



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

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Completed Practices Questionnaire for the project MADE REAL

Austria

Christoph Riedl and Christoph Steinwendtner

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MADE-REAL: Practices Questionnaire

Member State	Austria
Name of researcher & organisation	Christoph Riedl, Christoph Steinwendtner Diakonie Refugee Service
Email address	christoph.riedl@diakonie.at christoph.steinwendtner@diakonie.at

The aim of this questionnaire is to collect data on practices in your national context with regards to alternatives to detention. It will be completed by the national NGO project partner. 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 person 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;

'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

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.

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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.

‘Returnee’: Third country national subject to a return decision

- 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. GENERAL

1. Are A/S detained in practice in your country? YES/NO

Yes

2. Is detention foreseen for A/S in specific situations? YES/NO

Yes

If so, please specify:

SITUATIONS	Comment
In border procedure	<p>There is no border procedure as such in Austria.</p> <p>If a person applies for Asylum in the Transit-Zone (so that an immediate push back on the border is not possible) there is a special airport-procedure which is applied on the only one International Airport in Vienna. This airport procedure is part of the admissibility procedure. The aim of this procedure is to decide whether a person is allowed to enter the territory or not. It is no decision of admissibility.</p> <p>After the entry was allowed the decision can still go in different directions. It can be a decision on the inadmissibility of the case (Dublin) or the authority can decide to conduct a proof on the</p>

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	<p>merits of the case. So the whole thing is just about entry.</p> <p>At an average there are between 400 and 800 asylum applications on the airport per year.</p> <p>But the Airport procedure is not used much in practice, because in most of the cases the entry is allowed (by the police) and the asylum applicant is brought to the Initial Reception Centre (Erstaufnahmestelle).</p> <p>During the airport-procedure and if the entrance to the Austrian Territory is not allowed the person has to stay in the so called "special transit area", which is a building on the airport.</p> <p>Land Border:</p> <p>If a person applies for asylum in the border region (or anywhere else in Austria) he is transferred to the next Initial-Reception-Centre (Erstaufnahmestelle), where the admissibility-procedure is conducted. During this procedure A/S are not allowed to leave the District.</p>
Subject to a Dublin transfer	Yes, but not in general and under restriction of proportionality ² of the individual case.
Subject to an accelerated procedure	No, an accelerated procedure does not exist
Other (please specify)	In case a person makes a second asylum application after a final decision (Folgeantrag) and cannot name an address, where he/she lives, detention is probably. Also if a person does not collaborate in the asylum procedure detention is possible. (But this doesn't happen very often!)

² Proportionality is a constitutional principle applicable to all administrative procedures and therefore also to aliens law proceedings. (See further explanations in the legal questionnaire.)

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3. Are specific categories of A/S³ generally exempt from detention?

Underaged unaccompanied Minors (UAM) younger than 14.

Between the age of 14 and 16 years UAM must not be detained, exceptions are: high risk of absconding and an alternative to detention is not able to safeguard the deportation. Detention is only possible in cases where the result of the proof of the proportionality is very strong against the interest of the UAM. Between 16 and 18 UAM are treated like adults.

Families with children can be detained, regardless the age of the children. (But of course only if an alternative to detention is not applicable).

4. 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	But only in the Dublin-Procedure
Protection of public order or national security	Yes	But only in the Dublin-Procedure Protection of the public order has to be part of the proof of proportionality. National security plays no role in practice of detention.
Public health	No	Plays no role in practice of detention.
Risk of absconding	Yes	But only in the Admissibility procedure, in all other cases A/S have a interim residence permission. (Vorläufige

³ In particular, please specify whether there are exemptions for particular vulnerable groups : unaccompanied or separated children, families with children, persons with disabilities, persons with (mental) health issues, victims of torture or trauma, victims of human trafficking, other.

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		Aufenthaltsberechtigung § 13 AsylG) If an asylum application is admissible detention is no longer lawful. ⁴
Other (please specify)	In Case of an asylum application in detention. Violation of Restriction of Movement (Gebietsbeschränkung) In Case of an consecutive application (Folgeantrag)	As long as the case is found admissible. After the 2 nd violation and only in the admissibility procedure.

