



MADE REAL – Making Alternatives to Detention in Europe a Reality by Exchanges, Advocacy and Learning

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Completed Legal Questionnaire for the project MADE REAL

Austria

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- ✚ The aim of this questionnaire is to collect data on the legal framework in your national context with regards to alternatives to detention. It will be completed by the national member of the Odysseus network. The references in the questions to the Reception Conditions Directive concern the version of 2003 (Directive 2003/9/EC) unless your Member State has already transposed the recast Reception Conditions Directive (Directive 2013/33/EU)

Definitions¹:

'Applicant': (term used by the directive) or **asylum seeker (A/S)** (term employed by us but which we understand as synonymous): means a third-country national or a stateless person² who has made an application for international protection in respect of which a final decision has not yet been taken;

'Detention': means confinement of an applicant by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement;

'Final decision': means a decision on whether the third- country national or stateless person be granted refugee or subsidiary protection status by virtue of Directive 2011/95/EU and which is no longer subject to a remedy within the framework of Chapter V of this Directive, irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome;

'Minor': means a third-country national or stateless person below the age of 18 years;

¹ The definitions used are taken by the recast reception conditions directive (Directive 2013/33/EU) and the returns directive (Directive 2008/115/EC). As we know that the first is not yet in force and both of these instruments not applicable in all Member States examined, if national law differs at any point from these definitions please specify it in your answers.

² We are aware of the incompatibility of this definition with the 1951 Refugee Convention but we decided to use the definitions as agreed in the EU legal instruments.

'Third-country national': means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of the Schengen Borders Code;

'Unaccompanied minor' (UAM): means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States;

✚ Concerning alternatives to detention, regardless of the definition that we will adopt later, this research should cover all schemes that are understood by governments as 'alternatives to detention', even if through our analysis we might conclude that some of them in fact do not satisfy our understanding of what can be considered an 'alternative to detention'.

A. National Legal Framework on detention and alternatives to detention

General

1. Is detention of asylum seekers regulated by law? (Please comment on the nature and level of the different norms employed: legislative, regulatory, administrative-like instructions/circulars etc.)

YES	NO	Comment
Detention of A/S and alternatives to detention are regulated by law, mainly by the Aliens Police Act (§ 76 to § 81). Rules about the act of apprehension (Festnahme) ³ by the police are contained in the Act on Procedures before the Federal Administrative Office for Aliens and Asylum Affairs ⁴ (§ 40 to § 41,		The Aliens Police Act is a legislative Act in force since 1 January 2006. The Act was amended several times. The most recent amendment entered into force on 1 January 2014. This amendment contains major changes concerning the organizational framework establishing the competent

³ The term apprehension (Festnahme) is used for confinement of persons and deprivation of liberty for a maximum of 24 hours (48 hours in exceptional cases).

⁴ Act on Procedures before the Federal Office for Aliens and Asylum Affairs (short title used in this questionnaire: Act on Procedures before the BFA (Bundesamt für Fremden- und Asylwesen, Federal Office for Aliens and Asylum Affairs, abbreviation used in German BFA. The BFA itself and the

<p>especially § 40 (2)) and also in the Aliens Police Act (§ 39 to § 40).</p>		<p>authorities and also the procedural rules.⁵ The Act on Procedures before the Federal Administrative Office for Aliens and Asylum Affairs is a legislative Act in force since 1 January 2014.⁶ This Office is assigned to the Ministry of the Interior.</p>
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2. Please indicate the title, date, number and references of publication into the official gazette (if applicable) of the legal measure(s).
 - a. Send us as an annex an electronic version (or link) to the text of the measure(s) in question
 - b. For MS other than the UK and Belgium: Please provide access to any translation of the above into English, if they are available (even if it concerns unofficial, non-binding translations undertaken by UNHCR etc., this will be used for our comprehension)

<p>Title</p>	<ol style="list-style-type: none"> 1. Bundesgesetz über die Ausübung der Fremdenpolizei, die Ausstellung von Dokumenten für Fremde und die Erteilung von Einreisiteln, (Fremdenpolizeigesetz 2005 - FPG), BGBl. I Nr. 100/2005. 2. Bundesgesetz, mit dem die allgemeinen Bestimmungen über das Verfahren vor dem Bundesamt für Fremdenwesen und Asyl zur Gewährung von
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authorities use the translation Federal Office for Immigration and Asylum, though this translation differs from the German name.)

⁵ This amendment together with a couple of other laws and law amendments provides for general changes concerning the establishment and the competence of authorities and courts responsible for asylum and aliens affairs. The first instance decision has to be issued by the Federal Office for Aliens and Asylum Affairs (BFA - Bundesamt für Fremden- und Asylwesen, see note 4). Remedies (complaints, not appeals) have to be decided by the Federal Administrative Court. The Federal Administrative Court and Administrative Courts in the Federal States have been established in 2013 and judges were inaugurated in 2013, the work started on 1 January 2014. Before 2014 the competence to decide about detention orders was allocated to the Aliens Police. Independent Administrative Boards (or Senates, UVS - Unabhängige Verwaltungssenate) were responsible to decide about complaints filed against detention orders. As the reference to jurisprudence is mainly based on decisions taken before the establishment of the new administrative and judicial framework, it is necessary to mention the organizational development here.

⁶ See for names and abbreviations fn. 4 and 5.

	<p>internationalem Schutz, Erteilung von Aufenthaltstiteln aus berücksichtigungswürdigen Gründen, Abschiebung, Duldung und zur Erlassung von aufenthaltsbeendenden Maßnahmen sowie zur Ausstellung von österreichischen Dokumenten für Fremde geregelt werden (BFA-Verfahrensgesetz - BFA-VG), BGBl. I Nr. 87/2012.</p>
Date	<ol style="list-style-type: none"> In force since 1 January 2006. In force since 1 January 2014.
Number	<ol style="list-style-type: none"> BGBl. I Nr. 100/2005, Amendments: BGBl. I Nr. 157/2005; BGBl. I Nr. 99/2006 BGBl. I Nr. 2/2008; BGBl. I Nr. 4/2008 BGBl. I Nr. 29/2009; BGBl. I Nr. 122/2009; BGBl. I Nr. 135/2009 BGBl. I Nr. 17/2011 (VfGH), BGBl. I Nr. 38/2011; BGBl. I Nr. 112/2011; BGBl. I Nr. 49/2012; BGBl. I Nr. 50/2012; BGBl. I Nr. 87/2012; BGBl. I Nr. 22/2013 (VfGH); BGBl. I Nr. 68/2013; BGBl. I Nr. 144/2013. BGBl. I Nr. 87/2012; Amendments: BGBl. I Nr. 68/2013; BGBl. I Nr. 144/2013; BGBl. I Nr. 40/2014.
Reference of publication in the official journal (if applicable)	See above
Relevant link	<ol style="list-style-type: none"> http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004241 https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007944

- Based on which grounds could an asylum seeker be detained during the asylum procedure? Please comment where necessary.

