

# LoReMi

Local Responses to Precarious Migrants  
Frames, Strategies and Evolving Practices in Europe



Technische Universität Wien  
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on Migration & Diversity  
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# Responses to Migrants with Precarious Status in Vienna: Frames, Strategies and Evolving Practices

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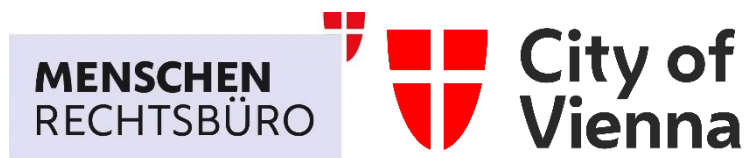
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## Introduction

This report sets out the findings of research on access to services for migrants with a precarious status in the city of Vienna. It forms part of an 18-month comparative study, Local Responses to Precarious Migrants: Frames, Strategies and Evolving Practices in Europe (LoReMi), in which reports have also been produced on the cities of Frankfurt and Cardiff.

### The Research Project:

The aims of the LoReMi project are to investigate the ways in which local authorities provide access to municipal services for migrants with a precarious status, who have de jure or de facto difficulties in accessing social services due to residence or social legislation, and to explore how municipalities cooperation with public and civil society organisations in the provision of services. It includes a particular focus on issues relating to women. The research set out to consider the ways in which each local authority explains its approaches in the context of the municipalities overall framing of its mission; and to look at the actual policies and practices in place which facilitate the inclusion of precarious migrants within key services such as health, education and accommodation. The study has also considered the legal, political and practical barriers to inclusion of this section of the local population; and the forms of communication, cooperation and co-responsibility within the authority and with its external partners on this issue.

This project has received funding in the framework of the Joint Programming Initiative Urban Europe, ‘the knowledge hub for urban transitions’.<sup>1</sup> The aim has thus not only been to conduct research but to consider, in the light of the findings and of dialogue with local stakeholders, the scope for policy and practice reforms. Comparative analysis of the contrasting legal frameworks, policies and practices in Cardiff, Frankfurt and Vienna, and knowledge-exchange facilitated between them and a wider group of European cities, is intended to strengthen transnational networking to inform and enhance future practice.

The LoReMi project is carried out by three research teams working closely together over the 18 months of the project: In Austria, Professor Dr. Simon Güntner and Adrienne Homberger, at the Faculty of Architecture and Planning, Research Unit Sociology, Technische Universität in Vienna; in Germany, Professor Dr. Ilker Ataç and Maren Kirchhoff, at the Centre of Research for Society and Sustainability (CeSSt), at Hochschule Fulda; and in the UK, Dr Sarah Spencer, Dr Marie Mallet and Dr Zach Bastick, at the Centre on Migration, Policy and Society (COMPAS), University of Oxford.

### **Migrants with Precarious Status in Europe**

Migrants in European countries regularly face restrictions when accessing public services. Those who lack a regular status (e.g. through overstaying their visa or unauthorised entry to the country) have the most limited entitlements to services. The focus of the LoReMi study is on this group of people but also, more broadly, on migrants with a precarious immigration or residential status. Our aim was to include within the study those vulnerable to loss of a regular status, e.g. a spouse who would lose their right to be in the country if they left the marital home due to domestic violence. The precarious status thus has a direct or indirect impact on access to social benefits and rights and on the living situation of those affected. This applies also to EU citizens, who have been working irregularly, are unemployed or are new in the city and therefore have no social entitlements and may run the risk of losing their freedom of movement when applying for social benefits. We briefly refer to these groups of people as migrants with precarious status or precarious migrants. A ‘migrant with precarious status’, in this study, is in short defined as:

*‘a person who lacks regular immigration or residential status or, having a conditional or temporary status, is vulnerable to the loss of their status, and is*

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<sup>1</sup> <https://jpi-urbaneurope.eu/>

*therefore deprived off, or runs the risk of losing most basic social rights and access to services' (Hombberger et. al 2022: 7).*

The people who fall within this definition and any entitlements they have to access services will vary between countries. In essence, it encompasses five categories of status:

- I. Third country nationals without regular status (irregular or "undocumented" migrants)
- II. Third country nationals who have a regular status in another EU country
- III. EU citizens who have lost or are at risk of losing their freedom of movement and thus the right to residence in another EU country when trying to access services that require entitlements to social welfare benefits; or, in the UK (now a non-EU country), EU citizens who have not been granted settled status
- IV. Third country nationals with temporary residence status subject to conditions they no longer meet or are in danger of losing
- V. Rejected asylum seekers<sup>2</sup>

## **Research Question**

Research has established that, for local authorities in Europe, the exclusion of a section of local residents from public services can pose challenges in relation to achieving their policy goals, such as in relation to street homelessness, public health, crime prevention, addressing domestic violence and child protection. Some local authorities have responded with initiatives designed to ensure that basic service needs are met, whether by municipal services directly or through partnering with a non-governmental organisation that can do so. In some cases, the authority has developed a corporate strategy setting out its approach; more commonly, there are ad hoc initiatives that may not be consistent across the local authority as a whole.

In that context, the LoReMi study set out to explore the approach of three city authorities in some depth, focusing in essence on the following three research questions:

1. What is the city's approach to inclusion of precarious migrants within municipal services, and individual services in particular? In particular, regarding access to healthcare, accommodation, education and legal advice? Is there an awareness of the particular

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<sup>2</sup> Although asylum seekers have a temporary residence status, we did not include them in this study, because asylum seekers have access to basic social services in all of the three case study cities.

challenges facing women? How does the municipality frame the reasons for its approach and is there a connection or disconnect with the overall city framing of its mission?

2. What actual measures are in place to include precarious migrants in key services provided by the municipality, by related public agencies and NGOs, including measures of particular relevance to women? What are the legal, political and practical barriers to inclusion and rights protection for this section of the population?
3. How and why do governmental and non-governmental bodies cooperate in this context? Which governance mechanisms exist? Which processes of cooperation and conflict emerge in these interactions?

## Method

In each city, the study has been facilitated by an official within the city council, a formal partner in the project. They have briefed the researchers, facilitated communication with relevant staff from departments across the authority and among external partners; and provided insights in relation to the research questions.

The method of the study has been three-fold:

- Background research on the national legal and policy frameworks, on the city's remit, structure and approach, and on what is known about its residents with precarious status
- Convening of public and non-governmental stakeholders on three occasions: before the fieldwork began; later to consider emerging findings; and finally, to consider potential implications for policy and practice
- 20-30 interviews with local authority and other public sector staff; with non-governmental organisations; and with migrants with a precarious status.

