

68th Federal Act enacting an Integration Act (*IntG, Integrationsgesetz*) and an Anti-Face-Covering Act (*AGesVG, Anti-Gesichtsverhüllungsgesetz*), and amending the Settlement and Residence Act (*NAG, Niederlassungs- und Aufenthaltsgesetz*), the Asylum Act 2005 (*AsylG, Asylgesetz 2005*), the Aliens Police Act 2005 (*FPG, Fremdenpolizeigesetz 2005*), the Nationality Act 1985 (*StbG, Staatsbürgerschaftsgesetz 1985*) and the Road Traffic Code 1960 (*StVO, Straßenverkehrsordnung 1960*)

The National Council has resolved:

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Article 1

Federal Act for the Integration of Persons without Austrian Nationality Legally Resident in Austria (Integration Act)

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PART 1**GENERAL PROVISIONS****Objective**

§ 1. (1) The objective of this Federal Act is to quickly integrate persons who are legally resident in Austria into Austrian society by systematically offering integration measures (the promotion of integration) and by means of the obligation to actively participate in the integration process (obligation to integrate).

(2) Austria's liberal and democratic political system is based on values and principles that are not debatable. These identity-shaping characteristics of the Republic of Austria and its legal system must be respected. They form the basis of the peaceful coexistence of people of various origins and thus for a cohesive Austrian society. Preserving this is also an objective of this Federal Act.

The term "integration"

§ 2. (1) Integration is a process involving all sections of society, whose success depends on all people living in Austria and is based on personal interaction. Integration requires, in particular, that immigrants actively participate in this process, accept the integration measures offered, and acknowledge and respect the fundamental values of a European democratic country. All state institutions at the federal, provincial and municipal levels must also make their contribution towards a successful integration process by systematically offering integration measures within their areas of competence. Integration as a process involving all sections of society demands concerted action by the various actors of the state and of civil society and requires an active contribution from any individual person in Austria, within that person's possibilities.

(2) Integration measures are intended to enable persons to participate in social, economic and cultural life in Austria. Of key importance in this regard is participation through gainful work, access to and acceptance of education offers, equal treatment of the sexes, and the rapid achievement of the ability to earn one's living. The receipt of Austrian citizenship is intended to mark the final point of a comprehensive integration process.

Scope of application

§ 3. This Federal Act regulates the integration of the following persons who are legally resident in Austria and who are not Austrian citizens, as far as the promotion of language learning and orientation are concerned:

1. persons entitled to asylum pursuant to § 2 para 1 subpara 15 of the Asylum Act 2005, Federal Law Gazette I No 100/2005,
2. persons holding subsidiary protection status pursuant to § 2 para 1 subpara 16 of the Asylum Act 2005,
3. third-country nationals pursuant to § 2 para 1 subpara 6 of the Settlement and Residence Act, Federal Law Gazette I No 100/2005, who are legally settled (§ 2 para 2 of the Settlement and Residence Act).

PART 2 INTEGRATION MEASURES

Chapter 1

Promotion of language learning and orientation for persons entitled to asylum and persons holding subsidiary protection status

German courses

§ 4. (1) The federal government must promote German courses for persons entitled to asylum and persons holding subsidiary protection status (§ 3 subparas 1 and 2) from the age of 15 that enable them to become literate in the Latin script, if required, and reach a language level of at least A2 pursuant to the Common European Framework of Reference for Languages.

(2) To implement this objective in the best possible manner and to ensure concerted action, the following tasks are allocated between the ministries involved:

- a) The Federal Minister for Europe, Integration and Foreign Affairs must provide measures for German courses at A1 language level. The German courses must teach values and orientational knowledge as compulsory subjects (§ 5 para 4). These measures must be implemented by the Austrian Integration Fund, which can engage course providers for that purpose.
- b) The Federal Minister of Labour, Social Affairs and Consumer Protection must provide measures for German courses at A2 language level from the age of 15 for the target group of persons entitled to asylum and persons holding subsidiary protection status who are able to work. The German courses must teach values and orientational knowledge as compulsory subjects (§ 5 para 4). These measures are implemented by the Public Employment Service Austria (AMS). The courses must also teach job-specific language skills to promote swift integration into the labour market.

(3) Measures for courses pursuant to para 2 (a) and (b) for persons entitled to asylum and persons holding subsidiary protection status who are available for being placed in a job pursuant to § 7 para 2 of the Unemployment Insurance Act 1977 (*AIVG, Arbeitslosenversicherungsgesetz 1977*), Federal Law Gazette No 609/1977, must be offered as measures for integration into the labour market pursuant to § 12 para 5 of the Unemployment Insurance Act. A person who does not speak any German or only speaks a little German is also deemed to be available for being placed in a job pursuant to § 7 (2) of the Unemployment Insurance Act.

Values and orientation courses

§ 5. (1) The Federal Minister for Europe, Integration and Foreign Affairs must provide values and orientation courses for persons entitled to asylum and persons holding subsidiary protection status (§ 3 subparas 1 and 2) from the age of 15. The courses are implemented by the Austrian Integration Fund.