Question	Answer (yes/no)	Comment
Identity verification, in particular if the persons have no or false documents	Yes, under certain circumstances. Identity verification is not the sole purpose for detention. It is usually combined with the fact that the authorities also assume that another Dublin-MS or a safe third country is responsible.	A/S may be detained if the authorities may assume that another state is responsible for dealing with the application based on the interview, the personal search or the police record of the A/S. This could also happen when a person filed an



	<p>A/S may be apprehended if they do not submit the documents which confirm the sojourn in Austria to the Federal Police Directorates or if they do not cooperate in establishing the fact that they legally entered Austria or that they are legally staying in Austria (§ 39 (1)2 Aliens Police Act).</p>	<p>application but the identity of the person has not yet been established or if there are doubts about the identity and if the authorities also assume that another Dublin-MS or a safe third country is responsible (e.g. if a person entered from that country). Usually A/S have to stay in reception centers during the admissibility procedure (preceding the asylum procedure on the merits).⁷</p>
<p>Protection of public order or national security</p>	<p>In order to protect national security or public order detention is possible. This kind of detention may not be based on § 76 Aliens Police Act. Apprehension for a period up to 24 hours⁸ is possible according to § 39 Aliens Police Act (violation of an Administrative Criminal Law provision) or the relevant provisions of the Administrative Criminal Procedures Act or Criminal Procedures Act, if the person is suspect of having committed a violation of criminal law provisions. This kind of</p>	<p>The Aliens Police Act allows apprehension⁹ for 24 hours (48 hours in exceptional cases) when the person committed a violation of an administrative law provision (§ 120 Aliens Police Act) and is caught in doing the violation.</p> <p>In cases where criminal law provisions are violated or allegations exist about such violations also criminal law provisions apply. As this is not the scope of the present questionnaire it is just mentioned here to delimit the lines</p>

⁷ These centers are called centers for initial reception (Erstaufnahmestellen).

⁸ See fn. 3.

⁹ The Austrian legislation makes a distinction between different types of apprehension (see fn. 3), detention or imprisonment. In all cases the applicants are deprived of their liberty.

	detention thus only applies in connection with allegations of criminal or administrative criminal law violations.	between administrative detention based on aliens' law provisions and imprisonment based on criminal law provisions. Administrative Criminal Law and the Administrative Criminal Procedures Act and Criminal Law and the Criminal Procedures Act apply, as all aliens including A/S are not exempt from general rules. Persons may be imprisoned for all reasons enumerated in the Criminal Code. ¹⁰
Public health	No.	Measures to limit the spread of diseases are possible; they however have to be based on other provisions. ¹¹
Risk of absconding	According to § 76 (2a) 6 detention is possible if the A/S left the initial reception center without having a valid reason (§ 24 (4) Asylum Act) and also one of the requirements stipulated by § 76 (2) 1 to 4 is fulfilled. § 76 (2) 1.) If an enforceable but not final return decision has been rendered; ¹²	§ 76 (2a) Aliens Police Act does not refer to the risk of absconding, but to the fact that the A/S left the initial reception center without having a valid reason, which can also be seen as a risk that the person would abscond.

¹⁰ For A/S suspect of having committed a crime or criminal offence different rules and laws apply.

¹¹ Verordnung des Ministers des Innern in Einvernehmen mit dem Minister für Kultus und Unterricht von 22. Februar 1915, betreffend die Absonderung Kranker, Krankheitsverdächtiger und Ansteckungsverdächtiger und die Bezeichnung von Häusern und Wohnungen, BGBl. Nr. 39/1915, amended several times.

¹² „Not final“ means that remedies are still possible, enforceable means that a remedy does not have suspensive effect.

	<p>2.) If a procedure according to § 27 Asylum Act has been initiated;¹³</p> <p>3.) If an expulsion or deportation procedure has been initiated before the application for protection was filed;</p> <p>4.) A/S may be detained if the authorities may assume that another state is responsible for dealing with the application based on the interview, the personal search or the police record of the A/S.</p> <p>§ 34 (4) Act on Procedures before the BFA allows apprehension of A/S if they evaded the procedure or if they left the center for initial reception without having a justified reason (§ 24 (4)2 Asylum Act). The legal basis does not explicitly refer to the risk of absconding, § 34 (2) Act on Procedures before the BFA uses the term evading the procedure and refers to § 24 (1) Asylum Act. § 24 (1) Asylum Act defines the situation where an A/S evades the procedure. This is the case if the authorities are not informed about an A/S place of sojourn or if this place is not easily detectible. Reference is made to § 15 Asylum</p>	<p>The Act on Procedures before the BFA uses the term evasion of the procedure, which is similar to the risk of absconding.</p>
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¹³ § 27 Asylum Act provides for a number of possibilities where the authorities have to start an expulsion procedure. Reasons are a notification (Mandatsbescheid, Verfahrensordnung) to the A/S that either rejection of the application in the admissibility procedure or a denial of the claim on the merits will take place. Other possibilities are enumerated in § 27, one possibility is connected with public interest in the expulsion of the A/S.

	Act. This Article contains the obligation that A/S have to cooperate with the authorities and enumerates a number of duties, including the duty to inform the authorities about the place of sojourn.	
Other (please specify)	<p>There are a number of reasons for detention of A/S. They are enumerated in § 76 Aliens Police Act.</p> <p>There is a distinction between cases, where detention orders may be issued (§ 76 (2) Aliens Police Act) or have to be issued (§ 76 (2a) Aliens Police Act).</p> <p>§ 76 (2)</p> <ol style="list-style-type: none"> 1.) If an enforceable but not final return decision has been rendered;¹⁴ 2.) If a procedure according to § 27 Asylum Act has been initiated;¹⁵ 3.) If an expulsion or deportation procedure has been initiated before the application for protection was filed; 4.) A/S may be detained if the authorities may assume that another state is responsible for dealing with the application based on the interview, the personal search or the police record of the A/S. <p>There are six reasons where the authorities</p>	<p>§ 76 covers A/S and also failed A/S and A/S where no final decision has been rendered but where it is likely that the application will be rejected or dismissed on the merits.</p> <p>These are Dublin cases or safe third country cases (rarely in practice).</p> <p>Alternatives to detention are also possible in these</p>

¹⁴ See fn.12.