In the case of this study on Vienna the breakdown of interviews was:

- 10 with local authority staff and staff in other public bodies
- 13 with staff of non-governmental organisations and other civil society actors
- 5 with migrants with precarious status and their relatives

## National context in Austria

Austria has a diverse population, with almost a quarter of the total population in 2021 having a so-called migration background, meaning that either they themselves or both parents have

migrated to Austria. The majority of foreign nationals are Germans, followed by Romanians, Serbians, Turks and people from Bosnia and Herzegovina. Since the 1960s, increased migration, especially of "guest workers", has led to an increase in Austria's population. With the fall of the Iron Curtain in 1989, Vienna's population began to grow again due to migration from abroad. The wars in the Balkans in the 1990s brought large-scale refugee movements to Austria for the first time. Austria's accession to the EU in 1995 and, above all, the eastern enlargements of the EU in the 2000s and 2010s led to an increase in immigration, especially from the new south-eastern and eastern EU states. 2015 - 2016 was another peak in immigration, with refugee migration from Syria, Afghanistan and Iraq. Syrians are now the ninth largest group of people with foreign citizenship in Austria (Boztepe, Hammer, and Luger 2020; Statistik Austria 2021). With the war in Ukraine, another large-scale refugee migration to Austria is currently taking place.

After ten years of a coalition government between the central-right Austrian People's Party (ÖVP) and the Social Democratic Party of Austria (SPÖ), the ÖVP together with the far-right Freedom Party of Austria (FPÖ) took over the federal government at the end of 2017. It introduced numerous restrictions to asylum and alien law as well as to integration policies, following a trend already underway since the 1990ies. The experts interviewed for this study repeatedly emphasised the consequences, which the new government coalition in 2017 brought for refugees and migrants at different levels. In domestic policy, border control and the fight against irregular migration were a constant topic, with tougher measures announced and implemented (Wodak 2018). The number of deportations from Austria, for example, was increased significantly, most of them to other EU countries ("Parlamentarische Anfragebeantwortung 9405/AB XXVII. GP" 2022).

### **Legal frameworks for precarious status in Austria**

In Austria, there are more than 30 different residence titles, each of which comes with different rights and entitlements. They are regulated on the one hand by the Settlement and Residence Act ("Niederlassungs- und Aufenthaltsgesetz", NAG) and on the other hand by the Asylum Act ("Asylgesetz"), with persons falling under very different legal regimes depending on whether they have EU citizenship or are third-country nationals, as well as whether the person came to Austria as an asylum seeker or with a visa (Boztepe, Hammer, and Luger 2020, 41; UNDOK and AK Wien 2019).

### **The asylum system**

**Asylum seekers** pass through the asylum procedure, for which the Federal Office for Immigration and Asylum ("Bundesamt für Fremdenwesen und Asyl", BFA) is responsible. During

the asylum procedure, they receive a white residence card and are entitled to basic benefits for foreigners in need of assistance and protection ("Grundversorgungsleistungen"), which include health insurance, accommodation, care, food and pocket money. Responsible for these benefits are the federal provinces, with the costs being shared with the federal government. They vary slightly depending on the federal province. The actual costs of living are not covered, despite an increase in basic benefits as of March 2022 (orf.at 2022).<sup>3</sup> In addition, asylum seekers are only allowed to work in Austria with a permit from the Public Employment Service ("Arbeitsmarktservice", AMS), which, according to experts, is almost impossible to obtain (S1, S2, V1).

Since the introduction of the new Basic Act on Social Welfare in 2019, **beneficiaries of subsidiary protection** are no longer entitled to the new social welfare ("Sozialhilfe"). For this reason, some experts also classify them as persons with precarious status (V19, V21, S1, S2). While they do have access to the labour market, if they do not find or lose their employment, they can only access basic benefits for asylum seekers. This massively increases the risk of poverty spirals. The City of Vienna has used its leeway here and has not implemented this part of the new Social Assistance Act so far. Through this inclusive practice, the City of Vienna continues to facilitate access to social welfare ("Mindestsicherung") for people with subsidiary protection (V9).

**Persons with a final negative asylum decision:** If the second judicial instance also assesses the asylum procedure negatively, the persons are usually instructed to leave the country.<sup>4</sup> Under certain circumstances, it is possible to obtain a residence permit or another status in accordance with the NAG. Until the persons leave the country, they continue to have a legal entitlement to basic benefits ("Grundversorgung"). Not all federal provinces comply with this obligation (S1, V17). Persons with a legally binding negative asylum decision are obliged to cooperate in their departure. If they do not comply, the state can impose sanctions, such as placement in freedom-restricting return centres (Rosenberger, Ataç, and Schütze 2018). If a deportation is not feasible or not legally permissible<sup>5</sup>, the BFA can issue a "tolerated" status ("Duldung"). However, this is rarely used (Hinterberger 2018, 105). There are therefore very few legal options towards regularisation

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<sup>3</sup> In Vienna, it is currently about 425 € per month for a single person living in private accommodation. These benefits lie well below the social welfare ("Mindestsicherung"), which in Vienna is currently about 977 € for a single person. Especially the current price increases are a problem for these persons.

<sup>4</sup> An objection to this can be raised at the Supreme Court level, which may, but does not have to lead to protection against deportation.

<sup>5</sup> For example, in the case of persons whose asylum status has been revoked due to criminal convictions, but whose grounds for asylum still exist.



for these groups of people. In contrast, the focus of Austrian policy is to force returns to the country of origin (Stiller and Humer 2020).

### **Settlement and Residence Act ("Niederlassungs- und Aufenthaltsgesetz", NAG)**

**EU citizens** have the right to come to Austria without restrictions due to the Agreement on the Free Movement of Persons ("Freizügigkeitsabkommen"). If they stay in Austria for more than three months, they have to prove their economic independence, which usually means self-employment or employment. If they work here, they are entitled to social benefits after a certain duration of contributing to the Austrian social security system. After five years, they can obtain permanent residence status ("Daueraufenthaltsstatus") which essentially gives them the same rights as Austrian citizens.<sup>6</sup> If there is no regular employment or if there is no proof of such employment, also EU citizens have a precarious status, cannot claim insurance and social benefits and are threatened with deportation to their country of origin.

**Third-country nationals:** The residence status of third-country nationals who do not come through the asylum system is regulated by the NAG. This includes immigration for the purpose of work, education and family reunification. Authorities in the federal provinces are responsible for applications and extensions of residence status. In Vienna, this is the Municipal Department 35 - Immigration and Citizenship, which has increasingly come under criticism. Especially immigration for work purposes has been tightened in recent years (Boztepe, Hammer, and Luger 2020, 42 f.; Hinterberger 2020).<sup>7</sup> Some residence titles can be classified as precarious (S2), as they are limited in time and have to be renewed annually, do not entail any entitlements to social benefits of their own (e.g. with relatives' settlement permit ("Niederlassungsbewilligung Angehörige:r" or a "Red-White-Red Card plus"), and allow no or only limited access to the labour market (e.g. student visa). In addition, there are residence statuses that do not allow for a follow-up title (e.g. the student visa) (S2, UNDOK und AK Wien 2019).