(2) For persons entitled to asylum and persons holding subsidiary protection status who are available for being placed in a job pursuant to § 7 para 2 of the Unemployment Insurance Act, values and orientation courses pursuant to para 1 must be offered as measures for integration into the labour market pursuant to § 12 para 5 of the Unemployment Insurance Act in cooperation with the Austrian Integration Fund.

(3) The values and orientation courses must teach participants about the democratic system and the fundamental principles derivable from it (fundamental values of the legal and social systems), and about the rules of peaceful coexistence. The dignity of human beings, equal rights of all human beings, and the right of every individual to a self-determined and self-responsible life, which are fundamental values of this kind, must be dealt with in any event.

(4) The curricula of the German courses pursuant to § 4 para 1 must include the subjects of the values and orientation courses, which must be dealt with in depth in such courses. For that purpose, the

Austrian Integration Fund must equip the course providers with appropriate curricula for the German language levels A1 to B2.

Obligations to cooperate and sanctions

§ 6. (1) In a compulsory integration declaration, persons entitled to asylum and persons holding subsidiary protection status (§ 3 subparas 1 and 2) must undertake to comply with the fundamental values of the legal and social systems and are obliged to fully participate in, cooperate with regard to, and complete the courses offered pursuant to § 4 and § 5 that can reasonably be expected from them. The compulsory integration declaration must be signed at the integration centre of the Austrian Integration Fund that is competent for the relevant province, in particular as part of the obligation of compliance pursuant to § 67 of the Asylum Act. In those provinces where an equivalent integration declaration must be signed on the basis of provincial legislation, the integration declaration need not be signed at the Austrian Integration Fund if the person entitled to asylum or person holding subsidiary protection status has submitted the signed declaration that is subject to provincial legislation. A declaration containing the obligations pursuant to the first sentence is, in particular, deemed to be an equivalent integration declaration.

(2) **(fundamental provision)** In the event of non-compliance with the obligations pursuant to para 1, the entities of the provinces that are competent for paying benefits of social assistance or means-tested minimum income must sanction their recipients in accordance with the requirements of provincial legislation applying to the lack of willingness to use one's capacity to work.

(3) The provisions pursuant to § 10 of the Unemployment Insurance Act apply to persons receiving benefits pursuant to § 6 para 1 subpara 1 or 2 of the Unemployment Insurance Act.

Chapter 2

Promotion of language learning and orientation for legally settled third-country nationals

Integration agreement

§ 7. (1) The integration agreement serves to integrate third-country nationals who are legally settled in the federal territory (§ 3 subpara 3) and aims to enable them to participate in social, economic and cultural life in Austria. Under this agreement, third-country nationals are obliged to acquire German language skills and knowledge of the democratic system and the fundamental principles derivable from it. The federal government contributes to the costs in accordance with the legal requirements (§ 14).

(2) The integration agreement is comprised of two sequential modules:

1. module 1 serves to enable the acquisition of German language skills for the purpose of advanced basic language usage at A2 language level pursuant to the Common European Framework of Reference for Languages and to obtain knowledge of the fundamental values of the legal and social systems;
2. module 2 serves to acquire German language skills for independent language usage at B1 language level pursuant to the Common European Framework of Reference for Languages and to obtain advanced knowledge of the fundamental values of the legal and social systems.

(3) The Federal Minister for Europe, Integration and Foreign Affairs must determine, by regulation, the details regarding the contents of modules 1 and 2 of the integration agreement.

Jurisdiction

§ 8. (1) The authority that has subject-matter and territorial jurisdiction (§ 3 and § 4 of the Settlement and Residence Act) is the authority pursuant to this Chapter, with the exception of § 16.

(2) The administrative court of a province that has territorial jurisdiction pursuant to the Settlement and Residence Act decides on complaints against decisions made pursuant to this Chapter (§ 3 para 2 of the Settlement and Residence Act in connection with § 4 para 2 of the Settlement and Residence Act).

Module 1 of the integration agreement

§ 9. (1) As soon as they are granted a residence permit pursuant to § 8 para 1 subparas 1, 2, 4, 5, 6 or 8 of the Settlement and Residence Act for the first time, third-country nationals (§ 2 para 1 subpara 6 of the Settlement and Residence Act) are obliged to comply with module 1 of the integration agreement. Third-country nationals must be notified of that obligation, and evidence of the notification must be provided.

(2) Third-country nationals must meet the obligation of compliance pursuant to para 1 within two years of the first time that they were granted a residence permit pursuant to § 8 para 1 subparas 1, 2, 4, 5, 6 or 8 of the Settlement and Residence Act. Considering the personal living circumstances of a third-

country national, the period of the obligation of compliance can be extended by an administrative decision upon application. The extended period must not be longer than twelve months each time; it interrupts the periods pursuant to § 14.

(3) For the period of five years from the expiry of the validity of the residence permit last granted pursuant to § 8 subparas 1, 2, 4, 5, 6 or 8 of the Settlement and Residence Act, periods during which a third-country national was subject to the obligation of compliance are deducted from the period of the obligation of compliance pursuant to para 2.