¹⁵ See fn. 13.

	<p>have to detain A/S: (§ 76 (2a) Aliens Police Act</p> <p>1.) If the application is rejected according to § 4a (safe country clause, EEA MS or Switzerland) or § 5 Asylum Act (responsibility of another Dublin state) and an enforceable decision on return or an enforceable expulsion order have been issued or the person is not covered by a so-called de facto protection against expulsion (§ 12a (1) Asylum Act, for repetitive applications).¹⁶</p> <p>2.) If the authorities issued a communication according to § 29 (3) 4-6 Asylum Act and the A/S violated the allocation to a certain area during the admissibility procedure.¹⁷</p> <p>3.) If the A/S violated the reporting obligation contained in § 15a Asylum Act more than one time.¹⁸</p> <p>4.) If the A/S violated the duty to cooperate in case</p>	<p>cases. Detention has to be proportionate to reach the aim. See below, questions on alternatives and proportionality.</p> <p>A communication or notification according to § 29 (3) 4-6 Asylum Act is a procedural order (Mandatsbescheid, Verfahrensordnung) to the A/S that either rejection of the application in the admissibility procedure or a denial of the claim on the merits will take place or that the de facto protection against expulsion will be withdrawn.</p>
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¹⁶ De facto protection against expulsion is defined in § 12 Asylum Act. A/S under de facto protection against expulsion do not have a residence right but they may not be expelled until a final decision is rendered.

¹⁷ § 12 (2) Asylum Act stipulates that A/S have to stay in the district area where the reception center is located unless they have a right to residence based on another provision. Administrative fines may apply if the A/S violates the obligation to stay in the district (§ 121 (2) Aliens Police Act).

¹⁸ These reporting obligations fall outside the scope of alternatives to detention. A/S in the admissibility procedure who are not detained and no alternatives to detention apply have to report to the authorities on a regular basis according to § 15a Asylum Act.

	<p>an expulsion procedure has been initiated (§ 27b Asylum Act). Duty to cooperate means reporting to the authorities every two weeks (§ 13 (2) Act on Procedures before the BFA);</p> <p>5.) If the A/S filed a second or consecutive application in Austria and the de facto protection against expulsion (§ 12a (2) Asylum Act) has been released;</p> <p>6.) If the A/S left the reception center without having a valid reason (§ 24 (4) Asylum Act) and also the requirements stipulated in § 76 (2) 1 to 4 are fulfilled.¹⁹</p> <p>According to § 40 (2) Act on Procedures before the BFA security forces are allowed to apprehend A/S in order to secure their appearance before the office and if one of the reasons enumerated under 1.) to 5.) is fulfilled. 1.) If the person does not have a right to residence; 2.) If an enforceable but not final expulsion decision has been rendered; 3.) If an expulsion procedure according to § 27 Asylum Act has been initiated; 4.)</p>	<p>A/S do not have a right to residence in the first stage of the procedure before the application is declared admissible (in this stage they have a green card confirming their de facto protection against expulsion (§ 12a (2) Asylum Act).²⁰ During the procedure on the merits they have a residence right (they receive a white card) until a final decision is made. A/S who commit criminal law violations lose their residence right (§ 13 (2) Asylum Act).</p>
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¹⁹ See above under “risk of absconding”.

²⁰ See fn. 16.

	<p>If an enforceable but not final expulsion decision has been rendered before the application for international protection has been filed; 5.) If the authorities may assume that another state is responsible for dealing with the application based on the interview, the personal search or the police record of the A/S.</p>	
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2. Is detention foreseen for asylum seekers in specific situations under the national legal framework? Are alternatives to detention foreseen in law for asylum seekers under those special circumstances?

Type of group	Detention foreseen?	Alternatives foreseen?	Comment ²¹
A/S in border procedures	<p>There are no border procedures as such in Austria. The legislation however provides for an airport procedure. In this type of procedure a type of "confinement" (named "assurance of rejection") is foreseen for a limited period. Until the decision about the entry has not been rendered the A/S may be ordered to stay at the center for initial reception at the</p>	No	

²¹ Please specify in your comments if alternatives to detention are foreseen only for a specific group, for example unaccompanied minors or families with minor children.

	<p>airport (such a center only exists in Vienna, VIE) or in a special part of the transit area.²²</p> <p>According to § 32 Asylum Act persons who are not allowed to enter Austria may be brought before the police as long as the entry is not allowed. He or she may be confined to a certain area in the transit area in order to secure rejection (=not to allow entry).</p> <p>UNHCR has to be informed about the planned decision within one week. If the application will be rejected because a safe third country or another Dublin state is responsible the consultations with that state have to start within one week.</p> <p>This measure may be upheld until a statement of UNHCR is recorded, until the end of the time limit for a</p>		
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²² The obligation to stay in the special area of the transit area or in the center for initial reception at the airport is not named detention. The measure is called assurance of rejection. The person has to stay in the designated place until a decision about the entry is made. The applicant may leave the country.

	complaint or until the end of the complaint procedure (Limits: one week to file a complaint, two weeks for the Federal Administrative Court to decide, two weeks starting with the transmission of the files). The total limit is six weeks.		
A/S in accelerated procedures	There are no accelerated procedures in Austria.		
A/S subject to a Dublin transfer²³	Yes, A/S subject to a Dublin transfer may be detained, if a decision on the inadmissibility has been issued according to § 5 Asylum Act and if the A/S has to leave the Austria based on an enforceable order to leave the country or an enforceable deportation order. A further requirement is that the applicant is not protected by de facto protection ²⁴ against expulsion (§ 76 (2a) Aliens	Yes, see below.	

²³ Please specify in your comments whether the law allows for detention during a preliminary stage in order to examine whether the provisions of the Dublin regulation are applicable or in order to carry out the transfer or both? Please also comment whether the law requires a significant risk of absconding in order to justify the measure of detention in that case.