### **Lack of data on persons with precarious status**

There are no statistics available on people with precarious status. The wide range of living situations, very different residence statuses and the desire of irregular residents to remain

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<sup>6</sup> An exception is the right to vote, which is granted at the municipal level only and in Vienna only at district level.

<sup>7</sup> For example, low-skilled workers can only come as temporary workers as part of an annually adjusted quota.

undetected make this extremely difficult. An estimate of 2015 by the Migration Council for Austria set the number of persons staying irregularly in Austria between 95,000 and 254,000. These numbers should be treated with caution, though, as there is no information on how they were collected (Stiller and Humer 2020). However, it is generally assumed that there is a significant correlation between the size of migrant communities and the number of precarious migrants from the respective regions of origin, as they are often dependent on their support, for example with regard to access to work and housing (Jandl et al. 2009).<sup>8</sup>

An indication of irregular residents can be gleaned from the figures from **pre-deportation detention** and deportations. However, it must be assumed that the number of unreported cases is much higher and that there are groups of persons who cannot be deported because they have a regular residence status, albeit a precarious one, or proceedings that are still pending. In 2021, 4,032 persons were taken into pre-deportation detention in Austria and 3,344 deportations from Austria were carried out. Of these, 2,283 were EU citizens and 1,061 third-country nationals. 499 of the third-country nationals came from South-Eastern European states, 562 persons from outside of Europe ("Parlamentarische Anfragebeantwortung 9405/AB XXVII. GP" 2022).

## The City of Vienna

Vienna is both a federal province and the capital of Austria and, with a little over 1.9 million inhabitants, by far the largest city in Austria. The mayor is therefore also the governor of the province, and the city council also fulfils the function of the provincial government (wien.gv.at n. d.).

### Demographics

Vienna's population is very diverse: at the beginning of 2020, 30.8% of the Viennese had a foreign citizenship, and among the 25 to 45 year-olds as many as 50.9% have a foreign origin.<sup>9</sup> The largest share of people with foreign citizenship in Vienna comes from Serbia, followed by Germany, Turkey, Poland, Romania, Hungary, Syria, Croatia, Bosnia and Herzegovina and Bulgaria (Boztepe, Hammer, und Luger 2020).

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<sup>8</sup> In Austria, irregular entry or residence is an administrative offence punishable by a fine. If the fine is not paid, imprisonment is possible. This applies to irregular migrants as well as to those who assist them (§ 120 FPG (Spencer und Hughes 2015b, 54).

<sup>9</sup> Either with a foreign nationality or having been born abroad.

## Vision

Since 2015, the City of Vienna officially is a Human Rights City ("Stadt der Menschenrechte") with a permanently established Human Rights Office that addresses various thematic focus areas. Vienna's public discourse is inclusive, often referring to all people living in Vienna; the city also strives for progressive integration policies. With the programme "Integration from Day One" (V17), it funds a wide range of German courses for people in the asylum procedure. With StartWien, the city offers multilingual information modules on important topics such as housing or the labour market and provides language vouchers to all new immigrants. Vienna has thus created significantly more integration offers than stipulated by the federal government (V17, V23, Menschenrechtsbüro der Stadt Wien 2021; startwien.at n.d.).

## Organisation

Vienna has been governed by a social democratic mayor since 1945, from 2010 to 2020 in coalition with the Greens, since then with the NEOS. The seven city councillors share the different departments, which are organised in different municipal departments ("Magistratsabteilungen", MA). In addition, certain health and social services are outsourced to the Vienna Social Fund ("Fonds Soziales Wien", FSW), a company of the City of Vienna, which is in charge of organising and promoting the social and health landscape in Vienna. The FSW in turn operates subsidiaries such as Obdach Wien, which runs some of the facilities of the Vienna Assistance for the Homeless ("Wiener Wohnungslosenhilfe", WWH) (FSW n.d.). The FSW awards contracts in the field of refugee assistance or assistance to the homeless, for example accommodation for people receiving basic welfare during the asylum procedure. These are subject to clear funding guidelines that usually also clearly define access and target groups. Different municipal departments (e.g. MA17 - Integration and Diversity or MA57 - Women's Affairs) in turn support the activities or projects of associations that provide special services for refugees and migrants. Responsibility for granting social welfare ("Mindestsicherung") lies with MA 40 - Social Welfare, Social and Public Health Law, and MA 35 is responsible for residence permits according to NAG.

## Vienna's Approach to Precarious Migrants

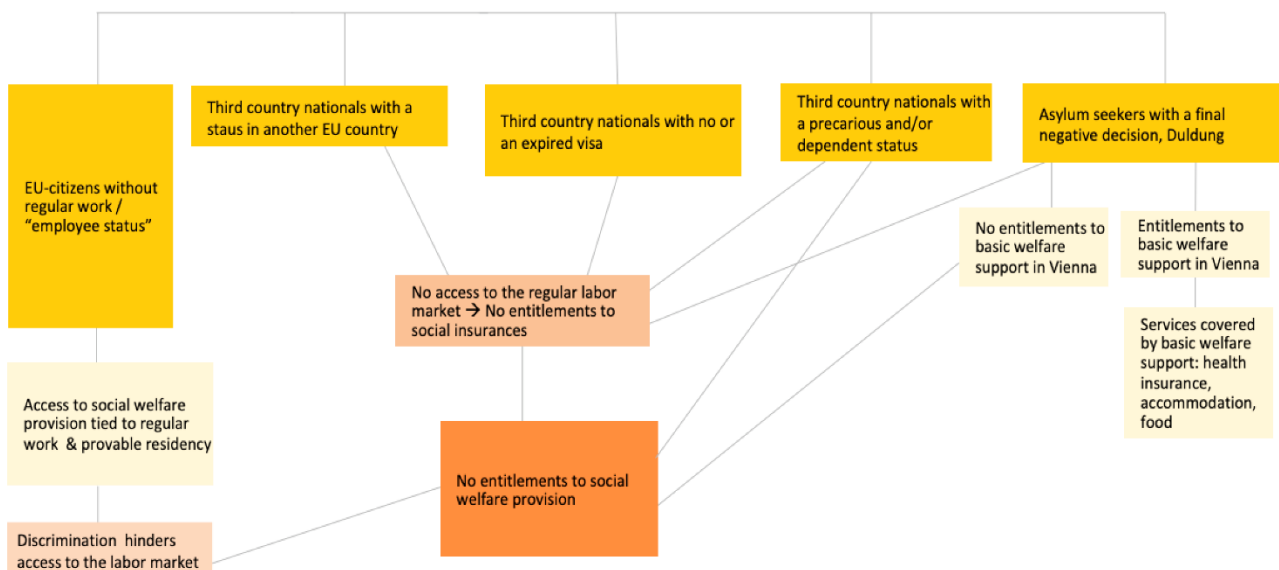
Despite the inclusive and human rights-based discourse in Vienna, people with precarious status continue to fall through social safety nets. Even though some of the city's services are open and available to all people regardless of their status, migrants with precarious status are excluded from many services and benefits aimed at ensuring basic livelihoods. According to many of the

interview partners, access to regular employment is the key to overcoming a precarious residence status and acquiring entitlements to insurance and social benefits.

