl and friends regarding the integration agreement of 17 January 2008, 3347/J XXIII. GP, answered by the Ministry of the Interior on 14 March 2008 (3352/AB XXIII GP); Parliamentary Enquiry by Member of Parliament Korun and friends regarding the so-called integration agreement of 8 July 2009, 2638/J XXIV. GP, answered by the Ministry of the Interior on 8 September 2009 (2707/AB XXIV GP).
According to the data provided in the parliamentary enquiries by the Green Party, between 951 and 1683 integration agreements were fulfilled each year between 2003 and 2005, and between 4655 and 5795 annually between 2006 and 2009. Between 2003 and 2004, the integration agreement required reaching level A1 of the EFRL and, since 2006, level A2 has had to be achieved. As can be seen in the figures for 2005, the number of exemptions was 27 times higher than the number of fulfilled contracts in 2005, whereas the number of exemptions has been between 2% and 4% each year since 2006.

A different picture emerges if the type of fulfilment of the contract is analysed. As explained above, since 2006 completing school in Austria or belonging to the category of 'key personnel' is counted as fulfilment of the integration agreement, without the need to attend an integration course or pass a test. The data provided in the replies from the Ministry of the Interior to the parliamentary enquiries by the Green Party give an overview of the types of fulfilment of the integration agreement from 2006 to 2009.

<table>
<thead>
<tr>
<th>Year</th>
<th>Completed education in Austria, key personnel, etc.</th>
<th>Proof of German skills by a certificate from a certified institute</th>
<th>Other (integration course)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>3014</td>
<td>110</td>
<td>2671</td>
<td>5795</td>
</tr>
<tr>
<td>2007</td>
<td>2564</td>
<td>122</td>
<td>2799</td>
<td>5485</td>
</tr>
<tr>
<td>2008</td>
<td>2759</td>
<td>157</td>
<td>1739</td>
<td>4655</td>
</tr>
</tbody>
</table>

As the data show, only between 37% and 51% of all fulfilments of the integration agreement are based on participation in German and integration courses, most are based on the completion of schooling or vocational education in Austria.

A further table gives an overview of the fulfilment of module 1 (proof of reading and writing skills) and module 2 (proof of knowledge of German) of the integration requirement. These data also show that only between 40% and 53% of all persons fulfilling the integration agreement have to attend a course and pass an examination.

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23 See footnote 22.
Table 7: Fulfilment of Integration agreement

<table>
<thead>
<tr>
<th>Year</th>
<th>Fulfilled Integration agreements</th>
<th>Module 1 (Reading and Writing)</th>
<th>Module 2 (German A2)</th>
<th>Percentage of Module 1 + Module 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>5795</td>
<td>95</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2007</td>
<td>5485</td>
<td>2390</td>
<td>531</td>
<td>53.25</td>
</tr>
<tr>
<td>2008</td>
<td>4655</td>
<td>604</td>
<td>1292</td>
<td>40.73</td>
</tr>
<tr>
<td>2009</td>
<td>5219</td>
<td>250</td>
<td>1979</td>
<td>42.71</td>
</tr>
</tbody>
</table>

The small number of examinations stands in sharp contrast to the high and growing numbers enrolling for the German and integration courses. Only a very small proportion of students seems to be prepared to take the examination immediately; most seem to postpone it. Between 2006 and 30 June 2009, approximately 81,000 persons had enrolled for the German integration courses, but only approximately 7,480 had been refunded for some of the course costs after successfully sitting the examination. This difference may be partly explained by the fact that the courses might last for one year or more and thus examinations will be taken in the future, so no refund has been paid out yet. Since there were no indications of a high number of drop-outs in the interviews with the teachers and immigrants (who both stated, by contrast, that most participants passed the examination at the first attempt), another reason for this divergence may be found in the weak data quality of the answer from the Minister of the Interior to the parliamentary enquiry by the Green Party.

Table 8: Enrolment in German integration courses and refunding 2006 -2009

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrolment</th>
<th>Refund of course costs after passing examination</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>4314</td>
<td>1733</td>
</tr>
<tr>
<td>2007</td>
<td>21260</td>
<td>159</td>
</tr>
<tr>
<td>2008</td>
<td>36765</td>
<td>4008</td>
</tr>
<tr>
<td>Until 30 June 2009</td>
<td>18559</td>
<td>1580</td>
</tr>
<tr>
<td>Total</td>
<td>80898</td>
<td>7480</td>
</tr>
</tbody>
</table>

24 See footnote 22.
25 The integration contract was implemented in June 2006, thus no cases of fulfilment of Module 2 were registered in this year. As it is not possible to fulfil the integration contract only by the fulfilment of Module 1, these figures refer to cases of successful attendance of alphabetisation courses, the attendants of which will pass the exams for Module 2 in the consecutive years.
26 See footnote 22.
Finally, it might be interesting to compare the numbers of fulfilled integration agreements and students on the courses with the annual number of visas issued to persons who might need to fulfil the contract. Since the data on visa and residence permits do not give any information on the intended length of stay of the person – the integration agreement only has to be fulfilled if one intends to stay for longer than five years – only a very tentative comparison is possible.

The following table gives an overview of the types of permit issued for the first time that may lead to a permanent settlement permit if the integration agreement is fulfilled within five years of residence.

The first row includes settlement permits within the quota system issued for the first time in the given year, except for the permits for key personnel, since belonging to the group of ‘key personnel’ is regarded as automatic fulfilment of the integration agreement. These data mainly reflect family reunification with resident third-country nationals. The second row includes settlement permits outside the quota system issued for the first time in the given year, except for those issued to third-country national children born in Austria. These cases mainly concern the family reunification of settled third-country nationals and of resident EU citizens with a third-country national and cases of transfers of status from the system of residence permits in force before 2006 into the system established in 2006. The third row includes residence permits issued outside the quota system and mainly concerns family reunifications between third-country nationals and Austrian citizens.

### Table 9: Type of first-time residence permit associated with compulsory fulfilment of the integration agreement

<table>
<thead>
<tr>
<th>Type of permit</th>
<th>2006</th>
<th>% female</th>
<th>2007</th>
<th>% female</th>
<th>2008</th>
<th>% female</th>
<th>2009</th>
<th>% female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Settlement permit within the quota system</td>
<td>3521</td>
<td>66.17</td>
<td>4839</td>
<td>61.67</td>
<td>4527</td>
<td>65.16</td>
<td>3865</td>
<td>63.86</td>
</tr>
<tr>
<td>Settlement permit outside the quota system</td>
<td>1359</td>
<td>51.36</td>
<td>927</td>
<td>53.40</td>
<td>585</td>
<td>55.73</td>
<td>1451</td>
<td>49.69</td>
</tr>
<tr>
<td>Residence permit outside the quota system</td>
<td>8595</td>
<td>58.58</td>
<td>5517</td>
<td>47.92</td>
<td>5933</td>
<td>54.49</td>
<td>5001</td>
<td>54.91</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>13475</td>
<td>59.84</td>
<td>11283</td>
<td>54.27</td>
<td>11045</td>
<td>58.93</td>
<td>10317</td>
<td>57.52</td>
</tr>
</tbody>
</table>

As the table shows, between 2006 and 2009, between approximately 10,300 and 13,500 permits were issued that were likely to include a duty to fulfil the integration agreement if a residence period of more than five years is intended. In

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the same period, between approximately 1700 and 2800 candidates successfully completed their German integration course.

Since the integration agreement can also be fulfilled for instance by attending school in Austria, successful vocational training or an Austrian high school graduation qualification (Matura), and the data give no information about the age of the applicants for a settlement permit, it is not possible to calculate the number of children reunited with their families, which would be necessary in order to estimate the number of persons obliged to attend a German integration course. Thus, it is not possible to draw the direct conclusion that most applicants still have to attend their German integration course and take the examination. Nevertheless, the comparably low percentage of successfully completed German integration courses in comparison to the much higher number of annual first-time residence permits, including the duty to fulfil the integration agreement as condition for permanent residence, is striking.

The gender balance within the different types of permit gives an indication that marriage migration to Austria is mainly female. In the first category, settlement permits within the quota system, which mainly concerns family members and spouses of third-country nationals, around two-thirds of the visas are issued to women. Under the assumption that the gender balance among children is more or less equal, this is a clear indication of a predominance of female marriage migration. Almost the same applies to the category of ‘residence permits outside the quota system’, which mainly concerns family reunification of third-country nationals with Austrian citizens. So the requirements relating to fulfilment of the integration agreement target a female majority.

Taking into consideration the fact that the five-year period for those whose first permit was issued in 2006 will be ending in 2011 and that the law envisages the loss of legal residence and even deportation in the event of non-fulfilment of the integration agreement, it is likely that a large number of legal disputes will arise in 2011, which will have to clarify whether and to what extent the spouses of settled immigrants, who have not complied with the integration agreement in time, are protected by Art. 8 of the European Human Rights Convention and thus cannot be deported.

3.4 Analysis of the interviews

3.4.1 Interviews with immigrants

Among the immigrants interviewed, 9 different mother tongues were spoken. Since it was not possible to plan with whom an interview would be conducted and what mother tongue the interviewee would have, it was not possible to recruit interpreters. Thus, the interviews were conducted in German or English. In many cases where interviews were conducted in German, the respondent had difficulty understanding the questions and formulating an answer, even if
they had successfully passed the German test at level A2. Obviously, understanding and answering the questionnaire requires higher linguistic competence than level A2 of the Common Reference Framework.

