

Asyl-Raum

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Karlsplatz

WIEN MUSEUM
KARLSPLATZ

The new refugees were persecuted not because of what they had done or thought, but because of what they unchangeably were – born into the wrong kind of race or the wrong kind of class or drafted by the wrong kind of government. The first glaring fact was that these people, though persecuted under some political pretext, were no longer, as the persecuted had been throughout history, a liability and an image of shame for the persecutors. Rather, they were and appeared to be nothing but human beings whose very innocence – from every point of view, and especially that of the persecuting government – was their greatest misfortune. More calamitously than any loss the refugees endured, this misfortune manifested the extent to which the rightless no longer belonged to any community whatsoever.

HANNAH ARENDT

Hannah Arendt, herself a refugee who escaped the Nazi regime, settled into exile in the United States, where she first wrote and published *The Origins of Totalitarianism* in English. The German version of the text, translated and reworked by Arendt herself, appeared in 1958.



The Hungarian child refugees Judit and Laszlo Klein at the airport Vienna-Schwechat before travelling on to the US, 23.11.1956, Photo: USIS (Wien Museum)

Beginning in **1945** and in the years immediately following the war, around 1.6 million people, whose legal status remains unclear, move through Austria. These include those deported for forced labor, survivors of the concentration camps and war refugees, as well as those displaced from former German speaking lands. Under the care of the occupying lands and the international help organizations, they live in over 100 camps throughout Austria. By the end of 1947 approximately 1.1 million people return to their native countries. At the same time, approximately 300,000 ethnic German people are naturalized as Austrian citizens.

1956/57 Fleeing the violent crackdown by Soviet troops in Hungary, 200,000 people flee to Austria in 1956–1957. The government forgoes the normal application process for those fleeing violence, awarding the entire group refugee status. Many European and non-European nations accept the refugees, with only 18,000 eventually remaining in Austria. The initial solidarity felt with the refugees turns to hostility within a few months: “Our best efforts are concentrated on finding places for the people outside of Austria” (Interior Minister Oskar Helmer, March 5, 1957).

1968 During the Prague Spring, 162,000 people flee the violence of the communist reform movement, arriving in Austria. Asylum is assured to all those escaping the violence, but only 12,000 apply, and in the end, only 3,000 Czechs and Slovaks remain in the country, most in Vienna. A portion of them continue farther, while most return to Czechoslovakia.

During the **1970s**, at the bequest of international organizations and the broader international community, Austria accepts refugees from non-European countries. Among these refugees are 1,500 Ugandans who were forced out in 1972 due to their Asian background. Austria also accepts around 200 Chileans fleeing military dictatorship beginning in 1973, 250 Argentinians (1977), 200 Chinese from Cuba (1973-1974), around 100 Kurds from Iraq (1972) and from 1975-1983 approximately 2,000 refugees from Vietnam and Cambodia. The United Nations provides support to help care for the refugees. Most of them have remained in Austria.

Between **1976** and **1989** Austria serves as a transit point for Jews fleeing the Soviet Union due to its status as a neutral country. The majority of those fleeing settled in the United States and Israel, with only a small number remaining in Austria.

In **1977** the signatures of Charter 77 (the civil rights movement of Czechoslovakia) are guaranteed asylum in Austria. However, the Communist regime in Prague uses the charter as an excuse to expel dissidents from the country.

In **1980** and **1981**, some 150,000 Polish citizens arrive in Austria as a result of the increasing conflict and tensions between the Solidarity Movement and the Communist regime. 33,000 Poles apply for asylum, but fewer than half remain in Austria long-term. The majority of the refugees find accommodation in guest houses in regions ill-equipped to handle the influx. For the first time in postwar Austria, refugees are confronted with severe hostility, with Austria introducing visa requirements just before the promulgation of martial law in Poland in December 1981.



