

Reflecting a pattern observed in other European Union (EU) countries, Austria has in recent years begun detaining fewer people for immigration-related reasons. Between 2009 and 2013, the annual number of detainees dropped by nearly 30 percent, from 5,996 in 2009 to 4,171 in 2013 (EMN 2014).<sup>2</sup> The Interior Ministry gives various explanations for this decrease, including the adoption of cost-saving measures and purportedly more humane immigration policies and (EMN NCP Austria 2014; EMN 2014).

Austria's legal framework related to immigration detention contrasts in some notable ways to those of its neighbours, including providing unique grounds for the detention of asylum seekers. It is also one of the few EU countries to collect disaggregated statistics on different categories of immigration detainees, for instance providing statistics on the number of people placed in detention who unsuccessfully claimed international protection. In 2013, of the 4,171 people placed in immigration detention, 741 had applied for international protection. In recent years, the proportion of asylum seekers among all immigration detainees has remained below 20 percent (EMN NCP Austria 2014; EMN 2014).

In January 2014, Austria opened its first dedicated immigration detention centre that can be used to confine people for extended periods of time. Previously, the country almost exclusively employed Police Detention Centres (PAZ) to confine migrants. The PAZ are peculiar detention sites, where immigration detainees are confined with other categories of "administrative detainees" and criminal suspects.

International rights watchdogs have long been criticized Austria's use of PAZ for immigration detention, including the European Committee for the Prevention of Torture, the Commissioner for Human Rights of the Council of Europe, and the UN Committee against Torture. Austrian officials have characterized the new facility, which is located in Vordernberg, as "the most modern immigration detention facility worldwide," the 220-person centre opened in January 2014 (Tiroler Tageszeitung 2013).

## **Detention Policy**

**Key norms.** The legal framework governing immigration detention in Austria is comprised of two laws: the 2005 **Federal Act on the Exercise of Aliens' Police, the issuing of Documents for Aliens and the Granting of Entry Permits**, or Aliens Police Act (*Bundesgesetz über die Ausübung der Fremdenpolizei, die Ausstellung von Dokumenten für Fremde und die Erteilung von Einreisetitel*); and the 2005 **Federal Act concerning the Granting of Asylum**, or Asylum Act (*Bundesgesetz über die Gewährung von Asyl*). Both laws have been amended several times.

Various procedural regulations are laid down in the 2012 **Federal Office for Immigration and Asylum Procedures Act** (*BFA-Verfahrensgesetz*) and the 1999 **Detention Regulation** (*Anhalteordnung*).

**Grounds for detention.** The Aliens Police Act provides that non-citizens, not including asylum seekers, can be detained when it is deemed necessary to carry out: 1) the procedure

to issue a return decision, a removal order, an expulsion, or a residence ban even before these acts are enforceable; 2) removal orders (Aliens Police Act, article 76(1)).

In 2013, 3,430 people were detained under article 76(1); in 2012, 3,739; in 2011, 4,266; in 2010, 5,126; in 2009, 4,998. As these statistics indicate, the number of non-asylum detainees steadily dropped by more than 30 percent during this five-year period.

**Asylum seekers.** Austrian legislation provides several grounds for the detention of asylum seekers. These grounds can be divided in two categories: *discretionary* (Aliens Police Act, article 76(2)) and *mandatory* (Aliens Police Act, article 76(2a)). In March 2010 the Administrative High Court ruled that if the mandatory grounds listed in article 76(2a) are present and if detention is necessary and proportionate, authorities cannot opt to apply alternatives instead of detention (EMN NCP Austria 2014).

Under article 76(2) of the Aliens Police Act, the Federal Office for Immigration and Asylum can order the detention of an asylum seeker if: **1)** an enforceable—though not final—return decision has been issued; **2)** proceedings have been initiated to issue a measure terminating the person's residence according to article 27 of the Asylum Act; **3)** prior to applying for international protection, the person was issued an enforceable return decision, removal order, or expulsion; or **4)** it can be assumed that the individual's application for international protection will be rejected because Austria lacks responsibility for its assessment.