5. How are these grounds assessed in practice? What screening /assessment method is used?

By a proof of proportionality of the individual case, this is always gradually. When the end of the procedure is very close, detention is most likely.

In practice there are quite a lot of unlawful decisions in the 1. Instance because of an inadequate proof of the proportionality of the individual case. (More than 30 % of the detention decisions appealed are found unlawful because the proof of the proportionality was inadequate!)

Example:

An A/S, who stayed in Hungary before, finds his way to a police station and asks for asylum. He has never been in Austria before, so he was never deported and never absconded from an A2D facility and there is no doubt in his identity (and he gave no false information about it).

In this case detention is unlawful, because there is no hint and no experience regarding this person would evade the expulsion procedure.

⁴ VwGH (High Administrative Court) 18.12.2008 No. 2008/21/0582 RS 12

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6. Does the responsible authority conduct a risk assessment or use certain indicators in the assessment? If so please describe indicators and tools used.

There are 2 principles which have to be met:

1. There has to be the necessity of safeguarding the expulsion procedure of an asylum seeker (Dublin)⁵:

If there is no hint that a person could abscond, because the testimony in the interrogations before was credible and consistent then neither detention nor A2D is applicable.

2. The proportionality of the individual case must be proofed.

The proof must always be in concreto on every single case. If a person was in an A2D measure before he/she absconded, then detention will be applicable at that time. If a person is part of a group of people (for example the Maghrebian) who the authority considers to abscond whenever not detained, detention is unlawful, because the proof was not on the individual case⁶. The permanent judicature of the Austrian High Administrative Court brought some clarification for different case-constellations.

7. Is there a mechanism in place to identify vulnerable applicants? If so, it is used in the decision to place an applicant in detention or in an alternative to detention?

When an A/S comes to the Initial Reception Center (where the asylum application is filed) there is a cursory medical check, where vulnerability should (could) be detected. In practice vulnerability in case of illness or disability is rarely a reason for impossibility of detainment. There is no cooperation between the doctors in the reception center and in the detention center. Medical files are usually not submitted.

⁵ After the decision in the 1st Instance that the asylum application is not admissible in Austria (Dublin), an A/S can be detained, because in connection with inadmissibility decision also an expulsion order is issued. Both decisions have no suspensive effect. From this moment there is no different treatment between A/S (Dubliners) and other aliens (like returnees).

⁶ In practice very often the 1st instance ignores the permanent judicature and arrests A/S without sufficient grounds. So of course it is unlawful to use criteria like experiences with members of special nationalities or other racist criteria.

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Exception: extreme vulnerability, which means that a person is obviously so ill, that detention would fulfill the criteria of an inhuman treatment.

A2D is usually applied with unaccompanied minors and families with children.

8. Do the authorities examine alternatives to detention in each individual case before resorting to detention measures? Specify if necessary.

Systematically

In most cases

Rarely

Never

In practice: Rarely!

By law there would be the obligation for a systematic examination of the individual case. The decision is made by the aliens police/BFA (FOAA Federal administrative Office for Alians and Asylum Affairs) and must always be motivated. In practice there is rarely a sufficient proof or motivation.

9. Which alternatives to detention are currently used for asylum seekers in your country?

Types of alternative scheme applied	YES/NO	Please specify if it is applied only to a particular vulnerable group: unaccompanied or separated children, families with children, persons with disabilities, persons with (mental) health issues, victims of torture or trauma, victims of human trafficking, other.
Obligation to surrender passport and documents	No	
Regular reporting to the authorities	Yes	
Deposit of adequate financial guarantee	No	Possible by law, not used in practice
Community release/supervision	No	
Designated residence	Yes	
Electronic monitoring	No	

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Other (please specify)	Yes	The designated residence can also be a prison facility, which is not locked during daytime, or a private accommodation, or a ngo run accommodation for A/S .
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10. For each alternative scheme, please specify whether it is applied in practice to certain situations or to a specific group of A/S:

SITUATION	YES/NO	Please specify if it is applied only to a particular vulnerable group (see above)
Subject to a border procedure	no	The border procedure in Austria is either the Dublin Procedure or Push Backs on the border in case of aliens (without being asylum seekers)
Subject to a Dublin transfer	yes	From the inadmissibility decision (Dublin) until shortly prior to the depordation A2D is used. Usually close to the deportation (Dublin transfer) A/S are arrested (48 hours). Sometimes critically ill persons are not arrested befor their deportation.
Subject to an accelerated procedure	no	
Other (please specify)		

11. Alternatives to detention for other categories of migrants:

a. Are alternatives to detention applied for other categories of migrants? (yes/no)

yes

b. If so for which groups?