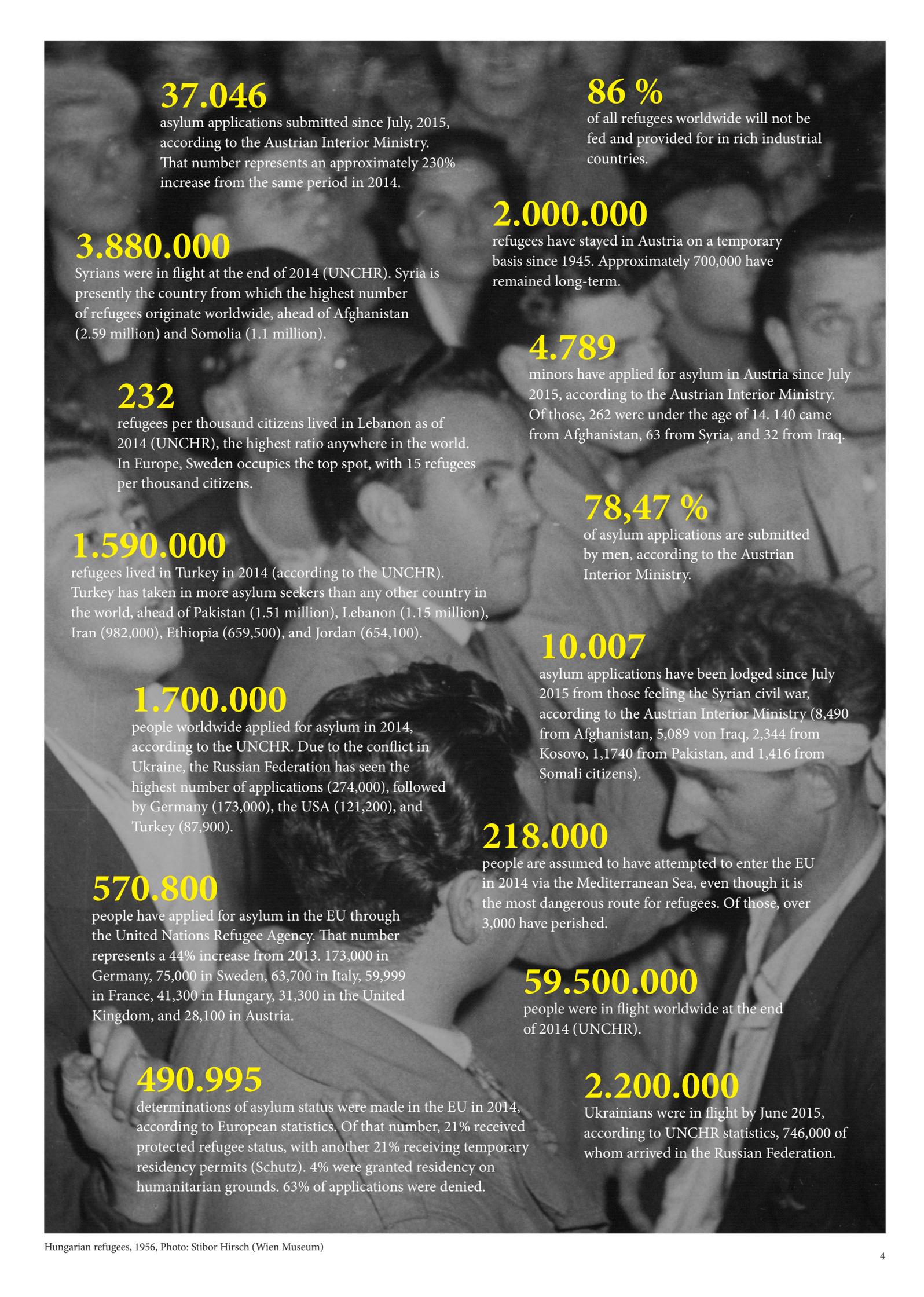
Child refugees in the Ute Bock House, Favoriten district of Vienna, 30 July 2013
Photo: Herbert Neubauer (APA/picturedesk.com)

1989/90 During the difficult and tumultuous times following the collapse of the Communist dictatorship, an increasing number of Romanian citizens seek asylum in Austria, but are greeted with hostility in some quarters. Since then, the term “economic refugee” comes to dominate the media discourse surrounding asylum. Austria introduces visa requirements and steps up army patrols and surveillance of the Burgenland border region. Writing in 1995, Patrik-Paul Volf noted that “the winter of 1989-1990 quickly became a symbol of Austria’s break with its erstwhile refugee policy. Since that time, asylum policy has gone hand-in-hand with policy relating to migration, together forming a comprehensive set of restrictions vis-à-vis new immigration.”

Beginning in **1992**, roughly 90,000 Bosnians arrive in Austria after fleeing the civil war in the former Yugoslavia, where they receive a temporary residency status beset with tenuous legal and social protections. The majority are forced to find accommodation with friends or relatives. Without a more secure residency status, they remain de facto refugees. The long and uncertain fate in “the Austrian waiting room” (Warterraum Österreich) causes immense social and psychological strains. Nevertheless, many remain in Austria for the long term.