²⁴ See fn. 16.

	Police Act). The competent authority is the BFA.		
Other			

Vulnerable applicants

3. Is there a mechanism/process in place to identify vulnerable applicants foreseen in the law?

There is no special identification procedure. The Asylum Act provides for a kind of special treatment for torture victims or victims of similar violence who suffer from trauma or psychological consequences (stress dependent mental disease; belastungsabhängige krankheitswertige psychische Störung) and who are either not able to secure their interests in the procedure or where there is a risk of permanent or late showing consequences of this trauma. § 30 Asylum Act regulates that applications filed by this group of persons may not be denied on the merits in the admissibility procedure. The special needs of these persons have to be met. § 30 however does not provide for control mechanisms or regular checks to identify this group of vulnerable applicants. If there would be a violation of Art. 3 ECHR these persons may not be deported.

Before a person may be detained there is a regular medical check based on the Ordinance on Detention Conditions (Anhalteordnung). According to the result of the medical check based on the health standard of the person a decision about the medical capability to be detained is made.

4. Does the system allow for identification of vulnerabilities also at a later stage in the procedure?

The system does not provide for identification. For A/S whose application is still in the admissibility stage, there are no further provisions which would secure proper identification of special needs.

A/S whose application is admissible, where the procedure on the merits has not yet been finally decided and who are granted Federal Care may be granted medical care. There are however no special provisions for identification of treatment needs.

5. Are specific categories of asylum seekers generally exempt from detention as a principle according to the legal framework? If so which? Please comment where necessary.

Categories	Exemption (yes/no)	Comment
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Unaccompanied Minors	Minors under 14 must not be detained in general.	
Families with minor children	Minors under 14 must not be detained. Families may be detained, but not the minor children under 14.	The legal situation would allow detention of families, but not detention of minors under 14. In practice single adults with children and families with children are not detained (see practical questionnaire). In order to enforce deportation families may be confined in a special area in order to enforce deportation. This confinement takes place 24 hours before deportation. Health checks are carried out as well in the facility where they are confined. Health checks have the purpose to establish that there are no health risks when the deportation is carried out.
Single mothers	They may be detained.	See above.
Vulnerable individuals	They may be detained.	
Other		

6. Are there any special provisions in place regarding the detention of specific groups of asylum seekers? Please elaborate on the content of such provisions as well as specify which particular group of asylum seekers they concern.

Special provisions	Type of group	Comment
Time limits to detention	§ 80 Aliens Police Act: length of detention Limits are two months (for minors between 14 and 18), four months in other cases. Detention may last six months in	



	<p>certain expulsion proceedings. If expulsion proceedings cannot be carried out for various reasons and this is attributable to the applicant detention may last for 10 months within 18 months.</p> <p>The BFA has to check proportionality of detention every four weeks except where a complaint to the Federal Administrative Court according to § 22a (2) 3 Procedures Act before the BFA is pending.</p>	
Detention only permitted in exceptional circumstances	<p>Detention for minors between 14 and 16 is only admissible, if the authorities decide that the object and purpose of detention cannot be reached by the application of alternatives to detention (§ 77 (1) Aliens Police Act).</p>	<p>This proportionality test is similar to the general proportionality test. The general wording is formulated the other way round Alternatives have to be applied if the result can be reached by the application of these measures.</p>
Other		

Necessity and Proportionality Test and Individual Examination

7. Is there an explicit obligation to detain asylum seekers only:

Question	Answer	Comment
Only if a particular ground for detention exists?	<p>§ 76 Aliens Police Act enumerates the reasons for detention. § 77 Aliens Police Act provides for</p>	

	<p>the application of alternatives, called more lenient or less coercive measures. These measures have to be applied in all cases (not only if a particular ground for detention exists) if the authorities have good reasons to believe that the object and purpose of detention could be reached by the application of such measures.</p>	
<p>After an individualized examination?</p>	<p>An individualized examination is provided for in the legal basis.</p>	<p>There is however quite often a mere reference to the fact that more lenient measures do not serve the purpose to reach the aim.</p>
<p>As a last resort if other less coercive measures are not applicable?</p>	<p>It is the last resort for minors between 14 and 16. Detention for minors between 14 and 16 is only admissible, if the authorities decide that the object and purpose of detention cannot be reached by the application of alternatives to detention (§ 77 (1) Aliens Police Act). For others alternatives have to be applied if the authorities decide that the aim can be reached by the application of more lenient (resp. less coercive) measures.</p>	

8. Does the national legal framework take into account the principles of necessity and proportionality, and if so, how?

According to § 76 Aliens Police Act the principle of necessity is to be taken into account. Detention has to be necessary to reach one of the aims. The principle of proportionality is not explicitly mentioned in the provisions regulating reasons for detention and detention orders in the Aliens Police Act. It is however mentioned that the BFA has to review the proportionality of detention every four weeks. Proportionality is also a Constitutional Principle applicable to all administrative procedures and therefore also to aliens law proceedings. This is confirmed by the jurisprudence of the High Administrative Court²⁵ and the Constitutional Court.²⁶ Detention has to be proportionate in order to reach one of the aims mentioned. Proportionality means to weigh or balance the interests between the public interest of securing the procedure (mainly expulsion procedure) and the right to liberty of the individual.

9. Is there an obligation established in law to inform detained asylum seekers about the existence of alternatives to detention? What are the possible consequences if they are not informed?

There is no obligation established in law to inform about possible alternatives to detention.

Alternatives in national law

10. Alternatives to detention for asylum seekers:

- a) Is there an explicit obligation to establish alternatives to detention under the national legal framework?

Yes, there is an explicit obligation. § 77 Aliens Police Act regulates alternatives to detention under the heading “more lenient resp. less coercive measures”. Such measures have to be applied if the aim can be reached by the application of such measures.

- b) Are some examples of alternatives to detention already laid down in national legislation and if so, which?

²⁵ See for many Administrative Court VwGH, 2013/21/0008, 2.08.2013, available at http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vwgh&Dokumentnummer=JWT_2013210008_20130802X00&ResultFunctionToken=085d8217-743e-42a9-89de-fa52be2aa6c4&Position=1&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&Aenderung=nSeit=Undefined&SucheNachRechtssatz=True&SucheNachText=True&GZ=&VonDatum=&BisDatum=03.03.2014&Norm=&ImRisSeit=Undefined&ResultPageSize=50&Suchworte=verh%c3%a4ltnism%c3%a4%c3%9fig*+schubhaft*.