The mandatory provisions under article 76(2a) of the Aliens Police Act, an officer with the Federal Office for Immigration and Asylum can order detention of an asylum seeker if one of the following six situations applies: **1)** the asylum seeker was issued a negative decision according to articles 4a or 5 of the Asylum Act (Dublin cases) along with an enforceable removal order, or the person was not accorded a de facto protection from deportation under article 12a(1) of the Asylum Act; **2)** a notification that the authorities intend to reject the application or lift the protection from deportation was issued and the asylum seeker has violated the territorial restrictions (limited to area of regional administrative body); **3)** the asylum seeker has violated reporting duties; **4)** the asylum seeker, against whom a procedure to issue a measure terminating residence was initiated, has violated the duty to cooperate (such as reporting obligation); **5)** the asylum seeker has filed a subsequent application and the protection from deportation has been lifted; or **6)** the asylum seeker has left the initial reception centre without permission and one of the conditions set out in article 76(2) (listed above) are present. When comparing to other EU countries, grounds 2-4 appear to be unique, while ground 5 is found only in Belgium (EMN 2014).

Austria is one of the few EU countries that collect disaggregated statistics on different categories of people put in immigration detention. In 2013, of the 4,171 people placed in immigration detention that year, 741 were asylum seekers. In 2012, 827 asylum seekers were detained; in 2011 889; in 2010, 1,027; and in 2009, 998. The percentage of asylum seekers in relation to the total number of immigration detainees has remained stable, hovering at just under 20 percent (EMN 2014).

The most common grounds on which asylum seekers were detained in 2013 included likely expulsion order (229, or 31 percent); initiated return procedure (142, or 19 percent); enforceable return decision (133, or 18 percent); enforceable return decision in Dublin cases (116, or 16 percent); and enforceable return decision prior to asylum application (78, or 11 percent) (Asylkoordination Österreich 2014).

**Length of detention.** The Aliens' Police Act contains detailed rules on the maximum duration of detention. In principle, the length should not exceed four months (Aliens Police Act, article 80(2)(2)), however there are several exceptions. If a non-citizen cannot be deported because an appeal against deportation has not yet been finally decided, detention may last up to six months (Aliens Police Act, article 80(3)). Additionally, if a non-citizen cannot be deported because identity and nationality cannot be established, there is no permission by another state for his entry or transit, or the person hampers the removal by resisting coercive measures, detention may be prolonged up to six months during a given one-year period. However, if the failure to deport a non-citizen is due to the person's conduct, detention can be extended to 10 months within a 18-month period (Aliens Police Act, article 80(4)). The same maximum period of detention applies to asylum seekers detained under article 76(2) or 76(2a) and who appeal against their expulsion (Aliens Police Act, article 80(5)).

According to information provided by the Federal Ministry of Interior, over the past few years the average length of detention of immigration detainees has decreased. In 2009, the average length was approximately 24 days; in 2010, 21 days; in 2011, 17 days; in 2012, 16.5 days; and 14.5 in 2013 (EMN NCP Austria 2014).

**Procedural guarantees.** The Federal Office for Immigration and Asylum is responsible for issuing detention orders. Those subject to a detention order are to receive a written notification (Aliens Police Act, article 76(3)). The decision and information about the right to lodge an appeal is to be provided in a language the detainee understands (Asylkoordination Österreich 2014; European network for technical cooperation on the application of the Dublin II regulation 2012).

The Federal Office for Immigration and Asylum reviews the lawfulness of a detention order monthly. After four months, the Federal Administrative Court (which replaced the Independent Administrative Board in January 2014) must review the lawfulness of detention on its own motion. Detainees have the right to appeal detention before the Federal Administrative Court. The Court has to decide within six months. However if a non-citizen is still held in detention when the appeal is submitted, the Court has to render its decision within one week. (Federal Office for Immigration and Asylum Procedures Act, article 22a). If the Federal Administrative Court finds detention unlawful, detainees are entitled to a compensation of 100 Euro per day (Asylkoordination Österreich 2014; European network for technical cooperation on the application of the Dublin II regulation 2012).

The state must provide free legal assistance to detainees. However, following the 2014

amendment to the Aliens' Police Act, legal advisers are not obligated to represent detainees during appeal proceedings (Federal Office for Immigration and Asylum Procedures Act, art. 51-52).