Care for people in precarious residence situations is therefore very much dependent on voluntary commitment and donation-funded support offers from NGOs and civil society initiatives, which are faced with extremely complex legal, social and economic problems. They provide services and thereby close significant gaps in coverage that would have serious consequences for the city and all its residents. The NGOs and initiatives are organised, financed and staffed very differently. They are often hybrid organisations that receive state or municipal funding or support, but also rely heavily on donations and voluntary commitment. There is usually a lack of financial and/or human resources and not all needs can be met. Gaps remain, but cases of hardship can often be accommodated and cared for.

### Profile of precarious migrants in Vienna

Since Vienna has the largest migrant population in Austria and most support services for refugees and migrants are located there, it can be assumed that most precarious migrants in Austria also live in Vienna. Based on the interviews, it is possible to make some general statements about the profile of precarious migrants. These differ according to the services offered. To some extent, people from certain communities seem to prefer certain facilities and tend not to appear in others.



**Fig. 1:** Overview of different categories of precarious residence status in Vienna

In general, the interviews and stakeholder meetings indicate that the majority of precarious migrants in Vienna are EU citizens from Eastern and South-Eastern Europe. Many of them were already affected by poverty and discrimination in their countries of origin. Romani people are mentioned again and again, including from Southeast European non-EU member states, such as Serbia or Northern Macedonia. Some of them have been living here for a long time, but due to discrimination and socio-economic exclusion, they remain in very precarious and irregular working and housing conditions. As a result, they can neither claim social welfare entitlements nor obtain a permanent residence title.

However, there are also people from other regions of origin living in Vienna who have passed through the asylum system here and, voluntarily or involuntarily, are no longer in the basic care system, or who have come to Vienna from another federal province. Others most likely came with a visa that they could not extend or remain in dependent status. There is very little knowledge about this group. They appear only very sporadically in the support infrastructure and provide little information about their living situations.<sup>10</sup> Third-country nationals with residence status in another EU country were also mentioned. Although they are legally allowed to stay in Austria for three months, they have no entitlement to any welfare or support.

Older people and age-related migration were another recurring topic in the expert interviews. For one, this was related to elderly people with unmet care needs, but also to parents/grandparents who were brought to Austria, either because they themselves were in need of care or in order to assist with childcare. In addition, people with mental illnesses and addictions were repeatedly mentioned as a particularly vulnerable and unsupported group of people.

## **Gender**

In some areas - especially those that address people in the asylum system, but also in support services for the homeless - significantly more men than women use the services, according to the experts' assessment. However, it cannot be concluded from this that it is predominantly male migrants who live in precarious situations. Rather, several experts share the assessment that men are more visible, on the one hand due to their working conditions (e.g. in construction), but also due to a gendered use of public space. In recent years, awareness has also been raised with regard

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<sup>10</sup> People from Iran, Iraq, Nigeria, Somalia, Maghreb and various other African states, India, Chechnya, Georgia, Ukraine, China, the Philippines, and very occasionally Latin American states were mentioned.

to LGBTQIA\* persons, for whom there are now also specific offers. Within the framework of this study, however, the specific situation of these persons was not studied in more detail.

### **Protection against violence**

Precarious migrant women often work and live privately and are more likely to remain in relationships of dependency than to benefit from services provided by the support system for homeless people. The estimated number of unreported homeless women is likely to be very high, and the barriers related to stigmatisation are considerably higher for women. For instance, it is assumed that women seek accommodation through informal networks, family or acquaintances and are thus more difficult to reach for assistance services (S1, V3, V4, Diebäcker et al. 2021). Consequently, women are at greater risk of falling into exploitative and violent situations. The risk of becoming victims of human trafficking is also significantly higher for women in insecure residence situations. Services for the protection against violence, such as women's shelters, are open to women in precarious situations too, but often they do not have access to follow-up services (V7, V20). There are some cooperations with donation-funded support services of NGOs, where women can find accommodation afterwards (V11). It was emphasised several times that there is a lack of awareness for work-related exploitation and that accordingly there are few offers, although there are some civil society campaigns on specific sectors (S1, V1, V7, V8).<sup>11</sup>

*"I think one of the reasons why a residence status is also very important for women who have been exploited is because otherwise the exact thing that the perpetrators have said will happen: They are not being believed and they get deported." (V7)*

The main challenge for victim protection was identified as the insecurity in terms of residence status that can follow from leaving a violent or exploitative context. Divorce or leaving an employment relationship can lead to losing one's residence permit. It can be very difficult for victims of human trafficking to leave the perpetrators, not least because of the fear of coming into contact with the authorities and being returned to one's country of origin. There is temporary legal protection for victims of human trafficking, but it is conditional on cooperation with the authorities and filing a legal complaint. There is no separate status for this vulnerable group; therefore, a return to the country of origin can be a possible consequence. Both at the federal and

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<sup>11</sup> For example, there is a lack of awareness & protection measures for 24-hour caregivers who work and live in private settings where they are victims of sexual and physical violence. A self-organisation of 24-hour caregivers has currently developed into a campaign for more rights and better working conditions (IG24.at o. J.).

municipal level, there are working groups to combat human trafficking that cooperate with the civil society organisations active in this field. In Vienna, there is an NGO that looks after female victims of human trafficking as well as one that supports male victims. In the interest of preventing human trafficking, there is a strong call from this side for an independent residence permit for victims of violence, exploitation or human trafficking that is not linked to ongoing criminal or civil proceedings (S1, V1, V5, V7, V8, Schlintl und Sorrentino 2021).