In general, the integration agreement was well received with the immigrants interviewed. The vast majority of them were required to fulfil the agreement because they had entered Austria for family reunification and thus were obliged to take the test. All interviewees were eager to learn German, because they felt that a sound knowledge of German was a precondition for living in Austria and, in particular, for success on the Austrian labour market. Most often, the respondents were convinced that they would be able to obtain a permanent residence permit after fulfilling the agreement.

Only a few respondents criticised the obligatory character of the course. The majority agreed with the obligation or saw no problem with the compulsory nature of the agreement. A few respondents stressed that the obligation would help them to concentrate on learning German. One respondent said: ‘If there were no obligation, I would concentrate on finding a job immediately and would not spend so much time learning German. So probably I would only find a bad job. So I am concentrating on learning German and hope to find a better job later.’ Some similar statements stressed the need to speak German well in order to find a qualified position – those not able to communicate well in German would only find menial jobs in tourism or the catering or cleaning trade. Another respondent saw the obligation as a positive act by Austria vis-à-vis its immigrants, comparing the situation with parents who also have to put pressure on their children to do their homework sometimes. All the respondents stated that they would also have attended German classes if they were not obligatory.

The vast majority of the interviewees were taking the course for the first time and had not yet taken the examination. Only two interviewees repeated part of the course but they too had not taken the examination; instead they were advised to take the parts of the course again by their teachers because they had missed several units and their teachers felt that they would not pass the examination. In general, most interviewees reported that they were advised by their teachers when they were ready to take the test.

The high income requirements were mentioned by most interviewees as the biggest hurdle for gaining access to a permanent residence permit. About one third also mentioned the language test, in particular the written component. In general, the respondents were quite optimistic with regard to their chances of success and stressed the high quality of the courses, their highly motivated teachers and the good preparation for the examination.

The respondents were generally well-informed about the requirements of the test and the testing procedure. In Vienna, nearly all had been informed about the duty to fulfil the integration requirement and the courses they had to take through the ‘Start Vienna’ programme. In Lower Austria, the respondents criti-
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cised the fact that they did not receive any information from the authorities, but only were informed by the teachers at their language training institute.

This programme has been operated by the City government since 2008. When applying for the residence permit after immigration, any newly-arrived immigrant is invited to an interview in his/her mother tongue (or in English or another common language). During the interview, the immigrant is counselled with regard to the appropriate German course to be taken and vocational or other training opportunities. If necessary, he/she can go back for ‘second level coaching’ to be counselled further. The programme also includes three half-day weekend meetings in the mother tongue (or other common language), during which immigrants are informed about the basics of living in Vienna, education, health and social infrastructure and ‘do’s and don’ts’ of everyday life. After attending of these counselling sessions the immigrant has the right to receive a voucher for EUR 300 as an extra refund to be paid after successful completion of an integration course. Meanwhile, some 95% of newly-arrived immigrants in Vienna are reached through this programme.28 No comparable programme exists in the other states.

The respondents did not report any negative reactions after first hearing about the duty to fulfil the integration requirements. Most of them stated that they were thankful to have the opportunity to learn German.

Between half and two-thirds of the respondents found the costs of the course rather high. Acknowledging the refund from the Ministry of the Interior (and in the case of the Viennese respondents, from the Viennese government), they pointed to the requirement to pay the total costs in advance and obtain a refund later. Some of them mentioned that they had to borrow the money to pay for the course from friends and relatives.

The respondents also included two asylum-seekers and two Polish citizens, who attended the course to learn German, but were not obliged to fulfil the integration requirement. They were very critical of the fact that they had to fund the entire course without support. The Polish citizens in particular saw it as discrimination between Union citizens and third-country nationals.

Those who had already passed the test agreed that the course was good preparation. In general, the interviewees had a very high opinion of the dedication of the teachers and the course quality. About half of the interviewees who had already taken the test found it difficult. Here, a clear correlation with the age of the applicant was visible.

The majority of the interviewees who had already taken the test also found the course helpful in their daily life; two of them reported that the course helped them gain promotion in their workplace. About one third was taking a further language course, whereas the others said that they planned to take a further course or had already enrolled in one. The majority of the interviewees agreed that level A2 was not high enough for successful participation in Aus-

28 Interview with Local Official, Vienna.
trian society, particularly not on the labour market. In this respect, many interviewees criticised the lack of vocational language training and mentioned the problems of acquiring knowledge of the German terms and phrases for tools and processes used in their profession. The lack of financial support for courses leading to a higher level of German was also mentioned critically by many interviewees. Many respondents also mentioned that there was not enough time to learn about life in Austria and that they would be eager to learn more about Austria’s society and culture.

The question about ‘feeling part of society’ (5c) was rejected or not well-received by many respondents. Most of them answered that feeling part of society was not so much a question of knowing German, but of a tolerant and welcoming atmosphere, which many of them did not find in Vienna. Here, in particular, discrimination when looking for a job or a flat, or unfriendly reactions when they spoke their mother tongue in public were mentioned. Nevertheless, most respondents agreed that learning German was helpful for participating in everyday life. One respondent put it the following way: ‘Integration comes from both sides. If I am well-received and people are friendly towards me, I will feel good and feel integrated, regardless of my knowledge of German. And if I speak German perfectly well, but people discriminate against me and are unfriendly, I will not feel integrated at all.’

The respondents who had not yet taken the test were on average very optimistic about passing it. They felt well-informed of the test content because they had trained in the test situation in class.29

Only one respondent mentioned knowing of a case of a woman aged around 50 who decided to return to her country of origin after having tried to take the test, but without success. According to the respondent, the woman had never attended school and would have needed much more time and support to learn reading, writing and German.

An interesting case was that of a young man of Turkish origin aged 17, who had come to Austria at the age of 16 and therefore had to fulfil the integration requirement. When asked what he wanted to do after fulfilling the integration agreement, he said he would return to Ankara to continue high school there. He had realised while taking the course that he would stand no chance of getting into high school in Austria, whereas in Turkey he was a good student at a renowned high school and would risk his education if he stayed in Vienna. He intended to return to Austria to study there after finishing high school in Turkey.

29 Several questions from the questionnaire were not appropriate here. The test is a pure language test and contains no questions about the history or society of Austria.
3.4.2 Interviews with experts

3.4.2.1 Teachers

Types of courses offered, description of customers
Although there are slight differences in detail, the three language course-providers contacted offer courses that are organised along comparable lines. This type of organisation is an effect of the funding structure: the integration agreement consists of Module 1 (literacy) and Module 2 (German integration course), each of which may be refunded after completion. So all institutes offer separate courses for the two modules. Literacy courses last 75 hours, the courses for Module 2 last 300 hours. In Vienna, the course for Module 2 is split into three courses, because after completion of each unit a voucher for EUR 100 from the City of Vienna may be cashed. In all cases, courses of different intensity and at different times of day are offered. Normally, the courses for both Module 1 and Module 2 (German at level A2) are split into two or more consecutive courses to be taken in one term or half-term, depending on the frequency of attendance. Some of the courses on offer also provide childcare.

In Vienna, specific courses have been set up for young people who want to prepare for continuing secondary education or take up apprenticeship training. These last for 600 hours instead of 300 and include specific units on living in Austria, the political system and society and regular visits to institutions, etc. The courses take place daily between 9 am and 1 pm, so that young people used to attending school simply continue to go to school. Theses courses are supported by the city of Vienna so that the students only have to pay EUR 300.

Another type of course offered in Vienna is the ‘Mummy learns German’ scheme. These courses are targeted at mothers with children and provide childcare. They courses have a stronger emphasis on social learning and excursions than the pure language courses. They do not lead to an examination, but can count towards fulfilment of the integration agreement.

The courses are generally not differentiated by the level of education of the course participants, but by the level of knowledge of German. Usually, the teachers or the counsellors at the language school assign the students to the course appropriate for their level of knowledge. Thus, people with extremely different educational backgrounds take the same courses.

This educational lack of homogeneity has been described as a major challenge and a problem by all teachers interviewed or, as one teacher mentioned, ‘the carpenter is sitting next to the university professor’. According to her, this could provoke a mismatch between group dynamics and learning dynamics: after two or three weeks, the differences in learning speed would become obvious and grow, whereas at the same time group cohesion would develop so that people would not want to switch to another course, even if this would be more suitable for their learning capabilities.
A further problem was the huge age range on the courses, from age 25 to age 70. Older people tend to learn a language in a different way from their younger fellow students, they are slower but more precise and focus more closely on learning grammar and vocabulary, whereas younger learners engage much earlier in conversation and do not care so much about making mistakes (which makes teaching easier). The teacher also mentioned that the number of persons over the age of 50 who had to fulfil the integration agreement was growing.

Another teacher also mentioned the challenge of overcoming culturally different attitudes to learning methods. In her opinion, Asian students in particular tended to anticipate memorising vocabulary and phrases and shied away from communication because they regarded mistakes as personal failure, whereas in Europe modern language teaching methods encourage verbal production at an early stage and stress that mistakes could be learning opportunities, whereas memorising vocabulary and grammar by heart is seen as unprofessional and outdated.

All teachers mentioned that, with the exception of the specific youth courses and the 'Mummy learns German' courses offered only in Vienna, students came from all social groups and age groups. One teacher mentioned that her oldest pupil was a woman of 72 who came to Austria for family reunification and was required to fulfil the agreement despite her age. The educational backgrounds ranged from illiterates to university professors.