²⁶ See e.g. Constitutional Court, VfGH Slg. 19472, 10, 20.9.2011: „Wie der Verfassungsgerichtshof nämlich ... klargestellt hat, sind die Behörden unter Bedachtnahme auf das verfassungsrechtliche Gebot der **Verhältnismäßigkeit** (proportionality) verpflichtet, im Einzelfall die verfassungsrechtlich gebotene Abwägung zwischen dem öffentlichen Interesse an der Sicherung des Verfahrens und der Schonung der persönlichen Freiheit des Betroffenen vorzunehmen.“

MADE-REAL: LEGAL QUESTIONNAIRE

Yes, alternatives comprise reporting obligations, the obligation to reside in an especially allocated place of accommodation or financial deposits. Other measures would be possible as the list is not exhaustive.

c) Is it an exhaustive or an indicative list?

The list is indicative.

[Please do not describe here the legal framework on the functioning of alternatives to detention; a detailed section will follow. Please comment where necessary.]

Question	Answer	Comment
Explicit obligation?	Yes. See above.	
Alternatives already laid down?	Yes, alternatives are laid down in § 77 Aliens Police Act.	
If yes, which alternatives are mentioned?	Alternatives are the obligation to stay in a certain accommodation facility, which is allocated by the authorities. Another possibility is the obligation to report regularly to the police (Federal Police Directorate) or third to deposit a certain amount of money. The latter possibility is not applied in practice.	The legal basis does not specify certain centers or places. The practical questionnaire refers to the centers or places of accommodation where persons have to stay. This would not be a system of bail. In practice this possibility is not applied.
Is it an indicative or exhaustive list?	It is an indicative list.	

11. Are alternatives to detention foreseen for specific groups of asylum seekers?

Group	Answer	Comment
A/S subject to a Dublin procedure	Yes. There are however no special provisions for this group.	Alternatives are regulated by § 77 Aliens Police Act. There are no special provisions for certain groups.

MADE-REAL: LEGAL QUESTIONNAIRE

Unaccompanied minors?	Yes. Minors under 14 may not be detained. For minors between 14 and 16 more lenient (less coercive) measures have to be applied, if the purpose can be reached by such measures.	
Vulnerable A/S other than UAMs?	No special provisions	
Other?		

12. Alternatives to detention for other categories of migrants:

- a) Are alternatives to detention provided for in legislation for other categories of migrants? (yes/no)

Alternatives do not apply for specific groups; the alternatives comprise all categories of aliens, except where detention is obligatory (see the answer to question 1 above).

- b) If so for which groups?

Please comment when necessary.

Group	Alternatives provided in law?	Comment
Individuals subject to a return procedure	Yes. Persons, who have to leave the country voluntarily, do have the obligation to leave the country within a certain time frame. The BFA may issue a certain kind of procedural order (Mandatsbescheid, Verfahrensordnung) obliging the person to fulfill certain obligations. These obligations are formulated like more lenient measures; they are however named ordinances or constraints	



	<p>(Auflagen).</p> <p>These measures comprise the obligation to stay in a certain accommodation facility, which is allocated by the authorities. Another possibility is the obligation to report regularly to the police (Federal Police Directorate) or third to deposit a certain amount of money. These measures are the same as those stipulated in § 77 Aliens Police Act under the heading more lenient measures (less coercive measures). § 56 Aliens Police Act provides for two more types. These are the obligation to surrender passport and documents or to stay to stay in a certain district area.</p>	
Exclusively for failed asylum seekers	No, not exclusively for failed A/S, The measures enumerated (Auflagen, § 56 Aliens Police Act) above also apply to failed asylum seekers.	
Particular vulnerable group: children, families, persons with disabilities, persons with health issues, victims of torture, or other	See above for minors under the age of 14 and minors between 14 and 16.	
Other (please specify)		

13. Legislative amendments/developments:

- a) Have any changes already been made to the national legal framework concerning alternatives to detention?

No, not recently.

- b) Were they made in view of the transposition of Directive 2013/33/EU?

No.

- c) If not, are you aware of any legislative proposals that are pending, either in view of the transposition of the recast Directive or independently of the transposition, and could you briefly comment as regards their content as they relate to alternatives to detention?

No. Austria did not transpose the new Reception Conditions Directive so far.

B. National Legal Framework on the functioning of existing alternatives to detention

General

14. What types of alternatives to detention are implemented in your Member State? Which categories of third country nationals do they concern? (i.e. asylum seekers, UAMs etc.)

Types of alternatives	Implementation in practice? (without description)	Group concerned
Obligation to surrender passport and documents	<p>No, not as an alternative to detention.</p> <p>This obligation is contained in the legislation. It is however not enumerated under more lenient (less coercive) measures. See above the answer to Question 12. b). Persons, who have to leave the country voluntarily, do have the obligation to leave the country within a</p>	<p>In general there is no distinction between groups. Special rules only apply for minors under 14 and minors between 14 and 16.</p>

	<p>certain time frame.</p> <p>The BFA may issue a certain kind of procedural order (Mandatsbescheid, Verfahrensordnung) obliging the person to fulfill certain obligations. Persons, who have to leave the country voluntarily, do have the obligation to leave the country within a certain time frame. The BFA may issue a certain kind of procedural order (Mandatsbescheid, Verfahrensordnung) obliging the person to fulfill certain obligations. These obligations are formulated like more lenient measures; they are however named ordinances or constraints (Auflagen).</p> <p>These measures comprise the obligation to stay in a certain accommodation facility, which is allocated by the authorities. Another possibility is the obligation to report regularly to the police (Federal Police Directorate) or third to deposit a certain amount of money.</p> <p>These measures are the same as those stipulated in § 77</p>	
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	Aliens Police Act under the heading more lenient measures (less coercive measures). § 56 Aliens Police Act provides for two more types. These are the obligation to surrender passport and documents or to stay to stay in a certain district area.	
Regular reporting to the	Yes	
Deposit of adequate financial guarantee	No, not in practice. The possibility is enumerated in the legal basis.	
Community release/supervision	No	
Designated residence	Yes	
Electronic monitoring	No	
Other (please specify)	No	

15. How is the functioning of (the) existing particular scheme(s) of alternatives to detention regulated? (Please comment on the nature and level of the different norms employed: legislative, regulatory, administrative-like instructions/circulars etc.)