Two organisations are contracted to provide state-sponsored legal aid: ARGE Rechtsberatung (**Diakonie Flüchtlingsdienst** and Volkshilfe Oberösterreich) and **Verein Menschenrechte Österreich**. They receive a lump sum of 191 Euros per case, including the cost of hiring an interpreter. The NGO **Asylkoordination Österreich** suspects that interpreters are not always present (Asylkoordination Österreich 2014). **Verein Menschenrechte Österreich (VMÖ)** is funded by the Interior Ministry and reportedly collaborates closely with it. The Austria's Office of the United Nations High Commissioner for Refugees found in 2008 that asylum seekers dealt with by VMÖ were poorly informed about status of their proceedings and measures taken (UNHCR Österreich 2008). **Asylkoordination Österreich** assumed that VMÖ rarely submits appeals against detention. Reportedly, the VMÖ may be biased since it is also tasked to advise on voluntary return and assist the authorities with Dublin transfers (Asylkoordination Österreich 2014; European network for technical cooperation on the application of the Dublin II regulation 2012).

**Minors.** Article 76(1a) of the Aliens Police Act provides that minors below the age of 14 must not be detained (Zirnsack 2014). Yet, in 2011, the Human Rights Advisory Board at the Ministry of Interior found that children under 14 were kept in detention with their families when their parents agreed to keep the child with them rather than being separated from them (Menschenrechtsbeirat 2011).

Authorities are supposed to provide non-custodial ("alternative") measures for minors aged 14-16, unless certain facts justify the assumption that the purpose of the detention order cannot be achieved with alternatives. They may be held in detention if accommodation and care appropriate to their age and stage of development can be guaranteed (Aliens Police Act, articles 77(1) and 79(2)). Minors between 14-18 years can be detained up to two months (Aliens Police Act, article 80(2)(1)). Usually they are detained in the Family Detention Centre in Vienna Zinnergasse (see below under "Infrastructure").

In 2010, 18 minors under the age of 16 were detained, while 365 were granted alternative measures. In 2009, there was a similar proportion. While nine minors younger than 16 were detained, 357 benefited from alternatives (EMN NCP Austria 2014).

Minors between the ages 16-18 are detained more frequently. In 2010, 154 people in that age range were detained, while only 84 were offered non-custodial alternatives. Similarly, in 2009, 137 were detained, compared to 78 who benefited from alternatives (EMN NCP Austria 2014). According to the Interior Ministry's Human Rights Advisory Board, this limited use of alternatives with respect to minors is at odds with country's commitments under the Convention on the Rights of the Child (Menschenrechtsbeirat 2011).

The Aliens Police Act provides that minors and adults are to be detained separately. If

detention pending deportation is also been imposed on a parent or legal guardian, minor detainees are to be detained jointly with them unless their best interests requires separate detention (Aliens Police Act, article 79(3)).

In 2012, the [UN Committee on the Rights of the Child](#) (CRC) issued a detailed recommendation to Austria urging the country to ensure that children under the age of 14 are not placed in detention under any circumstances. It also recommended that detention measures for unaccompanied refugee and asylum-seeking children above 14 years only be used as a measure of last resort, when non-custodial measures are unavailable. Additionally, the Committee recommended Austria ensure that detention conditions are of a non-punitive character and in line with the special status of children as minors who are not suspected or convicted of any crime; that the age determination procedure applied to unaccompanied children be based on scientifically approved methods; and that each unaccompanied child be provided with a legal guardian (CRC 2012).

**Non-custodial measures.** The Federal Office for Immigration and Asylum is to provide non-custodial alternatives if it thinks that the purpose of the detention can be achieved without resorting to it. To be eligible for alternatives, a person must consent to identification procedures (Aliens Police Act, article 77(1)-(2)). The decision regarding whether to provide alternative measures must be provided in writing and can be appealed within two weeks (Aliens Police Act, article 77(8); EMN NCP Austria 2014).

Article 77(3) of the Aliens Police Act provides three types of alternatives: 1) residing at a particular address determined by the authority; 2) reporting periodically (every 24 hours) to a police station; and 3) providing a financial deposit to the Federal Office for Immigration and Asylum. In practice, two alternatives are most frequently applied, the residence restrictions and reporting obligations. These measures are usually applied together (EMN NCP Austria 2014).

Asylkoordination Österreich provides a detailed description of how alternatives function in practice. People benefiting from these measures stay in their own flats, regular reception facilities, facilities rented by the police, or NGOs' premises. They are to present themselves at the police offices of the Federal Police Directorates every day or every second day. Asylum seekers benefiting from an alternative to detention are not entitled basic medical care. However, necessary or emergency medical treatment is guaranteed (Asylkoordination Österreich 2014).