According to the teachers, a growing number of asylum-seekers were also attending the courses. Although they were not obliged to do, proof of having passed the language examination would be regarded as a sign of readiness for integration in the appeals procedures in the event of a negative asylum decision. This group did not receive any financial support. The second group without support was European Union citizens from the new member states, a growing number of whom also attended the course to learn German. Although, in most cases, they were living under comparable financial circumstances to immigrants from Turkey, they did not receive any support. Most of them complained of discrimination against third-country nationals.

The teachers agreed that most of the students were not attending the course to pass the test for the integration agreement, but because they wanted to learn German. Most were motivated by the need to speak German well in order to find a good job, but women staying at home with their children were also eager to learn German and saw the lessons as a chance to meet other people and have a life beyond the family. They estimated that between 90% and 95% would also attend a course even if there were no obligation.

One teacher reported two cases of women aged around 50, who came to live with their daughters. They had decided to return to Turkey during the course because they thought they were unable to learn German. Another teacher reported a growing number of students from well-educated immigrant families fulfilling the agreement with the intention of moving to another European country afterwards, because Austria was not attractive for well-trained people.
and non-nationals were systematically excluded from access to good professional positions. They would need to fulfil the agreement in order to be granted mobility rights in Europe.

The majority of the teachers also reported a slight growth in enrolment in recent years.

*Teacher’s opinion of the course content*

All teachers reported a high degree of motivation to learn German among the participants. One teacher also mentioned that he sometimes had to explain the consequences of not taking the examination to make younger students in particular, aged 15 – 17, take the course seriously. But this attitude towards learning is typical of this age group. Another interviewee criticised the lack of information about the integration agreement and reported that each time there were still some participants whose attitude was that they had to take the course without understanding that they should learn German. These students would have to be informed of the consequences of not passing the test.

Several teachers mentioned the problem that level A2 was too low for integration into the labour market, but no funding was available for students taking further courses, so many immigrants wishing to improve their German could not attend the courses because of the high costs.

The question of the promotion of integration in society was answered positively, but critically, by most teachers. They stressed that learning German and being able to communicate and take part in society would enhance the self-esteem and self-assurance of the immigrants. Particularly, women coming to Austria for an arranged marriage at an age between 18 and 20 would benefit from the chance to meet other women and see life outside of the family. In this case, the obligation to fulfil the agreement was helpful, because otherwise their husbands would not allow them to leave the home. Furthermore, attending the course and meeting other immigrants in a positive learning setting made them reflect on their motives for immigration and their future in Austria and made them psychologically stronger. From a functional point of view, fulfilling the integration agreement was a precondition for labour market integration and participation in the labour market-oriented courses of the Austrian Labour Market Services and thus directly contributed to integration into the labour market. But the level of the courses was by no means sufficient for success on the labour market.

One manager of a training institute also pointed to the problem that, from 2011 onwards, persons who had not fulfilled the integration agreement might lose their residence permit. According to him, 3,200 persons in Vienna who had been granted their permit in 2006 have not yet fulfilled the agreement. The authorities wrote to them and invited them for a meeting, but only 300 attended. At the time, a certain decree of unease was evident among the immigrant communities with regard to non-fulfilment of the contract.
One teacher very critically reflected on the notion of integration. She stated that there was no common understanding of integration, so the question could not be answered. The level of the courses was too low for the labour market and for the ‘poor jobs’ immigrants were given, German was not needed. Also, the question of whether the courses helped with integration into everyday life and participation in society required a critical answer: most Austrians lead their lives within closed networks and were not interested in becoming friends with immigrants. She had the impression that, after the examination, life would continue as before and it may well be that what has been learned will be forgotten. Since no evaluation of the long-term effects of the course was planned, the debate was largely ideological.

The manager of a large language training institute was also very critical of this question. He criticised reducing integration to the knowledge of German and, in particular, the lack of differentiation in the approach to language learning. Of course, learning German was important, but it was only one aspect. Integration would become a catch-phrase with no meaning and lead to false conclusions: for example, someone could be well-integrated into the labour market but only have friends in his community – according to current understanding he would not be integrated, which would include the idea of the state controlling his private life and be based on a nationalist understanding of Austria as a community of German-speakers.

There were many non-integrated German-speakers, as well as persons with no migrant background who had problems taking part in society. The current discourses gave the impression that integration only applies to immigrants. Instead, one should ask about integration for the poorly-educated and the life opportunities they have. The term ‘integration’ was nothing more than a synonym for membership of the middle classes.

Most teachers criticised the lack of time taken to move beyond basic language learning on the courses. The most frequently-mentioned subjects that were not covered were professional language and labour-market oriented vocabulary. It was simply not possible to offer this as a one-size-fits-all course, including knowledge of society and politics. The course curriculum could only superficially cover those areas; in practice, the courses were normal language courses and it depended on the teacher whether and to what extent knowledge of Austrian society was taught, in particular knowledge of the institutional structure of society. Furthermore, the lack of time for discussing intercultural aspects, e.g. understanding family or gender roles, was mentioned. Finally, one teacher stated that she wished for a stronger emphasis on the ‘unwritten rules of everyday life’, e.g. informing people that they have the right to be addressed by the formal Sie (you) rather than the informal Du (you) by the authorities and the police, but that it was also an unwritten rule that for public property should be respected, so that it is not acceptable to put one’s feet on the opposite seat in the tram.
Some teachers also made reference to the information units within the ‘Start Vienna’ package given in the mother tongue and suggested extending them to other areas, e.g. environmental issues. Not only should immigrants be obliged to attend these modules, but Austrian citizens should also attend the intercultural training units.

Requirement to fulfil the integration agreement as a barrier to access to permanent residence
In general, the teachers were fairly critical of the ‘one size fits all’ approach taken by the integration agreement. Reaching the required A2 level was no problem at all within the 300 hours for academics or for those with a sound educational background and used to learning, but it did pose significant problems for those with a low educational level and little learning experience or low self-esteem. ‘Students coming straight from school could easily reach level B1 in 300 hours, whereas an illiterate person might need 600 hours or more to reach A2’, a teacher commented. Furthermore, the training did not differentiate between the active and the passive dimensions of language – in practice people needed a higher level of knowledge in the passive dimension (listening, reading), and might function well, reaching only level A1 in the active (speaking, writing) dimension. In particular, the demands regarding writing were a problem for many and, in practice they would not really need writing skills very often. The societal embeddedness of language was not taken into account at all.

A specifically problematic group was students who needed literacy education. These were mainly women from Turkey or the Arab world with little or no learning experience and low self-esteem. The courses are funded for 75 hours, which was far too little time for literacy training. According to the teacher, the suggested implementation of language testing before immigration was only intended to prohibit illiterate people from emigrating to Austria. A further group experiencing problems reaching the required level was housewives aged 40+. They most often had little education experience and were family-oriented. Normally, it takes about a year to reach level A2 but it might take this group 2 or 3 years. If the requirement were raised to B1, these women would not succeed.

Another teacher mentioned the problem that the course focused on standard German, but in practical life people had to cope with the Viennese dialect, which is hard to comprehend. She gave an example: in standard German, one asks, Haben wir das schon gemacht? (Have we already done that?), but in dialect it sounds like: Hamma das scho gmacht? The dialect use of the verb, Hamma, sounds similar to the name of the tool Hammer (hammer), so people think of a hammer and do not understand the question in everyday life.

In general, it took between 6 and 12 months to take the examination. Depending on the educational background of the participants, between 85% and 95% of students passed the examination at the first attempt. Those who failed most often passed at their second or third attempt. A few of these then disap-
peared and those who really could not pass the examination were advised to obtain an exemption certificate from a public health officer. But applied to only very few cases. If the level required were raised to B1, a large number of students would fail.

The most important criteria for success were educational background and age. After the age of 50 people had difficulty learning a new language. Nationality and gender did not play a significant role.

In general, the price of the courses was acceptable because of the refunds from the state and the City of Vienna. Nevertheless, for a sizeable group of participants, the costs – which have to be paid in advance – were a problem, particularly if a whole family has to participate. In these cases, monthly instalments were often negotiated. Some attendants had to borrow the money from friends and relatives. Some cases were reported where students had to drop out of the course for some months and then had forgotten most of what they had learned.

Compared to the previous situation – the requirement to pass a test at level A1 – the current situation was regarded as an improvement by some and as a deterioration by others. Those seeing an improvement stressed that the obligation means that language learning is taken more seriously and that there were so many exemptions before that, in practice, the agreement was non-existent. The critics stressed that language learning under stress was counterproductive and that the integration agreement was mainly introduced to deter people from coming to and staying in Austria and to prevent them from obtaining a stable legal position. The information provided about society was dependent on the teacher and it was not in the interests of the state for people to learn about Austria. Since time was so short, teachers had to focus on language training and could not really provide information about society.

Other issues
Most teachers were very critical of the intention of the Ministry to raise the required level of language competence to B1, because the step between A2 and B1 would not be the same as between A1 and A2. Since only another 300 hours were foreseen, it was very likely that the vast majority of students would be able to pass the test successfully. In general, the courses needed more individualisation and a closer association with the living conditions of the students.

Many teachers also complained about their precarious social positions, because nearly all the teaching institutes only employed them on a free-lance basis depending on the number of enrolments and the pay was fairly low. Although they had all completed academic studies in German as a Second Language and, in practice, not only taught but also served as social advisers and intercultural interpreters, both supervision and the possibility for continuing education were lacking. In effect, extremely high turnover among the teachers and a high level of frustration were evident. They had the impression that, in reality, integration was not taken seriously by the state and that the integration contract was only implemented to deter people from settling.
The implementation of the integration agreement was also accompanied by conflicts between the Ministry of the Interior and the Ministry of Education. According to the manager of a large training institution, the entire integration contract was prepared extremely unprofessionally. The Ministry of the Interior did not want to cooperate with the existing training structures for German as a Second Language established within the Ministry of Education because it was known that both the university department and the teachers and linguists in this field were opposed to the idea of enforcing language learning.