(4) Module 1 of the integration agreement is complied with if the third-country national

1. submits evidence by the Austrian Integration Fund of the successful completion of the integration exam pursuant to § 11,
2. submits equivalent evidence pursuant to § 11 para 4 of the successful completion of the integration exam,
3. has obtained a school-leaving certificate evidencing the possession of the general university entrance qualification pursuant to § 64 para 1 of the Universities Act 2002 (*UG, Universitätsgesetz 2002*), Federal Law Gazette I No 120/2002, or corresponding to a school-leaving certificate of an intermediate secondary technical and vocational school, or
4. has a Red-White-Red Card residence permit pursuant to § 31 para 1 or 2 of the Settlement and Residence Act.

Compliance with module 2 (§ 10) includes module 1.

(5) Third-country nationals

1. who will be below the age of 14 until the end of the period of the obligation of compliance pursuant to para 2;
2. who cannot be expected to comply with the module due to their physical or mental state of health, which the third-country national must evidence by means of an expert opinion by a public health officer;
3. if they state in writing that their stay is not intended to exceed a period of 24 months within three years; this statement must contain an irrevocable waiver of submitting another application for renewal as defined in § 2 para 1 subpara 11 of the Settlement and Residence Act following the first application for renewal;

are exempt from the obligation of compliance pursuant to para 1.

(6) The authority can, of its own accord, determine by an administrative decision that a third-country national has not complied with module 1 of the integration agreement as he or she lacks the required skills pursuant to § 7 para 2 subpara 1 although evidence pursuant to para 4 subpara 1 or 2 has been submitted.

(7) At the time of submission in a renewal procedure (§ 24 of the Settlement and Residence Act), evidence of compliance with module 1 pursuant to para 4 subpara 1 or 2, or para 4 in connection with § 10 para 2 subpara 1 or 2 must not be older than two years.

Module 2 of the integration agreement

§ 10. (1) By the time they file an application for the granting of a residence permit pursuant to § 45 of the Settlement and Residence Act, third-country nationals (§ 2 para 1 subpara 6 of the Settlement and Residence Act) must have completed module 2 of the integration agreement.

(2) Module 2 of the integration agreement is complied with if the third-country national

1. submits evidence by the Austrian Integration Fund on the successful completion of the integration exam pursuant to § 12,
2. submits equivalent evidence pursuant to § 12 para 4 of the successful completion of the integration exam,
3. is a minor and attends a primary school (§ 3 para 3 of the School Organisation Act [*SchOG, Schulorganisationsgesetz*], Federal Law Gazette No 242/1962) to meet compulsory education requirements, or has attended such a school in the preceding semester,
4. is a minor and attends a secondary school (§ 3 para 4 of the School Organisation Act) and evidences positive assessment in the subject of German by submitting the annual grade report last issued or the mid-year grade report last issued,
5. evidences at least five years' attendance of a compulsory education school and has successfully completed the subject of German or successfully completed the subject of German at the level of grade 9 or evidences positive assessment in the subject of German – Communication and Society

as part of the examination to complete compulsory education pursuant to the Act on the Examination to Complete Compulsory Education (*Pflichtschulabschluss-Prüfungs-Gesetz*), Federal Law Gazette I No 72/2012,

6. evidences successful completion of the subject of German after at least four years of instruction in German at a foreign secondary school,
 7. has completed a final apprenticeship examination pursuant to the Act on Vocational Education (*BAG, Berufsausbildungsgesetz*), Federal Law Gazette No 142/1969, or a skilled worker examination pursuant to the Vocational Training in Agriculture and Forestry Acts (*LFBAG, Land- und forstwirtschaftliches Berufsausbildungsgesetz*) of the provinces, or
 8. was enrolled at a post-secondary educational institution for at least two years, studied a subject with German as the language of instruction, and evidences appropriate academic performance in that subject worth at least 32 ECTS credits (16 weekly credit hours), or completed an appropriate post-secondary degree programme.
- (3) Para 1 does not apply to third-country nationals
1. who, at the time when the application is submitted, are minors and are not yet subject to compulsory education;
 2. who cannot be expected to comply with the module due to their permanently poor physical or mental state of health, which the third-country national must evidence by means of an expert opinion by a public health officer.

(4) The authority can, of its own accord, determine by an administrative decision that a third-country national has not complied with module 2 of the integration agreement as he or she lacks the required skills pursuant to § 7 para 2 subpara 2 although evidence pursuant to para 2 subpara 1 or 2 has been submitted.

Integration exam to comply with module 1

§ 11. (1) The integration exam to comply with module 1 is carried out in accordance with uniform standards all over Austria.

(2) The exam covers language and values contents. The exam serves to determine whether the third-country national has the advanced basic German skills to communicate and to read and write texts of everyday life at A2 language level pursuant to the Common European Framework of Reference for Languages and knowledge of the fundamental values of the legal and social systems of the Republic of Austria. Exam performance must be assessed as Pass or Fail. For the successful completion of the exam, both knowledge of the language and of values must be evidenced. Failed exams may be repeated. It is not permitted to repeat individual parts of the exam.

(3) The integration exam to comply with module 1 must be carried out by the Austrian Integration Fund or by an institution certified by the Austrian Integration Fund to carry out exams as required by the integration agreement and thus entitled to issue equivalent evidence pursuant to para 4.