## **Children**

Children were a very frequent topic throughout the interviews. Despite being a particularly vulnerable group, protecting their rights is not a priority. Several experts recommend a stronger emphasis on children's rights and the best interests of the child over residence law. Children with precarious status are at risk of extreme poverty and exclusion and often suffer from the stress their parents experience due to precarious circumstances. They may have to take on responsibilities at an early age, act as language mediators for parents or contribute to the family's upkeep. Due to precarious living conditions, the precarious status may also not be overcome in the second generation, in spite of the fact that these are young people who grew up and went to school in Vienna. Furthermore, children in precarious circumstances are particularly affected by the negative effects of the Covid 19 pandemic, the long-term consequences of which are not yet clear. Cramped housing conditions, lack of access to the internet and laptops/tablets, as well as the interruption of face-to-face teaching and distance learning had particularly severe effects on children in precarious circumstances who are not native German speakers (V6, V10, V15, V16, V19, V25, V26).

In 2021, a deportation of children took place in Vienna that was widely discussed in the media. As a result, the issue received broader attention, including protests and a civil society campaign (asylkoordination österreich 2022). In addition, a temporary commission for child protection was set up, which has raised numerous urgent questions (Kindeswohlkommission 2021). In particular, for unaccompanied minor refugees above the age of 14, there is a lack of custody at the federal level, so that they are not represented until they are assigned to a federal province. This also leads to many unaccompanied refugee children disappearing from federal facilities (asylkoordination österreich o. J.). Furthermore, there is structural discrimination against unaccompanied refugee children in particular, as they are entitled to a significantly lower daily rate and thus less care than other children in the custody of the child and youth welfare services. A shortage of professionals in this field was also mentioned. Increasing the daily rates has been demanded by the municipality and civil society for a long time and should be implemented soon. It was also pointed

out that support often ends abruptly when a child comes of age. There are some civil society offers to compensate for this (S1, V10, Kindeswohlkommission 2021).

## Health care

### Health care system in Austria

The Austrian health care system is organised publicly and is largely funded by social security contributions and taxpayers' money. It includes health, accident and pension insurance and is mandatory in Austria. In general, people are automatically insured through their employment or through a compulsory insurance status, such as receiving unemployment benefits or social welfare ("Mindestsicherung"). In addition, family members can be co-insured (Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumentenschutz 2019; Fuchs 2019).

Nevertheless, there are people in Austria who are not insured. This is attributed on the one hand to structural gaps, social inequality, lack of personal resources and lack of information, but on the other hand also to the irregular residence status or irregular employment of EU and third-country migrants (Riffer and Schenk 2015; Fuchs 2019). Accordingly, migrants with precarious status are often not insured. Exceptions are people who are entitled to basic benefits in Vienna, as well as EU citizens who time and again receive insurance coverage through their employment, but are also often uninsured for longer periods of time.

*"That's the way it is in Vienna, if you work, you are insured, if you don't work, you are not insured."* (V25 - EU citizen with precarious status)

Although Article 35 of the EU Charter of Fundamental Rights stipulates the right to health care, people without health insurance in Austria only have the legal right to emergency care, with hospitals obliged to treat those in medical emergency situations. However, uninsured patients are then usually classified as private patients and charged for the treatments. This can lead people without insurance not to go to hospital even for medical emergencies, or to face enormously high bills afterwards. Regardless of insurance status, there is access to screening and treatment for tuberculosis (V4, V6, V22, Spencer and Hughes 2015; Karl-Trummer, Metzler, and Novak-Zezula 2009).



### **Health care services for uninsured people in Vienna:**

Therefore, civil society organisations have taken over health care for uninsured people in Vienna. The Neunerhaus Health Centre ("Gesundheitszentrum Neunerhaus") and AmberMed (Diakonie and Red Cross) offer health care provided by general practitioners and specialists (V2, V6, V22). In cooperation with the Red Cross, AmberMed also offers free medication to destitute patients (V6, AmberMed 2021). There are also numerous cooperations with laboratories and diagnostic centres that provide their services pro bono for patients of these NGOs, as well as cooperations with doctors in private practice. Neunerhaus and the Louise Bus operated by the Caritas also offer mobile health care, often in shelters for the homeless. A private hospital offers inpatient and outpatient treatment for people without health insurance. Furthermore, some hospitals of the Vinzenz Group cooperate with NGOs and offer inpatient treatment for their uninsured patients. These services can also be used anonymously (V6, V22). In addition, there are other counselling and therapy services offered by civil organisations, especially in the field of mental health.

These organisations are characterised by their hybrid structure, with full-time and voluntary staff working closely together. At AmberMed, for example, more than half of the services provided in 2021 were performed by volunteers (V6, V22, AmberMed 2021). The services are partly funded by donations, partly by the FSW Homeless Assistance ("FSW Wohnungslosenhilfe") and by the Austrian Health Insurance Fund ("Österreichische Gesundheitskasse"). This is impressive, but poses challenges as well, especially when it comes to long-term planning. Nevertheless, the organisations provide professional and reliable health care for uninsured people in Vienna. In addition, they develop new projects and adapt and expand their services (V6, V22).

### **Multilingualism and support through social work**

According to the experts, multilingualism is essential for successful support. It can be achieved in different ways, e.g. through a multilingual team and cooperation with students of translation studies, on the other hand through the addition of video interpretation (V2, V6, V22). Another distinguishing feature of the civil society organisations is the central role played by the social workers in supporting the patients. For instance, the initial assessment of a new patient also covers their general living conditions and, if there is a prospect of reintegration into the regular system, they are assisted in this process. The professional support of social workers is often needed to assert claims. This is due to the bureaucratic effort and complexity, but there has also been some criticism of the unaccommodating attitude of service providers towards people in precarious life situations, who require close support. Nevertheless, there is steady success in

insuring people and bringing them into the regular system. Still, the need for services for the uninsured continues to increase (V1, V2, V6, V22, S2).

### **Services for women**

While more men than women are treated at the Neunerhaus Health Centre, the reverse is true at AmberMed. This is certainly due to the gynaecological treatment available and the social birth offer ("Sozialgeburt"), which allows uninsured pregnant women to give birth in a regular Viennese hospital at a reduced price of 800€. This also covers complications during birth and with the newborn. Alternatively, women can give birth in hospitals due to the non-repudiation clause ("Unabweisbarkeitsklausel"), but will be charged for it afterwards (V6, V22).

### **Children**

Children are regular patients at the NGOs as well. At AmberMed, there is a children's consultation hour once a week. If both parents are uninsured, the children are usually not insured either. All interviewees dealing with uninsured children, both from the City of Vienna and from civil society, were very keen to address this issue. Children in the care of the child and youth welfare service (MA11) can also be affected by this. In such cases, MA11 can cover the costs of treatment, but it cannot insure the children (V10, S2). Especially when children have serious illnesses and need inpatient treatment, the lack of cooperating hospitals has been criticised. Shortcomings are also seen with regards to psychosocial health care for children and adolescents. Even before the Covid 19 pandemic, too few services were available, but the need has increased significantly in the last two years. City officials also identified a shortage of skilled workers in the field of childcare, meaning that services could not be staffed (V6, V10, V22, V26, S2).