The Austrian Fund for Integration, which in practice was a department of the Ministry of the Interior, developed its own curriculum and in-house testing material without consulting experts. The Association of the Peoples’ Universities of Vienna, the largest course provider, has refused to use these materials due to their poor linguistic and didactic qualities and is following the curriculum of the Austrian Language Diploma, the Austrian chapter of the EFRL, instead.30

3.4.2.2 Immigrant organisations and advice centres
Whereas the advice centre representatives and the representative of the women’s’ organisation mentioned regular enquiries about the integration agreement, the immigrant organisations interviewed did not provide counselling in this field. According to the advice centre representatives, they received about 30 calls per week concerning the integration requirement. Many of these calls did not come from Austria, but from abroad, e.g. from Serbia, and the callers wanted information about which conditions had to be fulfilled for family reunification. The Austrian clients most often needed information regarding the complex calculation of the income required to obtain access to a permanent residence permit. According to the women’s’ organisation representatives, about 12% of their clients had requests regarding the integration agreement.

In general, the clients of the advice agencies were well-informed because most of them had attended the ‘Start Vienna’ programme run by the City of Vienna. Still, some confusion existed regarding the complex voucher system. One major problem mentioned by those who wanted to continue learning German was that there was no financial support available for courses leading beyond level A2.

The high income requirements for receiving a permanent residence permit constituted a huge problem. A growing number of people who had attended the course and passed the examination still were not granted a permanent permit, only a one-year permit, because they did not fulfil the income criteria. They are upset because they were told that, after passing the test, they would be granted a permanent permit. In general, people regarded attendance on the course as an obligation, not as coercion. Only a few questioned why they had to

30 Interview with the head of the Competence Centre for Migration of the Verband Wiener Volkshildung.
fulfil the agreement, most saw it as legitimate that the state should require them to learn German.

This position was only partly confirmed by the representative of a large Serbian organisation: neither the language courses nor the tests were an issue in the community; the most pressing problem was finding getting work, a regular income and decent housing. Since there was a large Serbian community, it was possible to find a job without speaking German, so people did not feel much pressure to learn German.

All representatives of immigrant organisations and advice centres saw the integration agreement as a barrier to permanent residence. In particular, they criticised the costs and the flexibility of the courses, clearly differentiating between Vienna, where offers of advice by the City and the flexibility of the course providers was regarded positively, and other states, e.g. neighbouring Lower Austria, where no counselling or support structure existed. A further criticism concerned the length of the courses, which were seen as not long enough for poorly-educated people and as not allowing enough time to learn about Austria’s history and society. The knowledge acquired was not sufficient for success on the labour market, but there was not enough support for acquiring a better knowledge of German.

The requirements requested and their effects were discussed critically by the respondents. As one respondent stated, ‘It is not what you say, but how you say it’: no sensible person would argue against learning the lingua franca of the state in which one is living and everyone was aware of the importance of learning German. But the way integration is discussed in public conveys the message that the immigrants do not want to learn German and thus have to be forced to do so. Instead of, say, improving immigrants’ chances on the labour market, the measures have instead aggravated and emotionalised the political discourse. No-one discusses the fact that society has to make integration possible by providing opportunities for social mobility, accepting immigration as a reality and welcoming immigrants’ (Interview with Immigrant Advice Centre Vienna).

According to this interviewee, some communities feared the deportations of persons who had not fulfilled the agreement, beginning in 2011. There was a significant mismatch between those who fulfilled the agreement and those who had yet to fulfil it, and some feared that, from 2011 onwards, large numbers of people will regularly be deported.

All interviewees agreed that there is a need for better differentiation of the courses depending on the educational background and needs of the students. At the moment, all courses follow the same programme because the law did not allow for differentiation, so it is difficult to adjust to personal learning speeds and learning methods.

All the interviewees agreed that the integration agreement was introduced mainly for political and ideological reasons. According to a representative of an immigrant NGO, it was a signal that Austria would participate in the construction of a ‘Fortress Europe’; another mentioned that it was introduced by the
coalition government between the Conservatives and the FPÖ in order to restrict immigration and to send a message that immigrants would not be welcomed in Austria. A further respondent saw the political pressure of the FPÖ and other far right-wing organisations as the main reason for the implementation of the agreement. All the interviewees stated that the agreement would not deter people from coming to Austria, since key personnel would not need to take the courses and those family members obliged to fulfil the agreement when moving to Austria would not have the possibility of going elsewhere. One interviewee suggested reforming the agreement into a system of incentives supporting immigrants’ learning German to a higher level than currently required.

3.4.2.3 Local officials

Service offered by the local office
In Vienna, the magistrate has developed a guidance and counselling programme called ‘Start Vienna’ that is offered to all newly-arrived immigrants. Immigrants attending the counselling session and the information programmes offered in their mother tongue receive a voucher worth up to EUR 300 to be used to pay for the integration courses. According to the interview with the leading civil servant in charge of the programme, around 95% of the newly-arrived immigrants take part in the programme. No comparable programme is available in Lower Austria.

The ‘Start Vienna’ programme consists of a counselling meeting, when immigrants are advised on what language courses to take and informed about the possibilities for vocational training and guidance in their mother tongues or a common language. If necessary, interpreters are present. Counsellors are placed in the department responsible for issuing residence permits so, in practice, a ‘one-stop-shop’ situation is created.

Clients can return to ‘second-level support’ if they have further questions. Furthermore, three meetings are held on Saturday evenings, informing immigrants in their mother tongues or a common language about the residence law, the education-, health- and social systems, the labour market and ‘do’s and don’ts’ of everyday life. Furthermore, a telephone hotline was also set up, offering counselling in eight languages. A webpage (www.startwien.at) gives further information in fifteen languages and offers an internet-based search for appropriate courses.

Clients receive a ‘Viennese education passport’ including the vouchers for EUR 300, in which all courses attended and examinations taken are registered. This passport is accepted by the labour market authorities as proof of attendance of the courses, so that the clients do not need to bring all their certificates. In 2009, 2,887 ‘Viennese education passports’ had been issued and therefore 79% of all immigrants who had been issued a first-time residence permit by the City authorities had attended the ‘Start Vienna’ programme. Furthermore, 5,484
persons had attended the 233 weekend information sessions offered by the magistrate.\footnote{Start Wien – Überblick 2009, photocopy provided by the MA 17, Magistrate of the City of Vienna.}

The service is free of charge and is also offered to European Union citizens and to asylum-seekers, if requested. According to the interviews, use of these services rose steadily, which had led to longer waiting periods last year. The magistrate had reacted and employed more staff in this area and now waiting times were shorter.

In Lower Austria, no comparable counselling structure exists. The immigrants are informed of their duty to fulfil the integration examination by a leaflet written in German, which has to be signed, and are given the addresses of language schools. Thus the teachers in the schools have to do the counselling, which was a major cause for complaint among them.

According to the interviewees working for the ‘Start Vienna’ programme in Vienna, in 2009 3,675 persons had been counselled by them.

\textit{Awareness of requirements}

The counselling service within ‘Start Vienna’ was mentioned as the main source for information by the Viennese respondents – the civil servants responsible for issuing residence permits were not well-informed or trained to counsel the applicants, but transferred them to their colleagues in the programme. In Lower Austria, for the civil servants in charge of handling the integration agreement, this issue is frequently only one of several issues to be dealt with, such as issuing a driving licence or collecting traffic fines.

About 25\% of those attending the counselling meetings already knew about the language requirements, but usually did not know about the courses on offer and their organisation. The vast majority simply took notice of the requirement without commenting. A few complained that they had to fulfil the agreement, while their parents or relatives were not learning German. Quite a few saw the courses as positive and said that integration would have been much smoother if their parents had already had to sign such an agreement. Some were really thankful that the courses were offered.

Although the counsellors were critical about the obligatory character and preferred an incentive system, they also mentioned that this obligation was extremely helpful in making women attending the course. Many men, particularly from Turkey, Asia or the Arab world, who had had an arranged marriage and brought their spouse to Austria, tried to circumvent the agreement and asked whether it was not possible to teach their wives themselves. In these cases, it proved very helpful to point out the obligatory nature of the courses and the potential loss of the residence permit in cases of non-compliance. Then the men agreed to their spouses’ attending a course. Additional, women-only courses were available, where these women were sent. Attending the course genuinely
strengthened them and gave them the opportunity to get to know other people and interact outside the family. The main positive effect in this case was not so much learning German, but socialising with other women and developing a life outside the family.

Difficulties people face
Fulfilling the income requirements was mentioned as the most significant difficulty in obtaining a permanent residence permit. Taking the examination was a problem for people with a low level of education, in particular for illiterate clients, but not for persons with a sound educational background and learning experience. One major problem was that the courses had to be taken in parallel with work and many people were too tired to be able to learn German.

The majority of new immigrants met the requirements by attending a course, only very few already held a language diploma, for instance from the Goethe Institut. As their school certificates counted as fulfilment of the integration contract, only very rarely, persons who were attending school in Austria came to the counselling sessions. Exemptions on medical grounds were very rare, since this required a certificate from a public health officer, which represented a high and somehow humiliating threshold. Applications for an extension of the five-year period were common in cases of pregnancy or the need to care for sick family members.