Since October 2011, a facility in Zinnergasse in the outskirts of Vienna serves as a non-secure facility to house people benefitting from a non-custodial measure. It accommodates up to 17 families (or 50 persons) in family apartments. In 2013, 154 people were housed in this facility, including 75 families (EMN NCP Austria 2014). Non-citizens accommodated in this facility can leave at will, but they must notify officers. There are always two police officers in residence. The facility is jointly operated by the police and the [association Menschen.Leben](#). The association's team is present during the day and is in charge of admission to the facility,

daily care, food distribution, crisis intervention, interpretation, and conflict prevention (EMN NCP Austria 2014).

The Zinnergasse facility also has detention sections, which are on the second and third floors of the building. These are family detention facilities (see below under the “Infrastructure”) (EMN NCP Austria 2014; Jell 2012).

Release on bail has been only recently adopted and is thus far rarely applied. The amount of the deposit is to be decided in each individual case, shall be proportionate and not exceed 1,716 euro (Ordinance Implementing the Aliens Police Act, article 13; Asylkoordination Österreich 2014; EMN NCP Austria 2014).

According to statistics from the Interior Ministry, during 2013 alternatives were accorded in 771 cases (16 percent); in 2012, in 925 cases (17 percent); in 2011, in 1,012 cases (16 percent); in 2010, in 1,404 cases (19 percent); and in 2009, in 1,877 cases (24 percent) (Asylkoordination Österreich 2014; EMN NCP Austria 2014).

The Aliens Police Act clarifies that the use of alternatives to detention must not conflict with coercive measures required for enforcement of deportation or transit. Where it is required to carry out these measures, those concerned may be instructed to stay in specific places up to 72 hours (Aliens Police Act, article 77(5)). If non-citizens fail to comply with regulations they may be put in detention (Aliens Police Act, article 77(4)).

In 2010, the [UN Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (CAT) recommended that Austria: “(a) Ensure that detention of asylum-seekers is used only in exceptional circumstances or as a measure of last resort; (b) Consider alternatives to detention and end the practice of detaining asylum-seekers in police holding centres” (CAT 2010).

**Criminalisation.** Section 15 of the Aliens’ Police Act provides penal sanctions. According to Article 120, entering Austria without authorisation is an administrative offense that can be punishable by a fine or imprisonment for up to two weeks. If it is a repeat offense, the fine rises to up to 5,000 Euros and imprisonment up to three weeks. An unlawful stay in Austria is also an administrative offence, punishable with a fine between 500-2,500 Euro, or where irrecoverable, with imprisonment up to two weeks. Where a foreigner was already once punished for unlawful stay, the fine would amount to 2,500-7,500 Euro, or a prison sentence of maximum of four weeks.

**Privatisation.** According to information received by the Global Detention Project, several private contractors have been involved in migrants’ detention and accommodation in Austria. These include the G4S, Homecare, and ORS Service.

At the detention centre in Vordernberg, which opened in January 2014, several tasks have been outsourced to G4S, including security, psychological care, leisure activities, and food

provision. Involvement of the private security firm has spurred many critics. Responding to a parliamentary query in 2013, the Interior Ministry explained that G4S agents, called administrative assistants, are only intended to assist police officers who keep all the sovereign functions (Asylkoordination Österreich 2014; Tiroler Tageszeitung 2013; Ofr 2013). The centre is managed by the police.

Until 2011, the German firm European Homecare managed four Austrian reception centres, where asylum seekers are accommodated during the asylum procedures (in Traiskirchen, Thalham, Bad Kreuzen, and Reichenau). European Homecare terminated the contract with the Interior Ministry because diminishing numbers of asylum seekers in the country made the business no longer profitable. In January 2012, the Swiss firm ORS took over management of the reception centres (Unzensuriert 2012; Die Presse 2010).

**European Committee for the Prevention of Torture.** The **Council of Europe's Committee for the Prevention of Torture** (CPT) has long been critical of Austria's immigration detention practices, particularly the country's use of facilities that confine both administrative immigration detainees and people in criminal processes. Observers argue that this pressure was important in spurring Austria to establish its first dedicated immigration detention facility, which began operating in January 2014.