### **Covid-19 pandemic**

The pandemic posed enormous challenges to the health sector, especially at the beginning. While some services had to close, not least because a large part of the volunteer staff belonged to the risk group, the services that remained open were virtually overrun. To some extent, this was also due to people who are not actually part of the target group (V2, V6). The situation of women in particular has become even more precarious due to the pandemic, as the burden of additional care obligations and potentially more violence in private spaces has increased (V2). Moreover, cooperation with inpatient units has become more difficult, since they were already at the limits of their capacities with Covid patients.

*"What has worked very well is that since Corona, a lot of things are suddenly a matter of course. The fact that vaccinations are free for everyone, regardless of insurance status, is really, really great" (V6).*

Some aspects have also shown what could be possible: namely to include uninsured people in the city's health strategy. Changing the winter emergency shelters to 24-hour operation also had a positive impact on the health status of elderly and sick patients in particular. In addition, some new services were developed, for example, a telephone consultation hour or the expansion of mental health services through federal funding (V6, V22).

### **Challenges and gaps**

Despite these committed services, there are numerous challenges in providing health care to people without health insurance in Vienna. While the hybrid staffing and funding structure of organising things works well, it leads to structural insecurity as long-term planning based on donations and the voluntary work of professionals is difficult. The lack of core funding is perceived as a low appreciation of these services.

*"If these offers did not exist, hospitals would be overburdened, patients in the terminal stage of some illness would end up in hospital, stays would be much longer, operations would be much more expensive, etc." (V6).*

Furthermore, there are still numerous gaps in coverage, for example in the inpatient sector. For example, the Hospital of the Brothers of Mercy provides some inpatient care, but they do not have an oncology department, a maternity ward or a paediatric ward (V6). In general, it is difficult to obtain cost-intensive treatments for uninsured people. Social work is particularly important here, writing social reports, contacting the hospitals and the providers; preparing and accompanying the patients and discussing with them whether and how, in the worst case, bills could be handled. While the cooperation with some hospitals, especially those run privately, is considered positive by the interviewees, a closer cooperation with public hospitals of the health network ("Gesundheitsverbund") would be desirable (V6, V22).

A striking gap exists in the provision of services for **people in need of care**, which affects many older people. These often end up in facilities providing assistance to the homeless, which are not equipped to meet their needs. This issue is widely known in the Viennese care system (V4, V22).

Another precarious area is **mental health care**, where there is a great, unmet need despite some civil society as well as municipal offers. On the one hand, this is due to the fact that an insecure residence status is a huge psychological burden (V17, V24). On the other hand, it is very difficult for people with mental illnesses to take care of their residence status or to enter and keep a job. This leads to an increased number of people with mental illness ending up in institutions for homeless people, especially women (V2, S1).

### **Prevention as a sustainable model**

*"[...] if you take a little more money in your hands and invest in this prevention, later on you save a lot of money by - in inverted commas - putting out fires. And the chance that people will have access to a regular job or regular housing is much higher if they are healthy, which I think is obvious, but is often overlooked." (V22)*

Migrants in precarious situations only seek support when their distress is already very high. Without health insurance, hardly any preventive medical check-ups are done. If people work under precarious conditions, it can be difficult to take the time off to see a doctor, also because taking time off can lead to a loss of income. As a result, illnesses are often already far advanced, which then makes treatment long and expensive. In addition, there are fears on the part of patients: "The longer someone has been out of the system, the greater the barrier to doing it again. (V22). A sustainable investment in preventive health care and prevention, also for people without insurance, is therefore seen as urgently needed by the people working in this field.

## **Housing and Accommodation**

The right to housing is enshrined in the European Charter of Fundamental and Social Rights, but has not been ratified by Austria. In Vienna, the right to housing is an issue also in terms of the Human Rights City. Like in many large European cities, however, especially for precarious persons it is difficult to find affordable housing due to the overheated housing market (BAWO 2016; Nowak 2013; Menschenrechtsbüro der Stadt Wien 2021).

FINANCED BY	Vienna Social Fund (FSW) homelessness		Partially national Funding, partially by the city	Vienna Social Fund (FSW) refugee aid	Donations	Private
SERVICES	Winter Emergency Shelters: 900 beds Year round in 2022: 230 beds	„Opportunity houses“ 650 beds	Shelters for vulnerable groups: e.g. Women's shelters, victims of trafficking, for minors & specialized housing (e.g. Haus Jaro)	Viennese primary care shelters for refugees	NGO funded & run shelters	Private accommodation
CHALLENGES & PROBLEMS	Accommodation only temporary			Rejected asylum seekers partially have no access to Viennese primary care or access is tied to cooperation in their return	Few places	Expensive, often substandard and crowded
	Lack of perspectives → no possibility for follow up accommodation, as they are not entitled Anschlussmöglichkeiten, da nicht anspruchsberechtigt / nicht förderwürdig					
	Stigmatisation			access dependent on perceptions of deservingness		risks: dependencies, exploitation & abuse
	Lack of trust / loss of trust if expectations can not be met → MPS stay in precarious and possible exploitative & abusive living conditions					
	Fear of deportation					
	Mental & physical illnesses and need for care → precarious status leads to illnesses					
	Partly lacking low-threshold & multilingual information, possibilities of access, advice & support in asserting claims					

**Fig. 2:** Housing options and challenges for precarious migrants

### Private accommodation

The Integration and Diversity Monitor of the City of Vienna points out that "affordable housing for immigrated Viennese and their children [is] an increasing challenge" (Boztepe, Hammer, and Luger 2020, 20). Migrants live in significantly smaller and more expensive private rented flats than people born in Vienna, and often with temporary rental contracts. They also face numerous legal, administrative and financial barriers when looking for housing, as well as information deficits and open discrimination (Gutheil-Knopp-Kirchwald und Kadi 2014). It can be assumed that migrants with precarious status are particularly affected by this. For example, experts say that it is common practice for landlords to inquire about the residence status of their tenants, even though they are not legally obliged to do so. In addition, the high costs associated with a new tenancy, such as deposit and commission, pose an enormous financial challenge for people in precarious situations (S1, V18).

Several experts pointed out that migrants in precarious situations are at risk of being exploited by landlords, for example in neighbourhoods where beds in overcrowded rooms are rented to mostly migrant workers in the low-wage sector at extremely high prices; or substandard flats with defects such as damp or mould that are rented out to precarious families for very high rents (V4,

V16, V23, V27).<sup>12</sup> In such neighbourhoods, the tenants also often do not receive a registration form ("Meldezettel") or do not know that they need one. This lack of registration can result in them not being able to claim social benefits or social housing, even though they have been living in Vienna for a long time (V3, V18). For migrants who end up with a precarious residence status after years only, however, housing conditions can be quite different as well (V12).