There were no particular groups facing particular difficulties. The main variable was educational background, including among the Turkish group, which was always referred to in public as having a low level of education. Well-qualified women and men from the cities experienced no problems, while male and female spouses with very little or no education from Anatolia, had major difficulties learning German. Nevertheless, only a few people decided to return to their country of origin because of the requirement to learn German.

Since people had five years in which to fulfil the contract, it was not yet clear to some that they really had to learn the language. Now, as 2011 approaches, growing concern is evident in the communities. The magistrate of the City of Vienna is currently working on developing crash courses to prepare for the examinations those who had to fulfil the integration agreement by 2011, but have not yet attended a course.

Opinion of the respondents concerning the integration agreement
The respondents agreed that the integration contract in place now was much more demanding than the previous regulations (A1-level examination). According to one of them, the introduction of the obligatory agreement was chiefly motivated by pressure from the FPÖ, which wanted to impede access to permanent residence status and naturalisation, both of which would grant them equal treatment with citizens.

The contract put great pressure on many immigrants because they were not used to learning. One particular problem was the lack of funding for further
German classes after reaching level A2. In their counselling sessions, they tried to inform their clients about training possibilities funded by the Labour Market Authorities and to help them gain access to these measures, since otherwise their learning efforts tended to grind to a halt.

The courses devoted much too little time to information about the society and history of Austria and were mainly simple language courses, which often lacked individual differentiation. The teacher was usually highly dedicated, but the framework of the courses was not well-suited to immigrants.

The question of an overall improvement of immigrants’ integration through the courses was assessed differently. Whereas half of the officials interviewed argued that, by attending the courses and learning the language, the self-esteem of the immigrants and in particular of immigrant women, was boosted and they were prevented from regression and depression, which was often a reaction to an immigration situation, others argued that language was only a small part of integration and that structural aspects, such as discrimination and the closed nature of mainstream society were more important. The examinations and the threat of losing the residence permit served only to generate stress and indicated that immigrants did not belong to society. The language courses should be transferred to a system of incentives and information on the rights of immigrants, of women and children, and protection from discrimination should be included.

4. Integration test in the naturalisation procedure

4.1 Description of the test

Passing a test as a precondition for naturalisation was introduced with the amendment to the Nationality Act of 2006, amending the nationality law of 1998 (Staatsbürgerschaftsgesetz 2006 = StbG 2006). As well as the other preconditions for naturalisation, e.g. sufficient income, 10 years of legal residence, clean criminal record, the law stipulates in § 10a (1), that:

‘A precondition for any naturalisation is proof of:
1. knowledge of German and
2. basic knowledge of the democratic order and the history of Austria and of the relevant state.’

In § 10a (4) naturalisation is linked to the integration contract. According to the paragraph, knowledge of German is demonstrated either by proving that German is one’s mother tongue (§ 10a 4.1.) or by fulfilment of Module 2 of the integration agreement (even if the applicant is not obliged to fulfil the integration agreement). Thus, currently, the required level of German is A2 (EFLR), but any change to the required level for the fulfilment of the integration contract
will also automatically change the level of knowledge of German necessary for naturalisation.

Knowledge of the ‘democratic order and history of Austria and the relevant federal province’ is demonstrated by taking a written multiple-choice test to be organised by the state governments. According to § 10.5, the content of the test shall cover a basic knowledge of the structure and institutions of the Republic of Austria, fundamental civil rights and liberties including the right to legal protection, electoral rights and the historical development of Austria and the relevant province based on the curriculum of the fourth grade of secondary school (Hauptschule, 9th school year). The naturalisation examination may be repeated without any limitation on the number of retakes.

The technical implementation of the Nationality Law is organised in a separate order. According to this order, the examination relating to the basic knowledge of the democratic order and the history of Austria and the relevant state has to be organised by that state’s government at least every six months (§ 1.1). The examination covers three areas (§ 2.1) and is free of charge:
1. Basic knowledge of the democratic order of the Austrian Republic;
2. Basic knowledge of the history of Austria;
3. Basic knowledge of the history of the relevant state.

The examination consists of 18 questions, six in each area, structured as a multiple-choice test with three choices each. Each applicant may be given a separate set of questions drawn from a set of sample questions published by the federal and relevant provincial governments. This publication contains all the questions that may be asked. Two hours should be allocated for sitting the examination (§ 3). The test is successfully passed if at least half of the questions in each area or at least two-thirds of all questions are answered correctly (§ 5). Until now, no cases regarding the tests have been decided by the courts.

Soon after the Nationality Law and the respective order had passed parliament, the Ministry of the Interior published a preparatory paper for the test, containing information about the topics and sample questions, both on its website and in print. The brochure covers the area of ‘basic knowledge of the democratic order of Austria’ and the area of ‘basic knowledge of Austria’s history’; it is 53 pages long and contains 91 sample questions and it is written in German. All nine provincial governments also published teaching material and sample questions on their websites in the subsequent months.

The tests and learning booklets were written by staff of the Ministry of the Interior and the individual state governments without consulting experts in didactics, history or language. In most of the states, the booklets were written by the staff of the state archives, in the Burgenland the information booklet mainly

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consists of chapters copied from school history books. Only in Vorarlberg, the task of writing the booklet was outsourced to a civilian society association implementing integration measures on behalf of the state government (see Perchinig 2009:44).

The learning booklet about basic knowledge of the democratic structure and the history of Austria was available on the website of the Ministry of the Interior33 until spring 2010, when the Ministry, in response to a parliamentary request from the Green Party on the content of the paper and the publication of a critical expert opinion by a renowned political scientist, withdrew it from its web page (see Chapter, ‘Purpose of the test’).

Currently (2 July 2010), the web page of the Ministry of the Interior provides links to the Nationality Law and the orders and to the respective web pages of the state governments. The links to the state governments of the Burgenland, Salzburg, Styria, the Tyrol and Vienna also provide links to a copy of the booklet of the Ministry of the Interior withdrawn from the ministry’s website. The links to the state governments of Carinthia, Lower Austria and Vorarlberg are broken or no longer exist. The information booklets by these state governments can be found on their respective web sites.34

No courses currently exist for preparing for this test. According to the interview with an expert from the Association of Viennese Peoples’ Universities (Verband Wiener Volksbildung), the largest provider of courses for the integration agreement, a course was offered in 2006 but no-one enrolled. According to the interview, they have never been contacted by immigrants looking for such a course.35 A training plan for the test is available on the website www_staatsbuergerschaftstest.com for EUR 12 (basic version) or EUR 18 (advanced version).36

The law foresees a number of exemptions and possibilities for the recognition of other diplomas instead of the examination.

The exemptions include:
- Aliens under the age of majority and the age for compulsory schooling (§ 10a.2.2.);
- Aliens submitting a certificate from a public health official stating that, due to their age or health status, they are unable to fulfil the requirements (§ 10a.2.3.);
- Aliens not capable of acting as a person (§ 10a.2.4.);

34 For a detailed analysis of the papers and the tests of the state governments see Perchinig 2010.
35 Interview with the head of the Competence Centre for Migration of the Verband Wiener Volksbildung
36 The website does not list an owner or a contact address and only allows e-mail contact; payment is only possible using PayPal. A ‘who’s who’ search produces the company Godaddy.com Inc., Utah, as registrar and Yves Montarasse, 146 rue de Rennes, Paris 75001 as domain-owner. An email to Mr. Montarasse remained unanswered.
- Aliens residing in Austria who have been Austrian citizens for at least ten years and have lost their citizenship other than through divestment (§ 10.4.1). This paragraph allows for the naturalisation of former citizens fleeing the Nazis and losing their Austrian nationality due to non-residence in Austria;
- Former Austrian nationals fleeing persecution by the NSDAP or the authorities of the Third Empire and who thus became stateless (§ 10.4.2., § 58c);
- Spouses of Austrian citizens working for the Austrian authorities abroad (§ 11a.2.1., § 11a.2.2.);
- Spouses of former Austrian citizens fleeing persecution by the Nazis (§ 11a.2.3.);
- Former Austrian citizens who lost their nationality through marriage to a foreign citizen and subsequent naturalisation in the country of their spouse, after the death of their spouse or divorce in cases where naturalisation is requested within five years of the death of the spouse or the divorce (§ 13);
- Children of an Austrian father who, when a paternity test revealed different parentage, became stateless, if there was no case of a claim to Austrian nationality.

Proof of language competence and knowledge of the democratic order and history of Austria (§ 10a.1.) can be also fulfilled:
- If the person attends compulsory primary school or has attended compulsory primary school the year before the application for naturalisation (§ 10a.3.1.);
- If the person attends compulsory secondary school and has achieved a positive grade in German in the school year before application for naturalisation or has achieved a positive grade in German at the end of the winter term (§ 10a.3.2.);
- If the person demonstrates a positive grade in German in the school report for the year or the term before the decision about the application is taken.

Language competence (§ 10a.1.1.) can also be demonstrated by:
- Proving that German is the mother tongue of the applicant;
- Fulfilling the integration agreement.

Knowledge of the democratic order and the history of Austria and the relevant state (§ 10a.1.2.) can also be proven by a positive grade in the subject ‘History and Civics’ at the level of the 4th year of compulsory secondary school, which on average is taken between the ages of 14 and 16.