Please comment when necessary.

Group	Alternatives applied in	Please specify if it is applied only to a
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	practice?	particular vulnerable group
Individuals subject to a return procedure	yes	No difference in treatment of returnees and A/S (Dubliners)
Exclusively for failed asylum seekers ⁷	no	No difference in treatment of returnees and A/S (Dubliners)
Other (please specify)		

- c. Are they put in the same schemes as A/S?
There is no distinction in Austria between A/S and other aliens. A2D can only be applied if the reasons for detention are fulfilled. (If the necessity of safeguarding the expulsion procedure is given)
- d. Generally there is the prior-ranking measure! (By law detention is only the ultima ratio!)

B. Functioning of the alternatives to detention

12. For each alternative to detention, please provide a description of the basic characteristics/nature of the scheme. Please specify what obligations they have to comply to.

The most frequently used scheme is a regular reporting to the authorities combined with the obligation to live in a designated residence.

So, there are two schemes of A2D in Austria in practice! Designated residences can differ very keenly! The scale reaches from rather well managed NGO-residences to a cell in a prison which is not locked during daytime.

Usually the reporting has to be once a day in a designated police station. When A2D asylum seekers are accommodated in NGO residences they are together with asylum seekers and sometimes returnees (after their final decision, if not detained).

⁷ The first two categories may overlap as failed/ finally rejected asylum seekers are likely in a return procedure.

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Other schemes, like bail, or only reporting, or only living in a designated residence do only exist theoretically and are not used in practice.

13. Are the needs of particular vulnerable groups taken into account in the implementation of these measures? Please specify what adaptations are made at a reception level.

As a matter of principle: Yes. There are specialized accommodations for families and for (mentally and/or physically) ill persons for asylum seekers. It is possible for the authority to rent this facilities also for A2D purposes. (Usually the reception centers for A/S are financed by the local authorities and run by private organizations or hotels.)

In practice it depends very much on the officer and his/her assessment of the situation.

14. What happens in practice when A/S does not comply with the obligations they have in the framework of the alternative to detention? Please explain the procedure.

In this case they will be detained. Exception is only if there is a reason for the impossibility of detainment (severe illness). If someone is too ill for imprisonment, he/she will be directly deported from the A2D facility or if he/she is too ill for the Dublin Transfer, a Tolerated Stay (Duldung) can be issued.

15. For each alternative to detention, please specify whether they apply to a certain category of A/S. If so how is this justified by the authorities?

There is only one scheme of A2D. (Combination of regular reporting to the authorities with the obligation to live in a designated residence. A/S are in practice only detained during their Dublin procedure. The only exception is the airport procedure. (see answer 2)

16. Which is the institution in charge of deciding which individuals should be submitted to these alternatives?

The alien's police. Since 1.1.2014 the BFA -"Bundesamt für Fremdenwesen und Asyl" (Federal office for aliens and asylum) which is an administrative body)

17. Which organization/entity/actor is responsible for implementing/running this scheme?

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The alien's police/BFA is signing arrangements with owners of residences or the facility is run by the police itself.