1998/99 On the eve of the twenty-first century, around 800,000 people fleeing the war in Kosovo end up in neighbouring lands. Austria takes in approximately 5,000 refugees.

1999–2015 Of the millions of people that have fled the numerous wars of the past decade (Chechnya since 1999, Afghanistan since 2001, Iraq since 2003, Syria since 2011), only a few make their way to Austria. The vast majority eek out an existence in the camps of their respective neighbouring countries, in part because the EU has sealed itself off through a rigorous border control regime. The flight to Europe is now all but impossible through legal means.



37.046

asylum applications submitted since July, 2015, according to the Austrian Interior Ministry. That number represents an approximately 230% increase from the same period in 2014.

86 %

of all refugees worldwide will not be fed and provided for in rich industrial countries.

3.880.000

Syrians were in flight at the end of 2014 (UNCHR). Syria is presently the country from which the highest number of refugees originate worldwide, ahead of Afghanistan (2.59 million) and Somalia (1.1 million).

2.000.000

refugees have stayed in Austria on a temporary basis since 1945. Approximately 700,000 have remained long-term.

232

refugees per thousand citizens lived in Lebanon as of 2014 (UNCHR), the highest ratio anywhere in the world. In Europe, Sweden occupies the top spot, with 15 refugees per thousand citizens.

4.789

minors have applied for asylum in Austria since July 2015, according to the Austrian Interior Ministry. Of those, 262 were under the age of 14. 140 came from Afghanistan, 63 from Syria, and 32 from Iraq.

1.590.000

refugees lived in Turkey in 2014 (according to the UNCHR). Turkey has taken in more asylum seekers than any other country in the world, ahead of Pakistan (1.51 million), Lebanon (1.15 million), Iran (982,000), Ethiopia (659,500), and Jordan (654,100).

78,47 %

of asylum applications are submitted by men, according to the Austrian Interior Ministry.

1.700.000

people worldwide applied for asylum in 2014, according to the UNCHR. Due to the conflict in Ukraine, the Russian Federation has seen the highest number of applications (274,000), followed by Germany (173,000), the USA (121,200), and Turkey (87,900).

10.007

asylum applications have been lodged since July 2015 from those fleeing the Syrian civil war, according to the Austrian Interior Ministry (8,490 from Afghanistan, 5,089 from Iraq, 2,344 from Kosovo, 1,174 from Pakistan, and 1,416 from Somali citizens).

570.800

people have applied for asylum in the EU through the United Nations Refugee Agency. That number represents a 44% increase from 2013. 173,000 in Germany, 75,000 in Sweden, 63,700 in Italy, 59,999 in France, 41,300 in Hungary, 31,300 in the United Kingdom, and 28,100 in Austria.

218.000

people are assumed to have attempted to enter the EU in 2014 via the Mediterranean Sea, even though it is the most dangerous route for refugees. Of those, over 3,000 have perished.

59.500.000

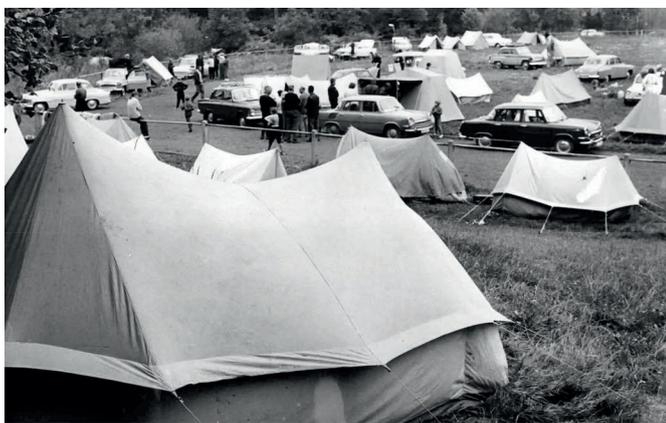
people were in flight worldwide at the end of 2014 (UNCHR).

490.995

determinations of asylum status were made in the EU in 2014, according to European statistics. Of that number, 21% received protected refugee status, with another 21% receiving temporary residency permits (Schutz). 4% were granted residency on humanitarian grounds. 63% of applications were denied.

2.200.000

Ukrainians were in flight by June 2015, according to UNCHR statistics, 746,000 of whom arrived in the Russian Federation.



Refugee camp in Hörndlwald near Vienna for those arriving from Czechoslovak Socialist Republic, 24 August 1968 (ÖNB-Bildarchiv/picturedesk.com)

In Austria, **asylum** is granted to those who satisfy the criteria of the Geneva Refugee Convention. Recognized refugees are, in large part, accorded equality with Austrian citizens.