Nevertheless, Austria is one of a small number of countries to have challenged CPT recommendations regarding the types of facilities used for immigration detention purposes (other countries have included **Cyprus** and **Germany**). In 1994, in response to the CPT's suggestion that it build a dedicated facility, Austrian authorities reasoned that although there were "advantages" to such a step, the country's priority was "to find a satisfactory solution to the basic situation prevailing in respect of the accommodation of detainees. Only after such a solution has been achieved will it be possible to envisage further improvements."

The CPT reiterated its advice after subsequent visits in 1999 and 2005. However, it was not until 2009—after the EU's adoption of the Return Directive, which stipulates that countries use specialized facilities for immigration detention—that Austria acquiesced, saying that plans were under way to build such a facility. Responding to the CPT's report after its visit in 2009, Austria stated:

"In order to optimize the implementation of national and international provisions and guidelines for the enforcement of deprivations of liberty by the aliens police, there are plans to set up a high-quality center in Vordernberg/Styria for nationals of third countries who have to return to their home countries. ... The Directive on the Return of Illegal Immigrants adopted by the European Parliament provides, inter alia, that as a rule foreign nationals are to be detained, in the course of measures ending their stay in Austria, in specialized detention facilities. This concept of detention is to be put into practice at the new detention facility, which will play a pioneer role pursuing an effective European return policy and in combating illegal migration. Building on international experience with specialized detention facilities for securing proceedings before the aliens police, a person's departure and expulsion as well as

based on the recommendations by the Human Rights Advisory Board and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), it is necessary to improve the framework conditions accordingly.”

A representative of the Austrian nongovernmental group Asylkoordination Österreich told a researcher at the Global Detention Project in 2011 that the government was persuaded to build a dedicated facility in part because of the pressure applied by the CPT, saying “they would not have done it without that pressure” (Langthaler 2011).

### **Detention Infrastructure**

Austria’s total immigration detention capacity is approximately 903. The country operates five long-term facilities with a total capacity of no less than 599. Only one of these facilities, in Vordernberg, is dedicated to immigration detention. The other long-term facilities include three police detention centres (PAZ) and a transit zone at the Vienna Airport, where migrants can be detained for up to six weeks. In addition, the country has a network of medium-term facilities where people can be detained for up to seven days. All but one of these facilities are PAZ; the total capacity of the facilities is 304 (EMN NCP Austria 2014).

**Police Detention Centres (PAZ).** The Aliens Police Act stipulates that immigration detention is to be carried out in facilities of the Police Administrations of the Federal Provinces (*Landespolizeidirektionen*) (Aliens Police Act, article 78(1)). These facilities are police detention centres (PAZ, or *Polizeianhaltezentrum*). The PAZ are under the authority of the Interior Ministry and operated by police. Besides immigration detainees, PAZ are mainly used to confine other, non-immigration-related “administrative detainees” (*Verwaltungshäftlinge*) for up to six weeks. Administrative detainees include people detained for administrative law infractions, including traffic offences and offences under the Security Police Act (Grasel 2014; Matti 2014; Keil 2011).

Besides administrative detainees, PAZ also confine criminal suspects (*Verwahrungshäftlinge*). They can be held for no more than 48 hours before being transferred to prison (Grasel 2014; Matti 2014; CPT 2010; CPT 2005). Since PAZ are authorized to detain people in police custody for committing a variety of crimes, they thus appear to function as police stations. An expert in Austria interviewed by the GDP agreed that this appeared to be an accurate assumption (Matti 2014). Therefore, in the GDP typology of places of detention, PAZ are coded as “(criminal) police stations” despite their dual function as administrative detention facilities.

Until recently there were some 15 PAZ used for immigration detention (Pfleger 2013). Since the opening of the new dedicated facility in Vordernberg in January 2014, only three PAZ have been used to detain migrants for periods exceeding one week: in **Salzburg** (capacity of 118); in **Wien Hernalser Gürtel** (capacity of 253); and in **Wien Rossauer Lände** (capacity of 108) (Asylkoordination Österreich 2014; Kessler 2014; EMN NCP Austria 2014).



Most PAZ are now only used to hold migrants detainees for periods of less than seven days. The GDP classifies these medium-term. These facilities include: **Bludenz** (capacity of 37), **Eisenstadt** (capacity of 12), **Graz** (capacity of 40), **Innsbruck** (capacity of 38), **Klagenfurt** (capacity of 56), **Linz** (capacity of 6), **St. Pölten** (capacity of 19), **Steyr** (capacity of 6), **Villach** (capacity of 18), and **Wels** (capacity of 22) (EMN NCP Austria 2014).