Alternatives to detention are regulated by law, mainly by the Aliens Police Act (§ 77). For procedural rules the General Administrative Procedures Act applies. Details about the deposit of financial means are regulated by an Ordinance Implementing the Aliens Police Act (Verordnung der Bundesministerin für Inneres zur Durchführung des Fremdenpolizeigesetzes 2005 (Fremdenpolizeigesetz-Durchführungsverordnung - FPG-DV)). The Ordinance Implementing the Aliens Police Act (§ 13) contains a provision on the amount of the deposit. This amount has to be decided in each individual case and has to be proportionate. The law specifies a maximum of $2 \times \text{€ } 858,73$ (= € 1.717,46). The measure is not applied in practice.

16. Please indicate the title, date, number and references of publication into the official gazette (if applicable) of the legal measure(s).

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- Send us as an annex an electronic version (or link) to the text of the measure(s) in question
- For MS other than the UK and Belgium: Please provide access to any translation of the above into English, if they are available (even if it concerns unofficial, non-binding translations undertaken by UNHCR etc., this will be used for our comprehension)

Title	Bundesgesetz über die Ausübung der Fremdenpolizei, die Ausstellung von Dokumenten für Fremde und die Erteilung von Einreisetiteln, (Fremdenpolizeigesetz 2005 - FPG), BGBl. I Nr. 100/2005. Verordnung der Bundesministerin für Inneres zur Durchführung des Fremdenpolizeigesetzes 2005 (Fremdenpolizeigesetzdurchführungsverordnung), BGBl. II Nr. 450/2005.
Date	In force since 1 January 2006. In force since 1 January 2006.
Number	
Reference of publication in the official journal (if applicable)	1. BGBl. I Nr. 100/2005, Amendments: BGBl. I Nr. 157/2005; BGBl. I Nr. 99/2006 BGBl. I Nr. 2/2008; BGBl. I Nr. 4/2008 BGBl. I Nr. 29/2009; BGBl. I Nr. 122/2009; BGBl. I Nr. 135/2009 BGBl. I Nr. 17/2011 (VfGH), BGBl. I Nr. 38/2011; BGBl. I Nr. 112/2011; BGBl. I Nr. 49/2012; BGBl. I Nr. 50/2012; BGBl. I Nr. 87/2012; BGBl. I Nr. 22/2013 (VfGH); BGBl. I Nr. 68/2013; BGBl. I Nr. 144/2013. 2. BGBl. II Nr. 450/2005; Amendments: BGBl. II Nr. 188/2008; BGBl. II Nr. 497/2009; BGBl. II Nr. 204/2011; BGBl. II Nr. 68/2013; BGBl. II Nr. 497/2013.
Relevant link	1. http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004241 2. http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004469 .

Analysis of each alternative to detention

17. Please provide the following information, as it is stated in the law/implementing circulars etc., for each of the alternatives to detention that is implemented:

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- a) Summarize the basic characteristics/nature of the scheme as they are described in law/circulars etc. (namely does it consist of reporting obligations, financial guarantee etc.)

The Aliens Police Act enumerates three alternatives to detention. These are reporting obligations, the obligation to take up residence in a certain place of accommodation and the deposit of a financial guarantee.

- b) Which is the institution in charge of deciding which individuals should be submitted to these alternatives?

The decision is made by the BFA, previously (before 2014) by the Aliens Police. Complaints against detention orders have to be decided by the Federal Administrative Court. Complaints against orders deciding that alternatives to detention are applied have to be decided by the Federal Administrative Court as well. Before 2014 appeals against such orders had to be decided by the Ministry of the Interior.²⁷

- c) Can it act ex officio or only after the application of the concerned individual?

In these cases the Office acts ex officio.

- d) Which organization/entity/actor is responsible for implementing/running this scheme?

In general there is no organization responsible for running a scheme. Different organizations run different types of housing. If an A/S is allocated to a certain accommodation, the organization responsible for running the center is responsible for providing accommodation. If an A/S has to report, (the offices of the) Federal Police Directorates are responsible. Some of the places for accommodation of persons who fall under more lenient measures are in the same buildings and in vicinity to detention centers. They are run by the state or by private organizations.

- e) If it is a governmental actor do they work in collaboration with other actors? If so who (civil society, local authorities, institutions etc.) and how?

Organizations running accommodation facilities are often private organizations. These may be entirely private NGOs. Mostly they sub-contracted private companies financed by state funds.

Reporting obligations are controlled by the Police (Offices of the Federal Police Directorates). If reporting obligations or the obligation to take up

²⁷ These decisions have not been published.

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residence in a certain accommodation facility are violated the person is detained.

- f) If different, which organizations/institutions are in charge of supervising the implementation of these mechanisms?
- g) Is the alternative to detention of general application or does it relate only to certain categories of asylum seekers (such as families with children, unaccompanied minors etc.)?

The alternatives to detention are of general application.

- h) Are A/S subject to this procedure provided with documentation certifying their status as an applicant for international protection or testifying that they are allowed to stay on the territory (in accordance with the Reception conditions directive)?

There is no difference to other A/S. During the admissibility procedure applicants receive a (green) card certifying that they are allowed to stay in the center for initial reception (Verfahrenskarte). During the procedure on the merits they receive a (white) residence card, if they have a right to residence according to § 13 (1) Asylum Act. Usually they have a right to residence. A/S lose this right when they violate criminal law provisions.

- i) What are the obligations that asylum seekers must comply with in the framework of the alternative to detention?

They have to take up residence in a place which is allocated to them (often reception centers or places close to detention centers) by the BFA or they have to report regularly to the Police (Office of the Federal Police Directorate).

- j) Could asylum seekers be placed in detention if they do not comply with certain obligations stipulated? If yes, please provide a short description of these obligations and explanation on the procedure.

Yes, they are placed in detention and they have to be placed in detention if they violate the obligations. § 77 (3) Aliens Police Act contains the obligation to detain persons who do not fulfill the requirements stipulated by alternatives to detention.