Asylum procedure The first question pertaining to the asylum procedure is whether Austria has jurisdiction over the asylum seeker (determined via the so-called admission procedure). In the vast majority of cases, Austria declines jurisdiction (see the keywords Third State Jurisdiction Clause and Dublin). An official notice of rejection is then issued. With its enforcement, the asylum seeker is normally taken into custody pending deportation (Schubhaft). Though appeals are possible, this doesn't forestall deportation. If an asylum procedure is permitted, the application is first reviewed by the Federal Asylum Office. Appeals against negative decisions can be lodged within two weeks of the decision.

The **Third State Jurisdiction Clause** came into effect in Austria with the Asylum Law of 1991, which brought Austrian legislation into line with legal trends within the EU. Through this clause, Austria ceded jurisdiction over asylum seekers who arrive from a so-called safe and secure third state. Third states are those states outside of the EU and the European Economic Area that are signatories of the Geneva Refugee Convention and have an established national asylum system. Since Austria has declared itself to be surrounded by safe third states, it has become considerably more difficult to launch an application for asylum. The Asylum Law of 1991 marks a turning from a relatively liberal Austrian asylum policy to a far more restrictive one. The Asylum Law of 2005 spelled a further intensification of restrictions.

Dublin Several EU agreements and their respective regulations governing asylum have, since 1990, taken their name from the Irish capital, Dublin. As a rule, this series of agreements and regulations prescribe that asylum seekers can apply only in the first EU land in which they arrive. As a result, the main responsibilities have fallen to those EU countries that border non-EU lands. To date, not much of a premium has been placed on inter-EU solidarity in matters of asylum; unsurprisingly, during periods of massive refugee migration the rules of Dublin have been suspended.

Reception center Traiskirchen is the largest reception center for refugees arriving in Austria. Along with Thalham and the Vienna International Airport in Schwechat, Traiskirchen is one of the places where asylum seekers receive accommodation after their arrival so that they don't immediately become subject to "Schubhaft" (custody pending deportation). The central buildings were built in 1903 to house cadets of the Austro-Hungarian Imperial and Royal Army (kaiserlich und königlich Armee, or k.u.k.), and then served as a secondary school (Gymnasium) during the interwar First Republic before becoming a "national political academy" under the Nazis. Between 1945 and 1955, Soviet occupation forces were quartered here. It was only in response to the influx of refugees fleeing Hungary in 1956 that the buildings of the compound were used to house refugees. With capacity for 1,000 people, Traiskirchen is, for the most part, completely overburdened. Calls for and efforts toward an additional intake center have as yet been thwarted by resistance from the media, various political parties, and certain segments of the population, just as was the case in 2010 with the Burgenland town of Eberau.

EURODAC (European Dactylscopy) is a European databank that stores the fingerprint data of all asylum seekers over 14 years of age. As part of the controls set up by the Dublin system (see Dublin), the database serves as a means of determining whether a person has already applied for asylum in another EU member state.

Fortress Europe Since the early 1990s, the term *Fortress Europe* (Festung Europa) has been used to critique European asylum and migration policy. The main thrust of the critique is that Europe has sealed itself off against the outside. The most important cornerstone of Fortress Europe is the so-called Third State Jurisdiction Clause. The EU member states start from the premise that they are surrounded exclusively by safe third states, making it practically impossible for those seeking protection to enter Europe legally by land. "Rather than distributing the burden (Lastenverteilung) throughout Europe, we instead displace the burden (Lastenverschiebung)," wrote Melitta H. Šunjić in 1995.



Polish refugees on Mexicoplatz in Vienna, August 1981
Photo: Rudolf Semotan (VGA, Wien)



Refugees from Sarajevo arriving at Vienna's Südbahnhof, 14 August 1992
Photo: Georges Schneider (APA/picturedesk.com)

FRONTEX is an EU agency founded in 2004 with the task of coordinating cooperation between member states that border non-EU countries. FRONTEX also carries out its own to “discourage” refugees from coming to Europe, in particular in the Mediterranean Sea, operations for which the agency has often been criticized for human rights abuses.