Interestingly, obtaining an academic degree from an Austrian university does not count as fulfilment of the language and societal knowledge requirements. According to an interview with an official, a former Mexican citizen, who had earned a Ph.D. in history from Vienna University with a thesis on the
subject of Austrian history in the 20th century, written in German, recently had to prove her knowledge of German at A2 level by producing a certificate from a certified institute and she had to take the test regarding knowledge of the democratic order and history in order to be naturalised. Also, students coming to Austria after the age for compulsory schooling and completing a high school diploma granting access to university (*Matura*) regularly have to prove their knowledge of German and take the naturalisation test in order to be granted Austrian nationality.

### 4.2 Costs of naturalisation

Both the preparatory paper and the naturalisation test are free of charge. Nevertheless, considerable financial hurdles have to be overcome for naturalisation. The first hurdle is the proof of adequate income. Since 1 January 2010, the applicant now has to prove that, in the three years preceding the application, he earned an income at least at the level of the minimum pension, plus rent costs and the costs of ‘regular payments’. These include rent and heating costs, loan repayments and, if applicable, alimony payments. According to information provided by an interviewee from an immigrant NGO, some authorities in Lower Austria have started to include regular mobile phone payments on the list of regular payments.

As a calculation based on income figures for 2008 (Stern 2010, 6) has shown, the income threshold is well above the median income of workers, in particular women. Between 30% and 40% of all female employees (male: 10-20%) and between 60% and 70% of all female workers (male: 25-30%) in Austria earned less than the income threshold set for naturalisation. Thus, naturalisation has become a privilege of the middle classes. The calculation was based on the assumption that the costs added for rent and regular payments were set at EUR 200 per month – given the fact that a 50 m² flat in Vienna costs at least EUR 400 without heating costs, this calculation is rather modest.

The costs of naturalisation are also rather high. Depending on the state where the naturalisation takes place and the grounds on which naturalisation is granted, the fees range from EUR 621 to EUR 1,878 for a single person and from EUR 871 to EUR 2,700 for couples. Since, for each page supporting the application, an administrative fee has to be charged and all documents have to be provided in an official translation into German, the costs for a family with a child may well reach EUR 1,400 to EUR 3,500 (Weiss 2006, 14). Since all nine states follow different rules for the calculation of fees and taxes, a complete overview of the costs of naturalisation is beyond the scope of this study. The following

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38 A lump sum of EUR 250 monthly is deducted.
39 Except council flats, which are considerably cheaper.
The table gives an overview of the costs of naturalisation in Vienna and Lower Austria:

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<tr>
<td>Legal claim</td>
<td>776</td>
<td>1084.13 to 1809.40, depending on income</td>
</tr>
<tr>
<td>No legal claim</td>
<td>1,050</td>
<td>Same as above</td>
</tr>
<tr>
<td><strong>Couple</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal claim</td>
<td>1,552</td>
<td>1894.13 to 2619.40, depending on income</td>
</tr>
<tr>
<td>No legal claim</td>
<td>1,826</td>
<td>See above</td>
</tr>
<tr>
<td><strong>Minor</strong></td>
<td>276</td>
<td>260</td>
</tr>
</tbody>
</table>

Own calculation based on information provided at [http://noesti.noel.gv.at/noesti/enb.cgi?WHAT=ANZEIGE&LANG=&WAS=E1_177.html](http://noesti.noel.gv.at/noesti/enb.cgi?WHAT=ANZEIGE&LANG=&WAS=E1_177.html) (Lower Austria) and [http://www.wien.gv.at/verwaltung/personenwesen/ahs-info/kosten.html](http://www.wien.gv.at/verwaltung/personenwesen/ahs-info/kosten.html) (Vienna)

### 4.3 Purpose of the test

The introduction of naturalisation testing has been one element of a wide-ranging reform of Austrian immigration legislation at the time of the coalition government between the Conservative Party and the Freedom Party (FPÖ) and its spring-off Bündnis Zukunft Österreich (BZÖ). The main argument for introducing the test was the concept of naturalisation as the culmination of integration, which could only be achieved with a sound knowledge of German. The practice of testing knowledge of German through conversations with the officials was not an acceptable form of proof for granting equal conditions (see Chapter 1).

The draft amendment of the naturalisation law of 2005 was met with harsh criticism by the parliamentary opposition (SPÖ, Green Party), humanitarian organisations, the Austrian Students Association and several state governments, e.g. the government of the City of Vienna. The main criticism mentioned were the long waiting periods and strict residency requirements, the high income threshold and the introduction of tests. The official statement of the Vienna state government may illustrate the main criticism of the tests:
'A particularly restrictive attitude towards aliens can be detected in the introduction of a compulsory written (integration) examination, instead of allowing for an oral demonstration of one’s acquired knowledge of German in a realistic way in the interview [with the civil servant, the author] as has previously been the case. Not only will everyone be coerced into taking a specific examination, where failure could jeopardize a person’s living situation, but additionally this written examination does not take into consideration specific situations, such as age, health situation, illiteracy or having grown up and been socialised in an area where the Latin alphabet is not used (e.g. Asia, Israel or the Arab world). These groups of people are confronted with the additional hurdle of literacy or learning the alphabet. (Amt der Wiener Landesregierung 2005: 12)'

The statement by the Viennese government furthermore criticised the risk of uneven implementation of the law by the state governments and the approach of requiring the same level of knowledge of German from everyone:

‘People live in different social circumstances and have differing linguistic needs, regardless of whether they speak German as a first, second or third language. It is counterproductive to require a uniform level in all areas of [linguistic, B.P.] competence and to examine it in writing. The ‘integration agreement’ has already misinterpreted the Common European Framework of Reference for Languages, which must not be read as a yardstick for uniform language knowledge. To codify this mistake as a precondition for naturalisation only extrapolates a mistake already made. (…..)

Furthermore, it is questionable whether knowledge of the history of the relevant state is necessary for the acquisition of (federal) nationality. To examine the history of Austria and the relevant state in the manner of a fourth-grade school examination surely cannot be regarded as a yardstick for integration. The knowledge relevant for democracy that a future citizen should have is a complex matter. This knowledge should allow him a sovereign handling of the rights and duties of a citizen. Knowledge of political parties, the rights of citizens, democratic procedures, election systems, federalism, the constitution and the history of migration are important elements.

In the opinion of the federal state of Vienna, examining all of this in writing is the wrong attitude to sensible integration. All the caveats previously mentioned with regard to the written element of the integration agreement also apply here. (Amt der Wiener Landesregierung 2005b: 14f.).

The introduction of naturalisation testing as such has been discussed in the media, but virtually no attention was given to the test content. In autumn 2008, a critical article examining the learning booklet by the Ministry of the Interior was published in a scientific journal for German as a Foreign Language (Hauer/Reisinger/Stangl 2008).

The article critically reviews the presentation of Austria’s history in the paper and found several factual mistakes and didactically questionable explanations.
The paper reduced the history of Austria to a chronological list, omitting any analysis or explanation. In particular, the article criticised the fact that the script did not follow the history curriculum for the fourth year of secondary education, which was established as a point of reference in the nationality law, and that it was not possible to learn to understand Austria’s history by learning the paper. In particular, it was not possible to explain history at the level of the fourth grade of secondary school at competence level A2 of the European Framework (Hauer et al., 2008: 79f.). ‘Thus the naturalisation test is in principle unsuitable for fostering integration and developing civic awareness’, the article concluded (Hauer et al., 2008: 80).

In January 2010, the Green Party submitted a parliamentary enquiry to the Ministry of the Interior regarding the paper for the naturalisation test, requesting, for instance, information about who had developed the test, what didactic concept had been followed and what scientific textbooks and articles had been used to develop the test. Furthermore, it asked for an explanation of how the congruence of the paper was tested with the level of language knowledge A2 of the Common Reference Framework and how the scientific integrity of the test was secured. Soon after the enquiry, the paper was removed from the homepage of the Ministry of the Interior.

On 3 February 2010 Helmut Kramer, a renowned professor of political science at the University of Vienna, wrote an expert opinion on the test (Kramer 2010), which was published on the website of the ‘Network for Language Rights’ (www.sprachenrechte.at). The opinion concluded that the paper would by no means achieve the aim of the Nationality Law of providing information about the democratic structure of Austria at the level of the fourth grade of compulsory education and would rank ‘below any acceptable level of scientifically sound and didactically meaningful civic education’ (Kramer 2010: 5).

The reply to the parliamentary enquiry from the Ministry of the Interior was received on 17 March 2010. The Minister stated that the paper was written and tested for didactic quality by ministerial experts and experts from the area of adult education, whose names could not be made public due to data protection legislation. The paper was a voluntary service of the ministry and any applicant for naturalisation would also be free to consult other sources. Furthermore, it stated that the paper was currently being evaluated and rewritten and would be republished on the Ministry’s website. At the time of writing the report, no paper is available on the Ministry’s website.

Naturalisation testing indirectly became an issue of public debate once again when it became known that a number of Russian citizens had been granted Austrian nationality after investing more than one million euros in Carinthia,

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40 Parliamentary Request by MPs Walser, Korun and friends to the Federal Minister of the Interior regarding the teaching papers for the naturalisation test, 4251/J XXIV.GP.
41 Federal Ministry of the Interior, Reply to the parliamentary enquiry 4251/J, XXIV. GP; 416/AB XXIV.GP.
by decision of the Council of Ministers following a request from the late governor of Carinthia, Jörg Haider, during the era of the Conservative government.

According to the nationality law, the Council of Ministers is free to grant nationality without conditions to those deemed important to the Republic of Austria. By this same method, the opera singer Anna Netrebko had also been naturalised. After stating publicly that she only had needed an EU passport to travel freely and did not intend to learn German or to live in Austria, the issue of discrete naturalisation by the Council of Ministers had already been discussed in public in 2008.