Access to rights and compatibility with human rights law

18. Do asylum seekers who are subject to an alternative to detention have access to the full range of rights according to the implementing law and as foreseen in the RCD and namely:

- a) to healthcare;

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- b) to education;
- c) access to the labor market;
- d) to accommodation and in general assistance provided in kind or to financial assistance
- e) to social and psychological assistance

If not please describe the gaps.

Right	Yes/No	Comment on the gaps
Healthcare	Yes, access to basic health care is granted.	Only basic health care is granted. There is a lack of possibilities to identify vulnerable groups, who suffer from mental or psychological problems.
Education	Yes, for minors under 15.	
Access to the labor market	No	
In kind/financial assistance	They are granted Federal Care or Basic Care ²⁸ as other A/S during the admissibility procedure. This means they do not have to pay for accommodation and food and get a certain amount of pocket money (€ 40,- per month). For rejected applicants who are subject to alternatives to detention the situation depends on the circumstances. They are granted Basic Care as long as they are accommodated in a place financed by the State.	
Social/psychological assistance	No See for torture victims the	

²⁸ Act on Federal or Basic Care, Bundesgesetz, mit dem die Grundversorgung von Asylwerbern im Zulassungsverfahren und bestimmten anderen Fremden geregelt wird (Grundversorgungsgesetz - Bund 2005 - GVG-B 2005), BGBl. Nr. 405/1991. Amendments: BGBl. Nr. 314/1994, BGBl. I Nr. 134/2000, BGBl. I Nr. 98/2001, BGBl. I Nr. 101/2003, BGBl. I Nr. 32/2004, BGBl. I Nr. 100/2005, BGBl. I Nr. 2/2008, BGBl. I Nr. 4/2008, BGBl. I Nr. 122/2009, BGBl. I Nr. 38/2011, BGBl. I Nr. 87/2012, BGBl. I Nr. 68/2013.

	<p>answer to question A.3. above.</p> <p>The Asylum Act provides for a kind of special treatment for torture victims or victims of similar violence who suffer from trauma or psychological consequences (stress dependent mental disease; belastungsabhängige krankheitswertige psychische Störung) and who are either not able to secure their interests in the procedure or where there is a risk of permanent or late showing consequences of this trauma.</p>	
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19. Is there an obligation to provide asylum seekers with information about the procedure with regards to the alternatives to detention they are subject to? Is there an obligation to inform them about the legal remedies to object the imposition of an alternative to detention?
No.
20. a) Do they have access to legal assistance and representation for the purposes of their asylum application? Yes.
b) Is it free of charge for the AS or at his/her own expense? Yes, it is free of charge.
c) Is it provided ex officio or should they apply for it? It is granted ex officio.
21. According to your evaluation as legal experts, does each national legal scheme, as it is established under national law, respect the obligations of your Member State under international and European human rights law (in particular the prohibition of inhuman, degrading treatment and arbitrary deprivation of liberty)? Please use references to case-law where available (national jurisprudence and/or case-law from the Human Rights Committee/ECHR) in order to support your opinion.

The national legal scheme in general does respect the obligations under international and European human rights law.

C. Relevant legal remedies and national jurisprudence relating to alternatives to detention

Please provide us with the following information, as it is stated in the law/implementing circulars etc., **for each of the alternatives to detention** that is implemented:

Remedies/procedures

22. Remedies or procedures to object detention:

- a) Is there a specific procedure under national law allowing asylum seekers to appeal the fact that they are subject to detention or to challenge the detention conditions?

Yes, it is possible to file a complaint to the Federal Administrative Court and to challenge detention.

It is also possible to complain against detention conditions, which are described in the Ordinance on Detention Conditions (Anhalteordnung).²⁹ This kind of complaint is regulated by § 23 Ordinance on Detention Conditions. It is possible to submit oral or written information to the commander of the detention facility. It is however not a legal remedy as such.

Please specify for each if it is a judicial or an administrative procedure.

Complaints against detention are decided in judicial procedures.

“Complaints” against detention conditions are decided in an administrative procedure regulated by § 23 Ordinance on Detention Conditions.

- b) Is there a right to (free) legal assistance and representation in the framework of this procedure?

Yes, there is a right to free legal assistance for A/S.

Remedies or procedures to object placement in detention instead of the imposition of an alternative to detention:

²⁹ Ordinance on Detention Conditions, Verordnung der Bundesministerin für Inneres über die Anhaltung von Menschen durch die Sicherheitsbehörden und Organe des öffentlichen Sicherheitsdienstes (Anhalteordnung - AnhO), BGBl. II Nr. 128/1999 as amended by BGBl. II Nr. 439/2005.

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- a) Is there a specific procedure under national law allowing asylum seekers to object their detention on the basis that they should fall instead under the application of an alternative scheme?

In the judicial procedure providing a complaint to the Federal Administrative Court it is possible to claim that alternatives should be applied instead of detention.

- b) Please specify if it is a judicial or an administrative procedure.

It is a judicial procedure.

- c) Is there a right to (free) legal assistance and representation in the framework of this procedure?

Yes, there is a right to free legal assistance for A/S.

23. Review of the imposition of detention:

- a) Is there a periodic and individual review of the placement in detention?

There is a regular review of the proportionality of detention by the BFA. The Office has to review detention every four weeks. The BFA has to control the legality within the first four months. After four months the Federal Administrative Court has to control the legality of detention *ex officio*.

- a) Is this review made by a judge or a non-judicial independent body?

The regular review is made by an administrative authority in the first four months of detention; then the review is made by a judge of the Federal Administrative Court.

- b) At this stage can the judge or non-judicial body examine whether they should fall instead under the application of an alternative scheme?

The BFA could decide to apply alternatives to detention.

24. Remedies or procedures to object the imposition of an alternative to detention:

- a) Is there a specific procedure under national law allowing asylum seekers to object the fact that they are subject to an alternative to detention scheme?

Yes, a complaint to the Federal Administrative Court is possible (new since 1 January 2014, no practice so far).

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- b) Is there a specific procedure under national law allowing asylum seekers to challenge the conditions/compatibility of such schemes with fundamental rights?

Yes, the right to personal liberty is protected by a Constitutional Law (Constitutional Law on the Protection of Personal Liberty).³⁰ The ECHR is Constitutional Law in Austria as well. Complaints to the Federal Constitutional Court are possible.

- c) Please specify for each if it is a judicial or an administrative procedure. Procedures are judicial procedures.