The CPT has visited PAZ on several occasions. During its 2009 visit, the Committee noted that the material conditions in the Innsbruck, Klagenfurt, and Vienna Hernalsel Gürtel PAZ were generally acceptable. Yet, it found that facilities at the Vienna Hernalsel Gürtel centre required significant improvements (CPT 2010).

The CPT also concluded that detention regimes varied between PAZ. For instance, it found that in Innsbruck and Klagenfurt the majority of detainees benefited from an open-door-regime and could move freely within the detention area during most of the day. Immigration detainees also had unlimited access to a communal recreation room, equipped with TV and table tennis. In contrast, at Vienna Hernalsel Gürtel PAZ, detainees were looked for all but one-hour each day (CPT 2010).

The CPT also found it problematic that at Vienna Hernalsel Gürtel a nurse was present for only two hours each day, while in other PAZ nursing functions were delegated to police officers with basic first aid training. The CPT reported that there was a lack of medical confidentiality because police officers were usually present during medical consultations and examinations, and medical records were often accessible to police officers (CPT 2010).

Following its 2012 visit, the **Council of Europe's Commissioner for Human Rights** stated: "The Commissioner is aware that numbers of rejected asylum-seekers and other persons kept in pre-deportation detention remain high in Austria. Many persons awaiting their expulsion are still being held, in some cases for months, in police detention centres which have been regularly criticised for their material conditions. Regular inspections by different bodies have noted some improvements but limited access to legal counsel and very limited possibilities for occupational activities have remained areas of concern" (Commissioner for Human Rights of the Council of Europe 2012).

**Vordernberg Immigration Detention Centre.** In January 2014, Austria opened its first long-term dedicated immigration detention facility, which is located in Vordernberg. The facility has a capacity of 220. However, during the first half of 2014, only 81 people were detained there.

The facility reportedly provides clean and modern conditions of detention, has communal areas equipped with sofas, and has an outside yard, library, prayer room, single visit rooms, and gym. Detainees can move freely within their living areas. The facility is also equipped with a secure rubber room for detainees who become aggressive or threatening. Detainees who protest their deportation can be transferred to a PAZ. Vordernberg is generally used to confine people who in principle agree to leave Austria on a voluntary basis (Tiroler Tageszeitung

2013).

The Vordernberg facility was reportedly established to comply with CPT recommendations dating back to the mid-90s, when it began urging the country not to detain migrants in criminal facilities (Langthaler 2011).

After its 2009 visit, the CPT stated: “The CPT has repeatedly expressed its misgivings regarding the long-standing practice in Austria of accommodating foreign nationals pending deportation in police establishments which are designed and staffed as holding facilities for criminal and administrative offenders. Clearly, these establishments have neither the material environment nor the human resources to cater adequately for foreign nationals who have applied for asylum or are awaiting deportation, or to offer a detention regime appropriate to the legal status of such persons. ... In this connection, the delegation was informed that the construction of a regional detention center exclusively for foreigners in ... [Styria] would begin. ... This is indeed a positive development and a good opportunity to recruit specially trained staff.”

The government responded: “The primary goal when building new detention facilities in order to secure proceedings before the aliens police, a person’s departure and/or expulsion, is to improve the currently existing conditions of detention (in particular in the detention areas of the police detention centers, which have evolved historically) for foreign nationals who are detained pending deportation, taking into consideration the human rights standards and national and international recommendations” (Government of Austria 2010).

Similarly, the CAT urged Austria in 2010 to “take immediate and effective measures to ensure that asylum-seekers who are detained pending deportation are held in detention centres specifically designed for that purpose, offering material conditions and a regime appropriate to their legal status” (CAT 2010).

Much of the public discussion regarding the new centre has revolved around the decision to outsource some of its operation to the private security firm G4S, whose activities in other countries have been repeatedly criticized (Corporate Watch 2012). Facility staff include 55 police officers and 68 private security guards from the G4S (Tiroler Tageszeitung 2013). In a parliamentary inquiry, the government explained that the legal enforcement tasks and organizational matters relating to the facility would remain in the hands of the state, while the private contractor would deal with daily management, security, basic health care services, psychological and social consulting, food distribution, and escort during the transfers.