On 27 December 2008 the daily newspaper, Kronen Zeitung, reported that four Russian sponsors of an exhibition at the renowned Albertina exhibition hall had demanded naturalisation in exchange for sponsoring the Albertina to the tune of around five million euros. Their naturalisation had been stopped by intervention from chancellor Faymann (SPÖ) and Minister of the Interior Fekter (ÖVP). This report triggered a parliamentary request from the FPÖ on naturalisation practices, which referred to the fact ‘that renowned lawyers’ offices in Dubai and Hong Kong were offering Austrian nationality under the title of ‘Citizenship by Investment’. A minimum investment of EUR 2 million was necessary and a fee of EUR 250,000 was charged.’

On 13 January 2010 it became known that the Carinthian deputy governor, Uwe Scheuch (Carinthian Freedom Party), had offered naturalisation to a Russian citizen in exchange for an investment of EUR 1 million in Carinthia, 10% of which had to be paid to the Carinthian Freedom Party, while he was leader of this party. During the debate on the issue, it became known that at least two Russian citizens had been naturalised by the Council of Ministers the last time the Conservative-FPÖ government was in power, at the request of the late governor of Carinthia, Jörg Haider, after they had given EUR 1 million each to Carinthian sports associations. Another five Russian citizens who were naturalised had been business partners of the company of the former spokesman for Mr. Haider, Karl Heinz Petritz. On 20 January 2010, the governor of Carinthia, Gerhard Dörfler (Freedom Party Carinthia) confirmed that the Carinthian state government had supported Russian investors in acquiring Austrian nationality. The cases are currently being investigated by the public prosecutor on potential corruption grounds.

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42 Parliamentary enquiry by MP Vilimsky and other MPs to the Minister of the Interior regarding naturalisation, 648/J XXIV.GP.
43 The taped telephone conversation between Mr. Scheuch and the Russian citizen can be found at http://oesterreich.orf.at/kaernten/stories/417669/
44 http://kaernten.orf.at/stories/418370/
45 http://oesterreich.orf.at/kaernten/stories/417209/
46 http://oesterreich.orf.at/kaernten/stories/417209/
On 26 January 2010 the Green Party submitted a parliamentary enquiry on ‘naturalisation on request’ to the Minister of the Interior. The enquiry was answered on 25 March 2010 by the Minister. According to the answer, between 1999 and 2009 a total of 392 persons were naturalised at the discretion of the Council of Ministers without any further requirement. The Minister could not give the reasons for naturalisation, but referred to an internal ‘catalogue of criteria’, which was not legally binding. The answer from the Minister triggered a public debate on the likeliness of corruption and party financing in cases of naturalisation at the discretion of the Council of Ministers. Although scientists and journalists demanded a reform of the regulations on such naturalisations, no move to reform the law in this respect has yet been taken.

4.4 Analysis of statistics

No statistics are available on naturalisation testing. Neither the Ministry of the Interior nor the state governments publish information about the numbers of candidates or their demographic composition. The only data sources available are sporadic newspaper articles based on interviews with politicians or civil servants or sporadic press information published by a state government.

According to an article in the weekly News of 1 August 2007, based on research by the Austrian Press Agency, APA, on average 90% pass the test at the first attempt. The article gives the following success rates for the nine states:

<table>
<thead>
<tr>
<th>State</th>
<th>Success rate %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burgenland</td>
<td>96.0</td>
</tr>
<tr>
<td>Carinthia</td>
<td>n.a.</td>
</tr>
<tr>
<td>Lower Austria</td>
<td>88.6</td>
</tr>
<tr>
<td>Upper Austria</td>
<td>91.9</td>
</tr>
<tr>
<td>Salzburg</td>
<td>97.5</td>
</tr>
<tr>
<td>Styria</td>
<td>95.3</td>
</tr>
<tr>
<td>Tyrol</td>
<td>95.2</td>
</tr>
<tr>
<td>Vienna</td>
<td>96.7</td>
</tr>
<tr>
<td>Vorarlberg</td>
<td>93.3</td>
</tr>
</tbody>
</table>

47 Parliamentary enquiry by MP Korun and friends to the Minister of the Interior regarding ‘naturalisations on request’, 4270/J XXIV.GP.
48 4291 AB, XXIV. GP.
49 Based on http://www.news.at/articles/0731/10/181424_s2/oesterreicher-staatsbuerger-90-prozent-pruefung
An internet search revealed three further reports on the success rate for naturalisation testing. On 13 October 2008, the Styrian department of the Austrian Broadcasting Cooperation published a report quoting the head of the Styrian naturalisation department, Ms. Ingrid Koiner, who stated that, out of 1332 candidates, 1330 (96%) had successfully passed the test since its introduction\(^50\). A report in the daily Der Standard of 9 July 2008 referred to a success rate of 97% in Vienna and 88% in Lower Austria\(^51\). On 1 February 2010, the Austrian Broadcasting Company in Vorarlberg reported a success rate of 95% for 2009, with a slightly higher success rate among men (98%) than women (92%).\(^52\)

The data on naturalisations available on the website of Statistik Austria, the statistical service company of the Austrian federal government, do not give a breakdown of the legal reasons for naturalisations, which would allow us to calculate how many persons had to take a naturalisation test.

*Table 12.: Naturalisations 2001 – 2009*\(^53\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Naturalisations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>32,080</td>
</tr>
<tr>
<td>2002</td>
<td>36,382</td>
</tr>
<tr>
<td>2003</td>
<td>45,112</td>
</tr>
<tr>
<td>2004</td>
<td>42,174</td>
</tr>
<tr>
<td>2005</td>
<td>35,417</td>
</tr>
<tr>
<td>2006</td>
<td>26,259</td>
</tr>
<tr>
<td>2007</td>
<td>14,041</td>
</tr>
<tr>
<td>2008</td>
<td>10,268</td>
</tr>
<tr>
<td>2009</td>
<td>7,990</td>
</tr>
</tbody>
</table>

The table shows a continuous decline in naturalisations since 2004, in particular since 2006. This decline can be explained by several factors, including the demographic decline in the large group of refugees from the former Yugoslavia who, between 1998 and 2004, had reached the ten years of residence required for naturalisation, and the other the changes to the naturalisation law in 2006. These changes restricted the residence requirements, sharply increased the necessary income levels and introduced a naturalisation test. On the other hand, in 2006, the regulations of the EU long-term resident Directive were incorporated into Austrian immigration law, largely equalising the status of long-term resident third-country nationals with Austrian citizens on the labour market, with regard to social rights and access to social housing. This equalisation of status

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\(^{50}\) http://oesterreich.orf.at/steiermark/stories/313133/.


\(^{52}\) http://oesterreich.orf.at/vorarlberg/stories/419944/.

might also have reduced the importance of instrumental motives for naturalisation.

The high success rates for the test do not make the test a good candidate for explaining the decline although, according to the interviews with the support and services centres, elderly people who speak poor German in particular may be put off the idea of naturalisation because of the test. According to most interviews, the stricter residence and income requirements are more likely to explain the sharp decline in naturalisations than the naturalisation test.

4.5 Analyses of the interviews

Teachers

According to the teachers interviewed, candidates for naturalisation only rarely attended a language course. In most cases, naturalisation takes place after at least 10 years of residence in Austria and candidates have acquired enough knowledge of German to pass the A2 test at a certified language school. Those attending were most often advised to attend the course by the adviser of the school if they wanted to take the test immediately and the course adviser had the impression that their knowledge of German was too low to take the test. A few were also advised to take the course by the official in charge of their case who, after talking to them, had the impression that their knowledge of German was not sufficient.

According to the teachers, in a few cases they had been told by their pupils that immigrants with a low level of German knowledge had shied away from naturalisation because of the introduction of language testing.

According to the teachers, no preparatory courses for naturalisation were on offer. Immigrants prepared at home using the learning material available on the internet. According to one teacher, the school where he was teaching had offered this type of course once, two or three years ago, but there was no demand so the course was not offered again.

NGO Representatives

According to the representatives of NGOs, they were only rarely consulted by immigrants with questions about naturalisation. Most of those interested in naturalisation had lived in Austria for more than ten years, were well integrated and had sufficient knowledge of German to inform themselves from the respective web pages or directly approached the respective authorities. Whereas, in the 1990s and early 2000s, naturalisation was often pragmatically motivated by the desire for access to council housing, since 2006, when access to council housing was opened up to long-term resident third-country nationals,
naturalisation is now more often a formal expression of the decision to stay in Austria for good. In particular for families with school-age children, naturalisation was also motivated by the desire to protect them from legal discrimination or practical obstacles, such as having to obtain a visa for school trips to neighbouring countries or equal access to support for ski classes or other – expensive – school activities.\(^{54}\)

When asked, the high income requirements for naturalisation appear to be the main area of concern. In particular for long-term settled immigrants, who entered Austria as guest workers and had now reached the age of retirement, the language tests sometimes acted as a deterrent to naturalisation because they did not speak German well enough to pass the tests but often also felt too old to learn German. On the other hand, according to the interviewees from the NGOs, interest in naturalisation generally dropped since the introduction of the status of long-term resident, in particular among older immigrants. Previously, unrestricted access to the labour market and equal treatment with regard to social rights, in particular with regard to access to council housing, was dependent on naturalisation; now the status of long-term resident according to the EU Directive was sufficient. Older immigrants in particular were not interested in freedom of movement within the EU or in voting rights, so they were content with the long-term resident status. Also, younger immigrants did not choose naturalisation if they were interested in moving to another European country, but in long-term resident status, which was by far easier to acquire.