(4) Upon a written application by an institution intending to carry out the integration exam, the Austrian Integration Fund decides, by an administrative decision, on the equivalence of evidence pursuant to § 9 para 4 subpara 2 in accordance with the regulation by the Federal Minister for Europe, Integration and Foreign Affairs pursuant to para 5.

(5) The contents of the exam, the manner of carrying out the exam, the exam regulations to comply with module 1 and the criteria for determining equivalence are determined by a regulation by the Federal Minister for Europe, Integration and Foreign Affairs.

(6) The Austrian Integration Fund can revoke certification during its validity by an administrative decision if the integration exam does not comply with the regulation pursuant to para 5. After the revocation of certification, a repeated application for certification is permitted no earlier than after six months.

Integration exam to comply with module 2

§ 12. (1) The integration exam to comply with module 2 is carried out in accordance with uniform standards all over Austria.

(2) The exam covers language and values contents. The exam serves to determine whether the third-country national has the advanced German skills to independently use the language at B1 language level pursuant to the Common European Framework of Reference for Languages and advanced knowledge of the fundamental values of the legal and social systems of the Republic of Austria. Exam performance must be assessed as Pass or Fail. For the successful completion of the exam, knowledge of the language

and of values must be evidenced. Failed exams may be repeated. It is not permitted to repeat individual parts of the exam.

(3) The integration exam to comply with module 2 must be carried out by the Austrian Integration Fund or by an institution certified by the Austrian Integration Fund to carry out exams as required by the integration agreement and thus entitled to issue equivalent evidence pursuant to para 4.

(4) Upon a written application by an institution intending to carry out the integration exam, the Austrian Integration Fund decides, by an administrative decision, on the equivalence of evidence pursuant to § 10 para 2 subpara 2 in accordance with the regulation by the Federal Minister for Europe, Integration and Foreign Affairs pursuant to para 5.

(5) The contents of the exam, the manner of carrying out the exam, the exam regulations to comply with module 2 and the criteria for determining equivalence are determined by a regulation by the Federal Minister for Europe, Integration and Foreign Affairs.

(6) The Austrian Integration Fund can revoke certification during its validity by an administrative decision if the integration exam does not comply with the regulation pursuant to para 5. After the revocation of certification, a repeated application for certification is permitted no earlier than after six months.

Integration courses

§ 13. (1) Integration courses serve to prepare participants for the integration exam to comply with module 1 (§ 11). Integration courses are offered by certified course providers pursuant to paras 2 and 3 and represent one of the requirements of the contribution to the costs pursuant to §14. In any event, these courses must include advanced basic German skills to communicate and to read and write texts of everyday life and topics of everyday life with civic elements and topics to convey the fundamental values of the legal and social systems to enable legally settled third-country nationals to participate in social, economic and cultural life in Austria.

(2) The Austrian Integration Fund certifies course providers upon a written application and evaluates the integration exam and the syllabuses taught. The course providers are certified to carry out the integration courses for a validity period of up to three years; upon a written application, certification can be renewed by up to three more years each time.

(3) The contents of the courses as regards learning targets, teaching methods, qualifications of the teaching staff, the number of teaching units, the form and contents of the course certificates, detailed provisions on how to carry out the integration courses and on the documentation obligations of the course providers are determined by a regulation by the Federal Minister for Europe, Integration and Foreign Affairs.

(4) The Austrian Integration Fund can revoke certification during its validity if the learning targets, teaching methods or the qualifications of the teaching staff do not comply with para 1 or with the regulation issued pursuant to para 3, or if the provisions on the documentation obligations of the regulation issued pursuant to para 3 are grossly disregarded. Certification can also be revoked if the course provider does not hold a certified integration course for more than twelve consecutive months. After the revocation of certification, a repeated application for certification is permitted no earlier than after six months.

Contribution to the costs

§ 14. (1) The federal government reimburses 50 per cent of the costs of an integration course pursuant to § 13 to family members pursuant to § 47 para 2 of the Settlement and Residence Act and to family members of legally settled third-country nationals in cases pursuant to § 46 paras 1, 3 and 4 of the Settlement and Residence Act if the requirements of para 2 are met.

(2) The cost contribution by the federal government pursuant to para 1 requires that the family member

1. has attended at least 75 per cent of the teaching units, and
2. has successfully completed the integration exam to comply with module 1 with evidence pursuant to § 9 para 4 subpara 1 no later than within 18 months after having acquired the obligation of compliance.

(3) The Federal Minister for Europe, Integration and Foreign Affairs, by agreement with the Federal Minister of Finance, is authorised to determine, by a regulation, the maximum amount contributed by the federal government pursuant to para 1. The maximum amount must be in line with the costs of the available integration courses.

Reporting obligations

§ 15. (1) No later than at the beginning of the courses, certified course providers pursuant to § 13 para 2 must name the participants of the integration courses to the Austrian Integration Fund. For that purpose, the names and dates of birth, nationalities and residential addresses of the course participants, and upon completion of the courses the lists of participants, must be provided to the Austrian Integration Fund to facilitate the efficient administrative organisation of carrying out the integration exams.