## **Social housing**

Vienna has a long history and a wide range of offers to provide the urban population with affordable housing, ranging from subsidised housing to municipal housing ("Gemeindebau"). However, access to municipal housing is also dependent on status and the length of residence: Only third country nationals with permanent residence, with asylum status or EU/EWR-citizens are eligible for municipal flats, and even this only after proving uninterrupted residence in Vienna for two years at the same address. In addition, no "tenancy law concerns" should exist (Kumnig 2018; Gutheil-Knopp-Kirchwald und Kadi 2014).<sup>13</sup> Migrants with precarious status therefore usually cannot access social housing. In the non-profit sector, the access barriers are mainly of a financial nature: even though the rents are relatively cheap, a high financial contribution has to be paid at the beginning.

## **Services by the Viennese Homelessness Assistance (WWH)**

The Viennese Homelessness Assistance ("Wiener Wohnungslosenhilfe", WWH) provides support for persons affected by or in danger of homelessness. It is organised by the Vienna Social Fund ("Fonds Soziales Wien", FSW) and includes a wide range of services from day centres and emergency night shelters to various forms of assisted living and counselling services. Two innovations that have been introduced in recent years are Opportunity Houses ("Chancenhäuser") and Housing First services. They are based on the human right to housing and are aimed at ensuring self-determined living (Gutleiderer und Zierler 2020; Dachverband Wiener Sozialeinrichtungen 2021). In 2020, the FSW Homelessness had a budget of 105 million euros and provided support to 12,550 people (FSW 2020).

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<sup>12</sup> This is despite the fact that according to § 115 FPG, enrichment from the unlawful residence of an alien is illegal and can be punished with up to one year of imprisonment.

<sup>13</sup> Access to municipal housing has only been possible for non-Austrian citizens since 2006, when access was liberalised under pressure from the EU anti-discrimination directives (Kumnig 2018).

Migrants with precarious status are usually not eligible for WWH services because they do not have the documents and certificates required or have been found ineligible (V3, V18, S1, Krivda 2018).<sup>14</sup> Although there is no legal entitlement to care, the City of Vienna provides accommodation, access to hygiene, food, counselling in the native language and, if requested, a ticket to the country of origin. This is offered mainly in the cold months through the winter emergency shelters ("Winterpaket"), as well as day centres and social and return counselling services. On the one hand, this is based on the humanitarian obligation to prevent people from dying of cold, on the other hand, the city and its residents also profit from the reduced visibility of homelessness (V3, V4, V18). The facilities are funded by the FSW and mostly run by NGOs, some of which provide supplementary services through donations (V3).<sup>15</sup>

### **Winter emergency shelters ("Winterpaket")**

In the winter emergency shelters, there are about 900 low-threshold sleeping places open to all people who acutely need a place to spend the night. However, they are open only during the winter months and only for night-time, with day centres as supplementary offers. In 2020 and 2021, this was different due to the Covid 19 pandemic. The winter emergency shelters stayed open for 24 hours and were accessible all day during the summer months in 2020 and 2021. In summer 2022, only 250 places will be available all day. In addition, there are some places that are funded by the providers themselves through donations. Civil society actors have long argued for the need for year-round, low-threshold, 24-hour emergency shelters (V3, V4, V18, Verband Wiener Wohnungslosenhilfe 2022; "Initiative Sommerpaket", o.J.).

### **Opportunity Houses ("Chancenhäuser")**

The newly developed Opportunity Houses introduced in Vienna in summer 2018 are aimed at providing temporary accommodation for all people in need (Diebäcker et al. 2021).<sup>16</sup> Staying in the Opportunity Houses serves to clarify housing perspectives and social welfare entitlements in order to prevent people from becoming entrenched in homelessness. Since people with precarious status are usually not entitled to further benefits from the WWH and/or have no access to the regular labour market, for many of them there are hardly any realistic follow-up prospects.

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<sup>14</sup> This can also apply to Austrian nationals who have become homeless in another federal province.

<sup>15</sup> The following providers operate opportunity houses and emergency shelters: Arbeiter Samariter Bund, Caritas, Johanniter, St. Elisabeth Stiftung, Volkshilfe, Rotes Kreuz and Obdach Wien, a subsidiary of the FSW.

<sup>16</sup> There were around 650 places in Opportunity Houses in 2020, including some for women, couples and families (Gutleiderer, Zierler 2020).

Therefore, stays are usually limited to three months (V18, Krivda 2018; Diebäcker et al. 2021, 64). At the same time, the Opportunity Houses are designed as low-threshold accommodation with facility-based lump sum funding. The staff are therefore given discretionary powers to decide whom to admit and for how long, provided that there is a suitable vacancy in the facility (by gender, with a pet, etc.). Access and length of stay are handled differently by different providers, which in turn questions the unrestricted access regardless of residence status (V18, Diebäcker et al. 2021, 32). However, since the assessment of the follow-up prospects is at the discretion of the facility's management, the duration can be extended as well, especially in cases of hardship (V18).

### **Basic care facilities**

People who come to Vienna through the asylum system are entitled to basic care during the ongoing asylum procedure, including guaranteed accommodation. In Vienna, about 70% of the asylum seekers live privately and only relatively few in organised accommodation. People who are entitled to basic care in Vienna do not lose this entitlement even in the event of a negative outcome of their asylum procedure. Although asylum seekers with a legally binding negative decision would be entitled to basic care in all federal provinces, some federal provinces do not continue to grant it (Integrationshaus 2021). It has also been observed that rejected asylum seekers from other federal provinces come to Vienna when they no longer receive support elsewhere (S1, V21, Rosenberger, Ataç, und Schütze 2018). However, this group of people is not entitled to basic care in Vienna. A few donation-funded facilities run by NGOs, such as the Ute Bock Haus or the Haus Amadou run by Caritas, offer longer-term accommodation for this group too. Others have friends and acquaintances where they can stay (V5, V11, V14, V18, V21, V24).

### **Accommodation offered by civil society**

Some civil society associations provide vital accommodation and additional services on a donation-funded basis, thereby filling gaps in the municipal care system. The decision on who is housed and who is not depends on the space available but also heavily on the perceived vulnerability. Families with children who would otherwise be homeless are given clear preference (V21). People can usually stay in these quarters until follow-up solutions are found, sometimes for several years (V11, V21). However, an assessment of the prospects of stay ("Bleibeperspektive") also plays a role in evaluating the situation at civil society facilities, on the one hand in order to be able to take in new people, and on the other because the development of a perspective is seen as very important for the mental health of the people concerned (V21).