18. If different, which organisations/institutions are in charge of supervising the implementation of these mechanisms?
19. If it is a government actor, they work in collaboration with other actors? If so who (civil society, local authorities, institutions etc) and how?
see answer 17. The alien's police/BFA rents single places in NGO run facilities or private Hotels. If the facility is usually used for the accommodation of A/S (Grundversorgung) there may be some designated places rent to the police/bfa for A2D purposes.
The reporting is usually in a nearby police station. If an A/S in an A2D measure does not come back to the accommodation the NGO or owner of the facility has to report is to the authority who rent the place. (Usually after 3 days.)
20. Are NGOs/private companies in charge of implementing some of these alternatives? If so, how is that implemented in practice?

see answer 17 and 19

C. ACCESS TO RIGHTS

21. Do asylum seekers who are subject to an alternative to detention have access to the full range of rights as foreseen in the RCD and namely:
- a) to healthcare;
 - b) to education;
 - c) access to the labor market;
 - d) to accommodation and in general assistance provided in kind or to financial assistance

If not please describe the gaps.

Right	Yes/No	Comment on the gaps
Healthcare	No, only basic health care	No health care insurance, costs should be covered by authority, in practice nothing is paid!
Education	no	In theory yes, in practice no
Access to the labor	No	

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market		
In kind/financial assistance	yes	Both models in use. If it is financial assistance it is just to buy food. (Usually 5 €/day. In some places a little more.) No Pocket Money.

22. a. Do A/S subject to an alternative to detention have access to social and psychological assistance?

No, but it can be provided in special cases. There is no health insurance for inmates of detention centers or A2D Facilities. But the aliens police/BFA would have to pay for the treatment. In practice this happens not very often. There is only an emergency health care which is provided. There are several psychotherapy projects for victims of torture and heavily traumatised persons (all of them run by NGOs and co-financed by the European Refugee Fund) but A/S in A2D (which are usually Dublin Cases) have no regular access because they are not in the Target Group of this projects. (But emergency cases will be taken by the NGOs and treated pro bono.)

- b. Is it provided systematically and is it adequate?

No, neither systematically nor ever adequate! The Reception System (including a health insurance) is only provided for Asylum Seekers. When someone is detained or in an A2D measure the Reception System (Federal care System – Grundversorgung) stops.

23. Are A/S subject to an alternative to detention provided with adequate material support, accommodation and other reception conditions, or access to means of self-sufficiency during their asylum procedure?

Generally the Reception Conditions in Austria are non adequate, because the financial or in kind assistance is insufficient and far below the minimum requirement for a self-sufficient life. The discrepancy between the different reception facilities is enormous.

A2D facilities are mostly the same facilities used for A/S.

- a. Do these asylum seekers have access to information about the procedure with regards to the alternatives to detention they are subject to? In particular, are they informed about the reason why they were submitted to these alternatives in the first place?

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Yes but till the End of Dec. 2013 it depended very much to the organization in charge of providing the information. When Diakonie was in charge we tried to do our best to explain all the rules and the consequences if the rules were not followed to our clients. Since Jan. 2014 the law has changed: There is no free legal aid. When Diakonie was in charge we tried to do our best to explain all the rules and the consequences if the rules were not followed to our clients. Since Jan. 2014 the law has changed: There is no free legal aid in the 1st Instance in the aliens law anymore (except: Detention). So now legal counselling in A2D Cases is a voluntarily pro bono work of dedicated NGOs.

If so, do you consider it adequate and sufficient?
It was until the End of last year. Since Jan. 2014 it is not sufficient anymore.

b) At what stage is it provided?

After the decision on Detention/A2D

24. a. Do asylum seekers subject to these measures have access to information about the asylum procedure?

Yes

b. If so, do you consider it understood (language and content) and sufficient?

Yes, in most cases

c. At what stage is it provided?

At the beginning of the Dublin procedure

D. REMEDIES

25. In practice, what is the maximum period in which an A/S can be submitted to these measures?

Approx. 2-3 months there is a theoretical time limit, which is up to 20 months*. (In practices for A/S (Dublin) this never happens)

* The provision in the law is mistakable. As we have no judicature on the interpretation of this provision until now we do not know how to finally answer this question. In practice we saw some ATD measures that lasted longer than 10 months in the past (but never for A/S in Dublin Cases).

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b. Does it correspond to the maximum period of detention?

Yes

d. Please clarify if the initial period can be extended and if so what are the grounds for extension

Theoretically yes, but this is not used in practice!

26. Is there, in practice, a right to appeal the decision to apply an alternative to detention? If so, how does it function in practice? More particularly, is it accessible?