(2) To ensure proper completion of the integration exams, the Austrian Integration Fund and the institutions certified by it pursuant to § 11 para 4 or § 12 para 4 that carry out integration exams must notify the authority upon request whether or not a third-country national has complied with module 1 or 2 of the integration agreement (§ 7 para 2 subpara 1 or 2). For that purpose, the names and dates of birth, nationalities and residential addresses of the course participants, and, if required, the date of the passed exam, must be provided.

Promotion of integration

§ 16. (1) Without prejudice to the other provisions of this Chapter, the integration of legally settled third-country nationals (§ 3 subpara 3) can be promoted.

(2) The Austrian Integration Fund can hold orientation talks with a third-country national, identify special integration requirements and recommend specific steps to improve his or her integration.

(3) Measures to promote integration include, without limitation,

1. language courses;
2. basic and advanced training courses;
3. events organised to provide an introduction to Austrian culture and history;
4. events arranged jointly with Austrian citizens to promote mutual understanding; and
5. other services of the Austrian Integration Fund.

(4) To the extent possible, private, humanitarian and church institutions as well as independent welfare institutions or municipal institutions must be engaged to implement the promotion of integration. The services to be provided must be set out in a contract under private law, which must also regulate the reimbursement of costs.

(5) To the extent that the Federal Minister for Europe, Integration and Foreign Affairs is authorised to enter into treaties made by ministers pursuant to Article 66 para 2 of the Federal Constitutional Law (*B-VG, Bundesverfassungsgesetz*), the Federal Minister for Europe, Integration and Foreign Affairs can agree on cooperation in international organisations whose purpose is to tackle problems regarding the integration of legally settled third-country nationals in Europe.

PART 3

INSTITUTIONAL MEASURES

Chapter 1

Expert Council for Integration and Advisory Committee on Integration

Expert Council for Integration

§ 17. (1) An Expert Council for Integration was established as an advisory body in the Federal Ministry for Europe, Integration and Foreign Affairs to provide support on issues of integration policy of fundamental significance. This body is comprised of persons who have comprehensive expertise in the area of integration, of which evidence is available. At least 40 per cent of the members of the Expert Council for Integration must be women. As long as this requirement is not met, members whose inclusion ensures compliance with this requirement must be selected whenever new members are appointed.

(2) In coordination with the Federal Minister for Europe, Integration and Foreign Affairs, the Expert Council for Integration can form subject-specific expert groups. These groups can also include experts who are not members of the Expert Council for Integration.

(3) The Federal Minister for Europe, Integration and Foreign Affairs provides the Expert Council for Integration with the personnel and physical resources required to handle the administrative activities in the form of a secretariat. For their activities in the Expert Council, the members of the Expert Council receive an expense allowance and a reimbursement of their travelling expenses. The Expert Council for Integration adopts rules of procedure for itself.

Tasks of the Expert Council for Integration

§ 18. (1) The Expert Council for Integration

1. supports implementation of the National Action Plan for Integration and further integration strategies. For that purpose, it develops proposals for measures and can propose its own integration strategies;
2. prepares an annual integration report that deals with, and puts into context, annual developments on the basis of integration monitoring (§ 21), and proposes recommendations for action;
3. publishes the annual integration report and submits it to the members of the Advisory Committee on Integration. The members of the Advisory Committee on Integration can make comments on the integration report within ten weeks of its submission.

(2) In pursuing its activities, the Expert Council for Integration is independent, not bound by any instructions, and only bound by the mandate given to it by this Federal Act.

Advisory Committee on Integration

§ 19. (1) The Advisory Committee on Integration is intended to promote the comprehensive exchange of knowledge, information and opinions on integration issues of general significance and to contribute to networking across competences.

(2) The members of the Advisory Committee on Integration are appointed by the Federal Minister for Europe, Integration and Foreign Affairs for a term of five years. The following are members of the Advisory Committee on Integration:

1. one representative each of the federal ministries, upon the proposal of the relevant federal minister;
2. one representative each, upon the proposal of every province;
3. one representative each, upon the proposal of the Association of Austrian Municipalities and the Association of Austrian Cities and Towns;
4. one representative each, upon the proposal by the Federal Chamber of Labour, the Austrian Federal Economic Chamber, the Austrian Trade Union Federation, the Federation of Austrian Industry, and the Presidential Conference of the Austrian Chambers of Agriculture;
5. one representative of the Austrian Integration Fund, and one representative each of five exclusively humanitarian or church institutions determined by the Federal Minister for Europe, Integration and Foreign Affairs that are dedicated to integration, in particular;
6. one representative of the Office of the United Nations High Commissioner for Refugees (UNHCR).

(3) The representative of the Austrian Integration Fund chairs the Advisory Committee on Integration and convenes its meetings.

(4) The Federal Minister for Europe, Integration and Foreign Affairs provides the Advisory Committee on Integration with the personnel and physical resources required to handle the administrative activities. The Advisory Committee on Integration adopts rules of procedure for itself.

Tasks of the Advisory Committee on Integration

§ 20. (1) The Advisory Committee on Integration

1. serves the purpose of mutual reporting by the members represented in the Advisory Committee on Integration on the state of implementation of the National Action Plan for Integration and further national integration strategies in their relevant areas of competence;
2. discusses recommendations by the Expert Council for Integration and their implementation;
3. discusses the result of integration monitoring (§ 21) and can make comments on it.