Some observers have argued that it is not clear to whom detainees should complain in cases of grievances against private security personnel (Brickner 2014).

The municipality of Vordernberg, which hired G4S, receives more than 460,000 Euros per month from the Interior Ministry for the services provided (Government of Austria 2010; Orf 2013). The municipality has signed a 15-year contract with G4S with a total value of 64 million

Euros (Zaubauer 2014).

**Vienna Family Detention Facility.** Austria operates a family detention facility at its Zinnergasse centre, which also has premises that are used as non-secure housing for people granted alternatives to detention (see above under the “Non-custodial measures”). Alarm-protected doors serve to separate the different sections of the centre. The detention unit is used to detain both families and unaccompanied minors under the age of 16 for up to seven days.

Established in 2010, the detention unit has 12 flats, where 12 families or 50 people can be detained. During the day, detainees can move around freely on their floor (EMN NCP Austria 2014; Jell 2012). Since the authority over persons in both detention and alternatives to detention lies with the Interior Ministry and both sections are run by the police, presumably both sections are operated as a single administrative unit. Thus, in the GDP security regime typology, the Zinnergasse centre is coded as a mixed regime, with both “secure” and “non-secure” sections. Additionally, because it has two distinct functions, the facility has a dual typology, “immigration detention centre” and “reception centre.”

### **Facts & Figures**

As of July 2014, Austria had a total estimated immigration detention capacity of 903. There were four long-term facilities with a total capacity of 599, of which one was a dedicated facility (Vordernberg) and three were police detention centres, or PAZ (located in Wien Hernalser Gürtel, Salzburg, and Wien Rossauer Lände). In addition, there were 11 medium-term facilities with a total capacity of 304 used to hold people (EMN NCP Austria 2014).

In 2013, Austria detained 4,171 people for immigration-related reasons. This compares to 6,153 detained in 2010. In 2013, of the 4,171 detainees, 741 were asylum seekers. The percentage of asylum seekers in relation to the total number of immigration detainees has remained stable in recent years, hovering at 17-18 percent (EMN 2014).

The number of people benefitting from non-custodial alternatives has been decreasing. In 2013 alternatives were granted in 771 cases (16 percent); in 2012 in 925 cases (17 percent); in 2011 in 1,012 cases (16 percent); in 2010 in 1,404 cases (19 percent); and in 2009 in 1,877 cases (24 percent) (Asylkoordination Österreich 2014; EMN NCP Austria 2014).

In 2010, 172 children were detained, of whom 18 were between 14-16 and 154 between 16-18. That year, 449 minors benefitted from non-custodial alternatives (of whom 365 were between 14-16 and 84 between 16-18). In 2009, 146 children were detained while 435 were granted alternatives (EMN NCP Austria 2014).

The average length of detention has been decreasing. In 2009, the average length was approximately 24 days; in 2010, 21 days; in 2011, 18 days; in 2012, 17 days; and 15 in 2013 (EMN NCP Austria 2014).

With 17,520 asylum applications in 2013, Austria ranked ninth among EU countries. In 2012, 17,450 persons sought international protection; 14,455 in 2011; 11,060 in 2010; and 15,815 in 2009. In 2013, 935 unaccompanied minors requested asylum; 1,375 in 2012; 1,005 in 2011; 600 in 2010; and 1,040 in 2009 (Eurostat 2014).

In 2013, there were 1,333,800 non-citizens living in Austria, which represented 15.7 percent of the country's total population (UN DESA Population Division 2013). In 2013, the unemployment rate among migrants was 4.9 percent; 4.3 percent in 2012; and 4.2 percent in 2011 (Eurostat 2014).

In 2013, Austria apprehended 25,960 undocumented non-citizens; 23,135 in 2012; and 20,080 in 2011. 6,790 migrants were deported in 2013; 4,695 in 2012; and 5,225 in 2011 (Eurostat 2014).

As of 2008, the undocumented population was estimated to be between 18,000–54,000 (Kraler, Reichel, and Hollomey 2009).

<sup>1</sup> The GDP would like to thank Jana Löw for her research assistance.

<sup>2</sup> During the same period, Slovakia saw a 65 percent decrease in the numbers of immigration detainees, the Netherlands a 53 percent decrease, and Germany a 49 percent decrease.