Yes, but only within the first 14 days and the time limit for the decision is 6 months. So there is no effective remedy against A2D decisions. In practice the A/S (Dublin) are released from the A2D measure or deported before the decision. Since January the appeal goes to the BFA and only if this authority decides (within 6 months) a remedy to the Federal Administrative Court would be possible.

27. Do they have access to legal counselling?

Yes

b. Is it free of charge for the A/S or at his/her own expense?
Yes, it's free

c. Is free legal assistance provided in most cases?

Yes

d. Is it provided ex officio or should they apply for it?

Ex officio

28. 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)?

Yes, both

There are 3 types of so called "asylum cards":

The Red Card: A/S get it for the first 5-days in the Initial reception Center.

The Green Card: During the Admissibility Procedure (usually Dublin-Procedure).

The White Card: When the Case was not declared inadmissible and will be proved on its merits in Austria. This Card is an interim residence permission. (Vorläufige Aufenthaltsberechtigung § 13 AsylG)

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E. COST EFFECTIVENESS AND EVALUATION MECHANISMS

29. How many asylum seekers are subjected to these alternatives to detention in a year or quarter (please specify if you are giving number of people OR number of cases – which counts a family as a unit)?

From a total number of 17442 A/S in 2013 were 741 detained and 490 in A2D. (Number of people, except the same person is in A2D for more than one time a year, in cases where detention would not be lawful furthermore A2D must also be stopped, but there may be new detention grounds later in the same year and everything can start again.)

Please find the official statistics of the Ministry of interior attached (statistics lenient measures).

(http://www.bmi.gv.at/cms/BMI_Niederlassung/statistiken/files/2013/FrP_Massnahmen_2013_Dezember.pdf) Page 5, “gelinderes Mittel”

30. What are the proportion of asylum seekers being subjected to these alternatives in relation to the number of A/S detained and the number of A/S in general?
see answer 29.
31. If different alternative mechanisms are applied, which alternatives are used more commonly and why?

Types of alternative scheme applied	Specify if this alternative is frequently/rarely/never applied <i>Please provide figures if possible</i>	Comment
Obligation to surrender passport and documents	Never	
Regular reporting to the authorities	frequently	Always in combination with a designated residence.
Deposit of adequate financial guarantee	never	
Community release/supervision	never	
Designated residence	frequently	Always in combination with regular reporting to the authorities.
Electronic monitoring	never	
Other (please specify)		

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32. What is the rate of disappearance among A/S submitted to one of these alternative measures? Please specify if you have figures per alternatives.

Sorry, no statistics!

Because of the lack of accommodations where this people could survive without any support, the number of disappearances will not be very high. (Except they leave Austria and are usually returned to Austria within the Dublin Regulation)

33. Have any other alternatives been operationalised in the past and have since been abandoned? If so please briefly describe the type of schemes operated and the reasons why they were discontinued.

No!

34. What are the main difficulties/obstacles observed in the implementation of these alternatives (e.g. costs, administrative burden, non-compliance)? Please describe.

Austria is a federal country with 9 federal states (Bundesländer) and although police is a central organized authority, there have always been big regional distinctions in the use of A2D. This means that in the past it was possible that A2D in one federal state was used very often and in the other one rarely or never. But there is no statistics about this fact. (Statistic is made central.)

Since 1.1.2014 the new monocratic authority on a federal level BFA (Bundesamt) is in charge of the decisions. Time was too short to have any significant experiences right now.

Why do you think alternatives to detention are not more widely applied by your government? Please provide any relevant feedback from government officials.

There is a long tradition of Ministers for the Interior who tried to tighten the law to detain more people, especially A/S. However the Austrian constitution is very strictly in the protection of the right of the personal freedom. So the efforts of the Ministers where always stopped by experts for the Austrian constitution in the very last moment in parliament. But the spirit of the politicians and the civil servants go to the other direction. (We praise the lord for our constitutional law every day!) So the reason why A2D is not used more than detention is that the 1st instance and in many cases even the 2nd instance ignore high court decisions.