(2) By 15 March every year, the members of the Advisory Committee on Integration must submit to the Research Coordination Office of the Federal Minister for Europe, Integration and Foreign Affairs the previous year's data described in § 21 para 2 in anonymous form for the purpose of integration monitoring so that such data can be discussed in the first meeting of a given calendar year. Later, the complete data must be provided to the members of the Advisory Committee on Integration upon request.

(3) The Advisory Committee on Integration is only bound by the mandate given to it by this Federal Act.

Chapter 2

Integrating monitoring and integration research

Integration monitoring

§ 21. (1) For the purpose of networking across competences and a concerted integration strategy of the various integration actors, integration monitoring is established with the Federal Ministry for Europe, Integration and Foreign Affairs.

(2) Provided that the data are submitted in time (§ 20 para 2), integration monitoring must include data on asylum and residence, school education and adult education, social benefits, the labour market, German courses, values and orientation courses, and academic research:

1. the duration of proceedings on applications for international protection from the time of the application, the number of applications for international protection and for a residence title for exceptional circumstances pursuant to the Asylum Act 2005, of applications for international protection or for a residence title for exceptional circumstances pursuant to the Asylum Act 2005 finally dismissed by the Federal Office for Immigration and Asylum for formal reasons or on the merits, and of persons who were legally granted asylum status and persons who were legally granted subsidiary protection status, of the residence titles granted for exceptional circumstances pursuant to the Asylum Act 2005, and of unaccompanied minor applicants for asylum in the previous calendar year, broken down by nationality and country of origin, age and sex;
2. the distribution of persons entitled to asylum and persons holding subsidiary protection status in Austria according to their principal place of residence, broken down by municipalities;
3. the number of residence permits granted pursuant to the Settlement and Residence Act, and of residence permits that were not renewed because of non-compliance with the integration agreement in the previous calendar year;
4. the number of persons registered with the Public Employment Service Austria (AMS) as looking for work (including the persons participating in training measures), persons who took up work, and recipients of unemployment assistance in the previous calendar year, broken down by their residence status and the level of education;
5. the number of ordinary and extraordinary students attending a school in the previous year, broken down by sex, nationality and type of school;
6. the number of persons attending a language start group or a language support course pursuant to § 8e of the School Organisation Act, broken down by school type in the previous school year;
7. the number of budgeted positions for native-language tuition and the languages offered in the previous school year, broken down by regional distribution by province and school type;
8. the number of subsidised places on courses and courses completed pursuant to the Agreement between the Federal Government and the Provinces under Article 15a of the Federal Constitutional Law on the Promotion of Educational Measures in Basic Education and of Educational Measures to Complete Compulsory Education Later in Life, Federal Law Gazette I No 30/2015, in the previous school year, broken down by the type of educational measure, sex and nationality;
9. the number of apprentices and cancellations of apprenticeships in the previous school year;
10. the number of recipients of means-tested minimum income and of recipients who were sanctioned with regard to means-tested minimum income because of a lack of cooperation concerning integration measures (in particular, German courses and values and orientation courses) in the previous year;
11. the number of values and orientation courses, the courses completed, and the persons on the waiting lists for these courses in the previous calendar year;
12. the number of surveys or integration research projects commissioned or subsidised, including a brief description of the results, in the previous calendar year.

(3) As the competent members of the Advisory Committee on Integration pursuant to § 19 para 2, the representative or the representatives

1. of the Federal Ministry of the Interior must submit the data pursuant to para 2 subparas 1 to 3,
2. of the Federal Ministry of Labour, Social Affairs and Consumer Protection must submit the data pursuant to para 2 subpara 4,
3. of the Federal Ministry of Education must submit the data pursuant to para 2 subparas 5 to 8,
4. of the Federal Ministry of Science, Research and the Economy must submit the data pursuant to para 2 subpara 9,

5. of the provinces must submit the data pursuant to para 2 subpara 10,
6. of the Austrian Integration Fund must submit the data pursuant to para 2 subpara 11,
7. the relevant competent member of the Advisory Committee on Integration who commissioned the surveys or integration research projects must submit the data pursuant to para 2 subpara 12.

(4) With the exception of the data pursuant to para 2 subparas 5 to 8, the members of the Advisory Committee on Integration (§ 19 para 2) must submit the data as non-personal data pursuant to the Data Protection Act 2000 (*DSG, Datenschutzgesetz 2000*), Federal Law Gazette I No 165/1999, broken down by sex, nationality of the persons and by whether they are entitled to asylum, hold subsidiary protection status, are asylum seekers or other third-country nationals or EEA citizens within the meaning of § 2 para 1 subpara 4 of the Settlement and Residence Act.

(5) The results of integration monitoring are presented to the members of the Advisory Committee on Integration and discussed in the first meeting of the Advisory Committee on Integration in a calendar year.

Research Coordination Office

§ 22. (1) For the purpose of gaining comprehensive academic knowledge of the integration of persons without Austrian citizenship, a Research Coordination Office is established with the Federal Ministry for Europe, Integration and Foreign Affairs.