**Immigrants**

Only two of the immigrants interviewed were preparing to take the naturalisation test. One had been advised to take a course prior to the examination by the official in charge of the case, who felt that his German was not good enough to take the test without preparation; the other – for the same reason – by the teacher at the language school where he wanted to take the test. Both were well informed about the possibility of downloading learning material for the test from the internet and had already read the brochures. Both of them approved of the obligation to take a test prior to naturalisation as a self-evident right of the state, one referring to the USA and the long tradition of naturalisation testing there. Both of them were convinced they could take the test successfully, but criticised the high fees to be paid for naturalisation.

As asked about the motivation to naturalise, one commented that he had now lived in Austria for more than ten years and had decided to naturalise in order

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\(^{54}\) Provincial support payments for school activities are, in most states, only open to children whose parents have worked in Austria for more than five years. Further to this restriction, the application procedure for foreign children involves a lot of paperwork, which is not the case for children of Austrian nationality.
to finalise his decision to stay here for good; the other argued that he mainly wanted his children to become Austrians and therefore the whole family had decided to naturalise.

As a result of the small number of interviews on this issue, only very tentative conclusions can be drawn. While the political debate depicted an understanding of integration as a process starting with the integration contract and ending in naturalisation, in practice little or no connection seems to exist between the integration agreement and naturalisation. Since at least ten years of residence are necessary for naturalisation, most of those interested in it do not approach NGOs or advice centres, but prepare for it themselves. The test itself might well act as a deterrent for those with a poor command of German, although the decline in interest in naturalisation may also be, at least partly, triggered by the implementation of the status of long-term resident, which grants a broad range of social rights, previously only accessible to citizens, to those holding that status.

### 5. Conclusions

Whereas the political debate on the integration agreement focused on its function of differentiation between immigrants ready to integrate and those rejecting integration and on preventing immigration into the welfare system, the target of enhancement of the participation of third-country nationals dominates the explanation for its introduction in the law: ‘It [the integration agreement, the author] is aimed at the acquisition of knowledge of the German language, in particular the ability to read and write, the acquisition of the ability to participate in the societal, economic and cultural life of Austria,’ is how the Residence and Settlement Act defines the purpose of the agreement (NAG 2005 § 14.2.1).

In practice, the integration agreement does not include any element beyond language acquisition. The pragmatic method of implementation contrasts sharply with the martial rhetoric surrounding its implementation, but also with the drastic consequence of deportation for non-compliance. Since the five-year period for the fulfilment of the contract started in January 2006, in practice only three cases of the issue of a deportation order have so far been reported. Since the Austrian Constitutional Court regularly favours the right to private and family life over the provisions of the Aliens Law, it is fairly likely that, from 2011 onwards, a number of decisions will annul deportations as a consequence of non-compliance with the integration contract. In this case, the persons concerned will only receive a one-year residence permit, to be renewed annually, and will be excluded from the rights to equal treatment granted to long-term residents, including the right to unrestricted labour market access, social security payments, council (social) housing and education assistance. Thus, the regulations on the integration contract may well undermine the political targets of the long-term resident directive.
Given the way the agreement is implemented, several questions concerning its effects do arise: at first, it is interesting to note that no consideration was given to the integration of European Union nationals. If, as stated by the law, knowledge of German was a precondition for participation in the societal, economic and cultural life of Austria, there is no valid reason why this should not also apply to Union citizens unfamiliar with the German language. Union citizenship bestows a privileged legal status, but nothing automatic as regards societal integration. If learning German is deemed an essential precondition for the societal integration of third-country nationals, there is no good reason why Union citizens should be able to integrate without this knowledge, except for the unspoken provision that integration was not a target for Union citizens residing in another Member State.

Secondly, the provision of Art 14 NAG, stating that belonging to the group of key personnel and their family members automatically includes fulfilment of the integration contract, also raises some doubts concerning the fact that a certain income might automatically lead to participation in society, even with no knowledge of German. This idea is particularly questionable, since the income threshold is set at a certain percentage of the maximum pensionable income. Earning one euro less will not grant access to the status of key personnel and thus the person concerned will have to fulfil the integration contract as a precondition for participation, whereas a monthly income one euro higher should automatically entail seamless and guaranteed participation in society. In practice, this legal regulation produces the effect that the number of fulfilled integration contracts communicated to the press and the public is much higher than the number of persons who actually and successfully attend a German language course.

Regarding the implementation of the courses, we note the development of a dual approach leading to two different types of course curricula and examinations. This dual approach is most obviously due to a power struggle between the Ministry of the Interior and the Ministry of Education. It is astonishing that, given the pressure to apply efficient budgeting, the existing framework of the Austrian chapter of the ELFR was not used to implement the integration contract, but instead the Ministry of the Interior or, rather, its outpost, the Austrian Fund for Integration, developed its own curriculum and its own testing material.

The ‘one-size-fits-all’ approach selected obviously does not produce the best results for students. Whereas younger and well-educated pupils were able to reach level B1 in the 300 course hours, this does now allow time for literacy and students with a low level of education might be attracted to learn only for the examination.

According to most interviews, attending the German courses empowers the immigrants and helps them to take part in everyday life. The immigrants attending the courses were eager to learn the language and were highly moti-
vated. In this respect, one of the targets, the ability to participate in societal life, has been upheld by the courses.

Nearly all the interviewees agreed that the level of knowledge of German was far too low to participate successfully in the labour market, so that the target of better participation in economic life obviously has not been reached. In this respect, the lack of financial support for further improving one’s knowledge of German has to be questioned critically.

Nearly all respondents answered that they did not learn very much about society and politics in Austria – which in public is regarded as the content of the integration courses. In practice, Austria’s integration agreement is better described as a language acquisition agreement. In this way, the meaning of integration is reduced to attending a German course and taking a language examination.

Finally, it has to be noted that only a small number of those who were legally obliged to fulfil the integration agreement by 2011 have already done so. The authorities do not know about their whereabouts – some may have left Austria, others might not have been aware of the consequences. Stunningly, no public debate is evident concerning the consequences – loss of the residence permit and possibly expulsion – that might become evident in 2011. A large number of court cases dealing with the compatibility of the threat of expulsion with Art. 8 of the European Human Rights Convention should be anticipated for 2011.

According to the government, naturalisation should be the culmination of integration. With regard to this idea, we would expect to find an elaborate curriculum leading from the integration contract to naturalisation. In reality, virtually no connection exists between these elements. The integration contract comes at the beginning of the settlement process and naturalisation can only be achieved after ten years of residence. After fulfilling the integration contract, no formal or informal contacts take place between the state authorities and the immigrants regarding naturalisation. Interestingly, the integration contract and naturalisation require the same level of competency in German and set the same income requirements, which stands in sharp contrast to the idea of an integration process culminating in naturalisation. The naturalisation tests themselves do not reflect the actual participation of immigrants in society or their potential contribution to the future of Austria, but follow the line of a didactically old-fashioned Staatsbürgerkunde (civic knowledge), which is far removed from modern concepts of civic inclusion and citizenship education.

Overall, the structure of the sequence from the integration contract to naturalisation lacks clarity and consistency. Symbolic messages to the public seem to have been more important than a sound and scientific path towards naturalisation. Furthermore, the lack of evaluation, in particular with regard to the long-term effects of the courses and the lack of public discourse on the effects of the courses are unbelievable.

The main problems migrants experience with regard to obtaining permanent residence are the high income requirements, not the integration agreement. In
this respect, mainly those with a low level of education or who are not able to read and write experience particular difficulties.

It is not possible to answer the question about the effects of the courses on migrant integration because no studies on this topic exist. The opinion of the interviewees was divided: while some of them argued that attending the courses and learning the language generally enhanced the self-esteem and self-assurance of immigrants and forced them to plan their future life more carefully, others were critical that language learning alone would not improve their position on the labour market or eliminate structural discrimination. In general, the interviewees had a critical view of the term ‘integration’ and agreed that no common definition of the term existed and it would therefore make no sense to ask whether the courses helped immigrants to integrate.

Suggestions for reform concentrated on transforming the obligatory courses into a system of incentives. In particular, the threat of losing one’s residence permit if the agreement were not fulfilled on time should be lifted. The courses should be individualised and better adapted to the living conditions of the persons concerned. Furthermore, a stronger link to the labour market should be developed and vocational German should become part of the training. Support for learning German to higher levels, such as B1 or B2, should be provided and much more time should be devoted to the courses, in particular in the field of literacy education. Separate units should be developed for teaching society and politics in Austria. The courses should be funded partly by the employers and participants should have the right to time off for the courses. Finally, integration courses for Austrian citizens should be developed, training them to overcome xenophobia and learn to live in a multicultural environment.

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Austria

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Abbreviations

AuslBG 1997 Ausländerbeschäftigungsgesetz 1997 (Foreigners´ Employment 
Act 1997)
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
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<tr>
<td>BZÖ</td>
<td>Bündnis Zukunft Österreich (Association Future of Austria)</td>
</tr>
<tr>
<td>FPÖ</td>
<td>Freiheitliche Partei Österreichs (Freedom Party of Austria)</td>
</tr>
<tr>
<td>ÖVP</td>
<td>Österreichische Volkspartei (Austrian Peoples Party)</td>
</tr>
<tr>
<td>SPÖ</td>
<td>Sozialdemokratische Partei Österreich (Social Democratic Party of Austria)</td>
</tr>
</tbody>
</table>