- d) Is there a right to (free) legal assistance and representation in the framework of this procedure?

There is a possibility to apply for legal aid and it is usually granted if the person does not have the means to pay the fees for the complaint and the lawyer (see § 35 Act on the Constitutional Court together with §§ 63 ff. Civil Procedures Act).

25. Review of the imposition of an alternative to detention:

- a) Is there a periodic and individual review of the placement under such an alternative to detention?

There is no similar provision as for detention. One could however argue that § 77 (more lenient measures) together with § 81 (4) Aliens Police Act (termination of more lenient measures) have to be interpreted in a way as to oblige the BFA to review alternatives to detention in a regular way (as stipulated by § 80 (6) Aliens Police Act). This argument is supported by the fact that the authorities do have to render a certain kind of procedural order (Mandatsbescheid, Verfahrensordnung), if the application of more lenient measures is no longer considered to be necessary. This decision can only be made on the basis of a regular review of the necessity and proportionality of the imposition of more lenient measures. As these provisions are new there is no practice or legal literature on this issue.

- b) Is this review made by a judge or a non-judicial independent body?

³⁰ Bundesverfassungsgesetz vom 29. November 1988 über den Schutz der persönlichen Freiheit, BGBl. Nr. 684/1988; Amendment: BGBl. I Nr. 2/2008.

Jurisprudence

26. Are there any precedents of asylum seekers appealing their detention on the basis that they should fall under the application of an alternative instead? If so please briefly summarize the case(s) and indicate the jurisdiction, date and case number.

Decisions about complaints against detention orders also decide about the fact if alternatives to detention should be applied instead. The Federal Administrative Court and previously the Independent Administrative Senates can however not apply the measures (see above), they might indicate that the BFA should apply such measures.

Jurisdiction	Date	Case Number	Brief summary
High Administrative Court	2.8.2013	2013/21/0008	More lenient measures (instead of detention) have to be applied, if they are seen necessary and proportionate to reach the aim. Necessity means that the aim of securing the expulsion or prevent absconding is given.
Constitutional Court	20.9.2011	Vfslg. 19472	The authorities have to decide about the necessity and proportionality of detention even if detention orders have to be issued on the basis of § 76 (2a) Aliens Police Act ("shall" provisions).
High Administrative Court	28.05.2008	2007/21/0246	Criteria to determine whether detention is necessary to secure the aim of detention and prevent absconding: previous attempts to abscond; behavior of the applicant; previous criminal law violations; illegal entry; illegal reentry shortly after deportation; entry despite residence ban; attempts to hinder the expulsion and escape the authorities administrative power; dependent children in Austria; health condition;
High Administrative Court	18.04.2013	2011/21/0247	
High Administrative Court	19.6.2008	2007/21/0069	
High Administrative Court	27.5.2009	2008/21/0196	
			Minors:



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High Administrative Court	05.07.2011	2008/21/0100	This decision concerns a minor between 14 and 16 (§ 77 (1) Aliens Police Act). These minors may only be detained if the aims can only be reached by detention. If the authorities have doubts about the age, the necessary inquiries have to be made.
High Administrative Court	14.10.2007	2007/21/0370	Less coercive measures have to be applied for minors between 14 and 16, unless the aim cannot be reached by the application of these measures.

27. Is there any precedent of asylum seekers appealing the fact that they are subject to an alternative to detention scheme (i.e. arguing that they should be offered reception conditions in an open center or financial assistance without any further obligation instead)? If so please briefly summarize the case(s) and indicate the jurisdiction, date and case number.

There are quite many decisions about appeals against detention orders, where applicants claimed that they should be released from detention/resp. should be subject to alternatives of detention. The Federal Administrative Court and previously the Independent Administrative Senates do not have the competence to apply more lenient measures. These measures have to be imposed by the BFA. The Court and previously the Senates can indicate the possibility to apply these measures in their decisions.

There are **only quite few decisions** where persons appealed against the order to impose more lenient measures. These decisions were not published. As from 1 January 2014 the Federal Administrative Court is competent to decide about such complaints, the situation might change.

Jurisdiction	Date	Case Number	Brief summary

D. Other

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28. What are, in your view, the strengths of the system of alternatives to detention in your Member State?

The strength is the prohibition to detain minors under 14. Minors under 16 are only exceptionally detained. Alternatives to detention for adults are in place and the legal basis as such grants a number of alternatives, which would allow for sufficient possibilities not to keep A/S in detention.

(The application in practice is only reluctant and differs from the legal basis.)

29. What are, in your view, the weaknesses of the system of alternatives to detention in your Member State?

The practical implementation is certainly a weakness.

There are no explicit time limits for the application of alternatives for detention in the Aliens Police Act or in another law. One could argue that the same limits apply as for detention. Some academics and practitioners also conclude from a different interpretation of the provisions that there is no time limit or that the time limit allows the application of alternatives twice as long as detention. So far there is no jurisprudence on the issue. The more convincing interpretation suggests that alternatives may be imposed with the same limits as they are in place for detention.

30. Please add here any other interesting element about alternatives to detention in your Member State/commentary which you did not have the occasion to mention in your previous answers.

31. Please quote recent scientific books, articles, reports, substantive online commentaries that have been published about alternatives to detention in your Member State (answer even if this literature is only available in your national language and provide the complete title in your language (without translating it) with all references; indicate author, title, in case name of periodical, year and place of publication as well as publisher).

There is very little literature about alternatives to detention as such. A lot of articles, comments and case notes concern detention.

See e.g.

Ronald Frühwirth, Das Recht auf gerichtliche Haftprüfung im Schubhaftregime, Juridikum 2010, 199.

Heinz Mayer, Die "Anwesenheitspflicht" von Asylwerbern (FrÄG 2009), MigraLex 2010, 36.

Gero Schmied, Die Schubhaftprüfung als Kernaufgabe der UVS, ZUV 2012, 4.

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Alexandra Schrefler-König, Die Neustrukturierung der Fremdenrechtsbehörden: Schaffung des Bundesamtes für Fremdenwesen und Asyl, Jahrbuch Öffentliches Recht 2013, 207.

32. In case you have conducted interviews/consulted other experts/organisations in order to conclude this research please provide us with the following elements for each of them:

Name of the organisation/institution	UNHCR
Name of individual contacted	Dr. Christoph Pinter
Position/function of the individual	
Email address	pinter@unhcr.org



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