(2) The Research Coordination Office of the Federal Ministry for Europe, Integration and Foreign Affairs

1. promotes the gain of academic knowledge in integration matters and can carry out or commission research projects for that purpose;
2. gathers material from existing surveys (§ 21 para 2);
3. coordinates the various future research measures;
4. can carry out a survey of existing measures and develop new measures on that basis;
5. promotes, in particular, measures for the prevention of radicalisation and regularly coordinates the relevant research with other federal ministries.

(3) The mutual exchange of information between the actors involved in integration matters must be ensured, in particular with the Federal Ministry of Education, the Federal Chancellery and the Federal Ministry of Science, Research and the Economy as well as with the members of the Advisory Committee on Integration.

PART 4

PENAL AND FINAL PROVISIONS

Breaches of obligations under the integration agreement

§ 23. (1) Whoever is obliged to comply with module 1 of the integration agreement and does not provide evidence of compliance two years after he or she was granted a residence permit pursuant to the Settlement and Residence Act or, if an extension pursuant to § 9 para 2 was granted, after expiry of that period, for reasons exclusively attributable to him or her, commits an administrative offence and must be fined up to €500 or, if the fine cannot be collected, imprisoned for a period of up to two weeks.

(2) Whoever

1. arranges for another person to take the integration exam in his or her name to comply with module 1 or 2, or
 2. takes the integration exam to comply with module 1 or 2 for another person in that person's name
- commits an administrative offence and must be fined €500 to €2,500 or, if the fine cannot be collected, imprisoned for a period of up to six weeks.

(3) Whoever uses unauthorised aids for the integration exam to comply with module 1 or 2, commits an administrative offence and must be fined €1,000 or, if the fine cannot be collected, imprisoned for a period of up to two weeks.

(4) Whoever issues evidence pursuant to § 9 para 4 subpara 1 or 2 or § 10 para 2 subpara 1 or 2 although that person knows or should know that the third-country national does not have the required knowledge, commits an administrative offence and must be fined €1,000 to €5,000 or, if the fine cannot be collected, imprisoned for a period of up to three weeks.

(5) The district administrative authority which has territorial jurisdiction is the penal authority in the cases of paras 1 to 4.

Use of data

§ 24. (1) The Austrian Integration Fund is authorised to use the personal data lawfully obtained by it to the extent this is required to fulfil the tasks delegated to it by this Federal Act; using the data in the context of § 8 of the Federal Primary Care Act 2005 (*GVG-B, Grundversorgungsgesetz – Bund 2005*), Federal Law Gazette No 405/1991, is permitted. The categories of data concerned include, without limitation: names, sex, date and place of birth, residential addresses, nationality, date of entry into the country, social insurance number, residence status, validity period of the stay permit or residence permit, issuing authorities, dates of issue and numbers of the documents that a person is carrying, contact details, bank details for paying the cost contribution pursuant to § 14, language level, and native language.

(2) The Austrian Integration Fund is authorised and, upon request, obliged to electronically submit the data processed pursuant to para 1 to the Public Employment Service Austria (AMS) and to the entities of the provinces competent for paying benefits of social assistance or means-tested minimum income to the extent they need such data to execute this Federal Act. The Austrian Integration Fund must submit such data to other entities of the federal government or the provinces to the extent they need such data to implement the promotion of integration.

(3) The Austrian Integration Fund must delete the data submitted pursuant to para 1 six years after the end of the measures under this Federal Act unless they are required for other tasks delegated by legislation, or in pending proceedings.

Execution

§ 25. (1) The execution

1. of § 4 para 2 (b) und § 6 para 3 is entrusted to the Federal Minister of Labour, Social Affairs and Consumer Protection,
2. of § 14 para 3 is entrusted to the Federal Minister for Europe, Integration and Foreign Affairs by agreement with the Federal Minister of Finance,
3. of the other provisions is entrusted to the Federal Minister for Europe, Integration and Foreign Affairs.

(2) In fulfilling the tasks delegated to it by this Federal Act, with the exception of § 19 para 3, the Austrian Integration Fund is bound by the instructions of the Federal Minister for Europe, Integration and Foreign Affairs.

References

§ 26. References in this Federal Act to other federal acts are deemed to be references to the federal acts as amended from time to time.

Entry into force

§ 27. (1) § 1 to § 6 and § 17 to § 28 of this Federal Act enter into force after the end of the date of its promulgation. § 7 to § 16, with the exception of § 13 para 2, enter into force on 1 October 2017. § 13 para 2 enters into force on 1 January 2018.

(2) Regulations on the basis of this Federal Act can already be issued from the date following its promulgation. However, they may enter into force no earlier than at the time when this Federal Act enters into force.

(3) Unless the fundamental provision in § 6 para 2 has been implemented in applicable provincial legislation, the implementing legislation of the provinces must be adopted within six months of the date following the promulgation of this Federal Act.

Transitional provisions

§ 28. § 4, § 5 and § 6 of this Federal Act are not applicable to persons who were granted asylum status pursuant to § 3 of the Asylum Act 2005 or subsidiary protection status pursuant to § 8 of the Asylum Act 2005 before 1 January 2015.