35. Please provide available data or an objectively based evaluation on how much does the implementation of such a scheme cost? If possible please give figures regarding the cost of these alternatives per individual (comparing it to the cost of detention if information on this point is available)

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There are no costs for detention available. An estimation says one day in detention costs 120 Euro, but it can be doubted that this are the total costs (facility, personnel cost). This was also the official answer to a parliamentary request⁸ of the Green Party in the years 2010 and 2011

The reimbursement for NGOs running A2D facilities is between 17 and 24 Euro/day.

36. Please provide any quantitative data available regarding the resources put into each of these schemes (Human Resources, Logistics, Financial).

Sorry, no data available! This Question was a topic in a parliamentary request of the Green Party in the years 2010 and 2011. The answer was: "No records of the different costs of the different measures of the alien's police.

37. a. Are these schemes evaluated regularly?

No, never!

b. Who conducts these evaluations?

c. Is this information public? If so please provide source of information.

d. Please highlight some of the main conclusions of any publically available evaluations.

E. OTHER

38. What are your recommendations for a better application of these schemes
- with regards to:
 - Effectiveness:
 - Fairness:
 - Transparency:
 - Adequacy (link between objectives of policy and results):

The Austrian law should be more precise in this point. The priority of A2D should be much more highlighted and obligatory for the authority, so that detention really becomes the exception and not the rule. There are no minimum standards on A2D, so the disparities are big. The standards, the rights and obligations should be described and fixed in the law.

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

⁸ See attachments: parl. request and parl. request answer

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It is used relative frequent (but still much too seldom), it is much better than sitting in a prison.

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

There is no effective remedy against an unlawful A2D decision. (So it can last for a long time). No proper health care, no health insurance, no proper accommodations, no proper assistance or social support, no minimum standards, no perspectives.

41. Please present an example of good practice and explain why you consider it as such.

When A2D is executed in a well-managed NGO facility which is normally used as a reception facility for asylum seekers, all the clients are treated equally. There is no specific time when the clients have to come back to this centers, at least this does not differ from the obligations the other clients have. Reporting is always in a police station and there is no connection to the accommodation if run by an NGO.

Different NGOs provide such services. It is always a mixed use: reception centre for asylum seekers with a few A2D places inside.

Please present an example of bad practice and explain why you consider it as such.

There is a A2D facility for families in Vienna (Familienunterkunft Zinnergasse) which is run by the police itself.

There is an open section for families and one for single male adults. And there is a closed section for families. (Single male adults, who are close to their deportation, normally – as far as we know - are brought to other detention facilities.)

On the top floor of the “Familienunterkunft Zinnergasse” there is a detention-centre (totally closed prison), on the ground floor is the A2D facility. The only difference is that the inmates of the ground floor can leave during day. The building is surrounded by a big prison wall with barbed wire and a lot of cameras. Families who stand 48 hours before their deportation are brought to the closed section of this building. It is also usual that families from other parts of Austria are brought to this closed section 48 hours before their detention.

Do you think that these alternatives should/could be expanded to more AS - currently detained?

Yes and No! Yes because anything is better than the prison! No, because our position is, that asylum seekers should never be detained!

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42. 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.
43. 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).

We really researched on this, but there is no literature.

44. 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 answer.

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:

We asked the green party for a new “parliamentary request” But due to the huge changes in the Austrian administrative system in the aliens law and asylum field, it makes no sense for them to make a request on a system which does not exist anymore. They would like to wait for more experiences with the new system.

We asked the director of the BFA, which is the responsible authority for detention and A2D since January 2014 some questions (see attachment). There is no answer right now but we will send it as soon as we receive it.

Name of the organisation/institution	Grüner Klub im Parlament
Name of individual contacted	Eike Pressinger
Position/function of the individual	Legal Assistant of MP
Email address	eike.pressinger@gruene.at

Name of the organisation/institution	Asylkoordination Austria
Name of individual contacted	Anny Knapp
Position/function of the individual	Chair woman
Email address	knapp@asyl.at

Name of the organisation/institution	BFA
Name of individual contacted	Wolfgang Taucher
Position/function of the individual	Director
Email address	BFA-Einlaufstelle@bmi.gv.at

MADE-REAL: Practices Questionnaire



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