The **Geneva Refugee Convention** (GRC) was adopted at a special UN conference held in Geneva on July 28, 1951 and became the basis for refugee rights in 147 countries. It defines the term refugee and outlines criteria for their protection. According to the convention, a refugee is defined as a person who has reasonable fear of prosecution for reasons of race, religion, nationality, political associations, or membership in a particular social group, is outside the country of his or her nationality, and is unable or unwilling to avail him or herself of the protection of that country. The GRC provides narrow protections to those fleeing political violence and does not protect those fleeing war, such as civil war refugees. The so-called Non-Refoulement Rule of the GRC did acknowledge that no one whose life or freedom was in danger could be sent back to their country of origin. However, asylum seekers who are classified as humanitarian or de facto refugees remain in a precarious position due to the GRC's definition of refugee.

Basic services Asylum seekers in Austria are entitled to basic services only when their application for asylum is approved. Once they are eligible, asylum seekers are given 19 Euros per day to cover the cost of accommodation and food. A discretionary allowance of 40 Euros per month is also provided. Because asylum seekers have few opportunities to work, they must use the meager funds provided to support themselves. They have no access to social welfare support, such as guaranteed minimum financial support, family support, or child care allowance.

The **Schengen** Agreement, which takes its name from the wine producing village in Luxembourg where the agreement was first signed in 1985, abolished border controls between participating countries. In addition to most of the EU nations,

Norway, Iceland, Switzerland, and Lichtenstein are in the Schengen Area. However, the Schengen Agreement also seals off the EU from outside nations and does not provide a framework for crisis situations.

Custody pending deportation

(Schubhaft) is officially described as an alleged form of security rather than a punitive act of detention, a fact which allows people who have committed no crime to be held in prison. In Austria this detention can last up to ten months, a point that has frequently been criticized as a violation of human rights. In 1999 Marcus Omofuma died as a result of police negligence while being deported on a plane back to Nigeria. In 2014 more than 1,600 asylum seekers were deported from Austria.

Temporary residency permit

If asylum status is denied, refugees can apply for a temporary residency permit (Subsidiäre Schutz) in cases where return to their home country is not possible. Initially good for two years, the visa can be extended.

Syria According to the United Nations, as of March 2015 some 220,000 people have lost their lives in the civil war in Syria. Approximately 11.6 million people, more than 50% of the Syrian population, have fled the country. Four million people are living in refugee camps, many of them located in the neighboring nations of Turkey, Jordan, and Iraq.

„Hungary 1956“ Fleeing the violent crackdown on protests against the Soviet-imposed policies of the Hungarian government in 1956, 200,000 refugees fled to Austria, an event known within Austria as “Hungary 1956.” In the history of the post-World War Two Austria, “Hungary 1956” remains exceptional in that it is one of the few events remembered in an almost entirely positive way. In spite of the political controversies, “Hungary 1956” created a new broad, national mythology for Austria. In the middle of the Cold War, Austria's generous treatment of Hungarian refugees demonstrated Austria's neutral and democratic values and highlighted the country's post-war affluence. At the same time, however, it prevented a necessary critical assessment of Austria's history; the national solidarity demonstrated in helping the refugees effectively silenced the active engagement with the country's Nazi past, pushing it further into the background. “We have become famous throughout the world through our handling of the refugee situation.” (Interior Minister Oskar Helmer, April 30, 1957 in the Cabinet)

The term **economic refugee** was first used in the public discourse to describe asylum seekers from Yugoslavia during the 1950s. They were unfairly accused of leaving their country for economic reasons.

Sources

Giorgio Agamben: *Homo Sacer. Die souveräne Macht und das nackte Leben*, Frankfurt am Main 2002.

Hannah Arendt: *Elemente und Ursprünge totaler Herrschaft*, Frankfurt am Main 1955.

Peter Eppel, Béla Rásky, Werner Michael Schwarz (Hg.): *Flucht nach Wien. Ungarn 1956* (Katalog der gleichnamigen Ausstellung im Wien Museum), Wien 2006.

Andrea Götzelmann: *Wer macht Asylpolitik? AkteurInnen und ihre Strategien in der österreichischen Asylgesetzgebung*, Wien/Berlin 2010.

Gernot Heiss, Oliver Rathkolb (Hg.): *Asylland wider Willen. Flüchtlinge in Österreich im europäischen Kontext seit 1914*, Wien 1995.

Sieglinde Rosenberger (Hg.): *Asylpolitik in Österreich. Unterbringung im Fokus*, Wien 2010.

Eduard Stanek: *Verfolgt Verjagt Vertrieben. Flüchtlinge in Österreich von 1945–1984*, Wien/München/Zürich 1985.

www.demokratiezentrum.org

www.bmi.gv.at/cms/BMI_Asylwesen/statistik

www.unhcr.at