Article 2
Federal Act on the Prohibition of Face Covering in Public
(Anti-Face-Covering Act)

Objectives

§ 1. The objectives of this Federal Act are to promote integration by strengthening participation in society and to secure peaceful coexistence in Austria. Integration is a process involving all sections of society whose success depends on the cooperation of all people living in Austria and is based on personal interaction.

Prohibition of covering one's face

§ 2. (1) Whoever covers or conceals his or her facial features with clothing or other objects in public places or in public buildings in a manner so that these features can no longer be recognised, commits an administrative offence and must be fined up to €150. The fine for the administrative offence can be imposed by means of a summary penalty notice pursuant to § 50 of the Administrative Penal Act (*VStG, Verwaltungsstrafgesetz*) in the amount of up to €150. Public places or public buildings are places that can be accessed by any person without specific prior restrictions at all times or at specified times, including the non-stationary facilities of public and private transport by bus, railway, air and ship.

(2) The prohibition of covering one's face pursuant to para 1 is not breached if the covering or concealing of one's facial features is provided for in federal or provincial legislation, occurs in the context of artistic, cultural or traditional events or during the exercise of sports or is for health or professional reasons.

Jurisdiction

§ 3. The district administrative authorities are responsible for conducting the administrative penal proceedings for a breach of § 2; in the territory of a municipality for which the Provincial Police Directorate is, at the same time, the security authority of the first instance, that municipality is responsible. § 86 para 2 of the Security Police Act (*SPG, Sicherheitspolizeigesetz*), Federal Law Gazette No 566/1991, applies *mutatis mutandis*.

Execution

§ 4. The execution of this Federal Act is entrusted to the Federal Minister of the Interior.

Entry into force

§ 5. This Federal Act enters into force on 1 October 2017.

Article 4
Amendment of the Asylum Act 2005

The Asylum Act 2005, Federal Law Gazette I No 100/2005, last amended by the federal act promulgated in Federal Law Gazette I No 24/2016, is amended as follows:

1. In § 55 para 1 subpara 2, the citation “§ 14a of the Settlement and Residence Act” is replaced by the citation “§ 9 of the Integration Act, Federal Law Gazette I No 68/2017”.

2. In § 56 para 1 subpara 3 and § 59 para 4 subpara 2, the citation “§ 14a of the Settlement and Residence Act” is replaced by the citation “§ 9 of the Integration Act”.

3. In § 68 para 1, the words “or subsidiary protection status” are inserted after the words “asylum status”, and the third to fifth sentences are:

“Measures of integration assistance pursuant to para 2 subpara 1 must also be granted to asylum seekers admitted to asylum proceedings who are very likely to be granted international protection, considering available empirical values, if their identity is proven when integration assistance is provided. In addition, these asylum seekers must be notified of this when they are admitted to the proceedings. In the case of asylum seekers from safe countries of origin and in the case of the dismissal of the application for international protection for formal reasons or on the merits, it cannot be presumed, in any event, that the granting of international protection is very likely as referred to in the third sentence.”

4. After § 68 para 1, the following para 1a is added:

“(1a) By 31 March every year, the Federal Minister of the Interior informs the Public Employment Service Austria (AMS) and the Austrian Integration Fund, on the basis of the publicly accessible asylum statistics of the Federal Ministry of the Interior for the preceding calendar years, of the countries of origin that are relevant in terms of figures and in respect of which it is particularly likely that asylum seekers are granted international protection. The granting of integration assistance and its acceptance do not preclude the issue and execution of measures leading to an asylum seeker’s removal from the country.”

5. In § 68 para 3, the word “municipalities” is replaced by the word “territorial authorities”.

6. In § 73, the following paras 16 and 17 are added after para 15:

“(16) § 55 para 1 subpara 2, § 56 para 1 subpara 3 and § 59 para 4 subpara 2 as amended by the federal act promulgated in Federal Law Gazette I No 68/2017 enter into force on 1 October 2017.

“(17) § 68 paras 1, 1a and 3 as amended by the federal act promulgated in Federal Law Gazette I No 68/2017 enter into force on 1 January 2018.”

Article 7
Amendment of the Road Traffic Code 1960

The Road Traffic Code 1960, Federal Law Gazette No 159/1960, last amended by the federal act promulgated in Federal Law Gazette I No 6/2017, is amended as follows:

1. In § 83, the following para 3 is added after para 2:

“(3) If it is to be presumed on the basis of certain facts that the purpose of the planned activity (§ 82 para 1) represents an offence against public order pursuant to § 81 of the Security Police Act, or public safety and security, the security authorities must be informed thereof. An approval pursuant to § 82 para 1 must not be granted if the relevant Provincial Police Directorate has stated that carrying out the planned activity (§ 82 para 1) would pose a risk to public order, or public safety and security. The statement must be submitted without undue delay, if possible within 10 working days.”

2. In § 103, the following para 18 is added after para 17:

“(18) § 83 para 3 as amended by the federal act promulgated in Federal Law Gazette I No 68/2017 enters into force after the end of the date of its promulgation.”

Van der Bellen

Kern