## **Accommodation for vulnerable groups**

In addition, there are special facilities for vulnerable groups. Some of these are funded by the FSW as well; some are funded by other municipal bodies or, like the shelters for victims of human trafficking, some by the federal government (V7). Homeless people who are discharged from hospital but are still in poor health can recover, for example, at the Caritas-run Haus Jaro, which is also funded by the FSW, regardless of their residence status and health insurance. Vienna's women's shelters offer protection for women affected by violence regardless of their residence status, but these too are only temporary. Follow-up solutions for women without entitlements affected by violence are sometimes found through cooperation with shelters that are funded by civil society organisations (V11).

## **Children**

There are dedicated places in Opportunity Houses for families or single parents with minor children. However, these too usually do not offer long-term solutions (Diebäcker et al. 2021). Civil society services, such as the Hous Amadou of Caritas or the Ute Bock House are urgently needed and fill important gaps, since children affected by homelessness may be taken away from their parents (V11). Unaccompanied refugee children and children with precarious status without legal guardians are accommodated in shared flats by the child and youth welfare service ("MAlt - Kinder und Jugendhilfe") (see Chapter 4).

## **Other municipal services in the area of housing**

Beyond that, the city and NGOs provide various support and counselling services in the area of housing, which may also be used by people with precarious status. One example is the assistance for special circumstances, where particular bills, such as for heating or electricity, are paid by the MA40 (V09, V12). However, these are rather high-threshold services that usually require professional support (V12).

## **Barriers to the use of services**

Besides structural factors that may limit the access and duration of stay of migrants with precarious status in a shelter, there are several other factors preventing precarious migrants from seeking out or staying in an official shelter. For example, WWH services cannot be used anonymously. The fear of imprisonment and deportation can lead to people preferring to stay with acquaintances or family members in order to avoid potential registration in an official

shelter. Another reason is the stigmatisation associated with the use of services for the homeless. Women are particularly often mentioned in relation to this. In addition, numerous other motives such as shame, dignity, rejection or lack of knowledge can play a role (V3, V4, Beeck, Grünhaus, und Weitzhofer 2020, 16; Diebäcker et al. 2021).

*"But where do those go who don't get approved for funding or can't build up a housing prospect? And here the answer is quite clear: either they go to friends or they go to the winter emergency shelter." (V18)*

From the interviews and in light of the few long-term accommodation options for migrants with precarious status in Vienna, as well as the barriers to using homeless assistance services mentioned above, it can be concluded that many precarious migrants do not live in official accommodation provided through refugee assistance, homeless assistance or NGOs, but rather in private accommodation. It is difficult to say what these housing conditions are like. The descriptions range from standard rented flats (V12) to substandard flats with massive deficiencies and overcrowding (V25) to accommodation with acquaintances and family members under widely varying conditions (V24, V14). Accommodation in private households of employers was also mentioned (S1).

## **Challenges**

All experts interviewed in the area of housing/homelessness mentioned the challenge of caring for people with health problems, especially in combination with mental illnesses, addictions and/or the need for care, especially for older people. This group of non-eligible people who are "residentially settled" here, i.e. have been living here for a long period of time and have no prospects of returning, often stays in winter emergency shelters for an extended period of time. Presumably, this group also often turns to this kind of shelters because they can no longer pay for private accommodation and are no longer tenable for acquaintances and family members. The shelters, however, are neither designed nor equipped to care for these individuals, who are often dealing with multiple issues. This poses enormous challenges for the staff, for which they are often not sufficiently trained or qualified. These groups of people have also been identified by municipal actors as a particularly vulnerable group (V3, V4, V18, Diebäcker et al. 2021). Despite the good cooperation between the WWH and the civil society associations that sometimes provide medical care on site, there is an enormous lack of mental health care (see Chapter 5). For the persons concerned, the lack of long-term housing options increases their vulnerability to exploitation and sometimes leads them to remain in relationships of dependency or violence.

## Education

### Children up to 15 years

In Austria, schooling is compulsory for children between 6 and 15 years of age; this also applies to children with precarious residence status. Before this, there is already a compulsory kindergarten year. Children can also attend a municipal kindergarten prior to this as long as their main residence is in Vienna. Attending kindergarten is free of charge, but there is a monthly fee of 68.23 € for meals. Households with very low incomes can be exempted from this (oesterreich.gv.at o. J.; wien.gv.at o. J.). In 2017, the Austrian Federal Ministry of Education explicitly stated in a circular letter to educational and counselling institutions that the right to education must also apply to children with unclear residence status (Bundesministerium für Bildung, 2017). However, there still are fears on the part of teachers or school management when it comes to children with precarious residence status and without health insurance, making it necessary to raise awareness, for example, about the fact that uninsured children at school are covered by accident insurance (V15).

The education office ("Bildungsdirektion") in Vienna has numerous offers aimed at facilitating access to the regular school system for multilingual children and children with different educational backgrounds. In addition, native language classes are offered in 23 languages in Vienna. Multilingual outreach to parents and information transfer are other important services to promote inclusion (V19). In the interviews with persons with precarious status who have or had children of school age, the majority referred to the regular schools in Vienna positively and also mentioned the school as a place through which they received support and further connections to external support services (V12, V14, V25).

*"So for me, the group that really lost out in the pandemic - if you really had to pinpoint it now - are above all primary school children and secondary level 1, that is, 10- to 15-year-olds with a migration background and with insufficient or inadequate knowledge of German as the language of instruction". (V19)*

Nevertheless, numerous challenges were mentioned, especially exclusions related to poverty and language. In particular, the special classes for improving German language skills ("Deutschförderklassen") introduced by the federal government in 2019/2020 and the MIKA-D tests were widely described as discriminatory and fostering segregation (V15, V19). The Covid-19 pandemic has also posed particular challenges to families living in precarious circumstances and

who are non-native German speakers. Constrained housing conditions, lack of computers or tablets and access to internet or data usage, and lack of parental support made distance learning for these children very difficult. Therefore, schools were kept open during the following lockdowns in Vienna and multilingual information that children could come to school was distributed (V15, V19).

### **Teenagers & young adults**

Up to 18 years of age, education is compulsory in Austria (bmbwf.gv.at o. J.), with the exception of asylum seekers (SOS Mitmensch 2017). For adolescents and young adults from the age of 15, there are various educational pathways in Austria, and there are numerous counselling services in Vienna. Among them, there are also trainings explicitly for young migrants with different educational backgrounds (interface-wien.at o.J.). However, some offers may not be well-known and there is a lack of knowledge and accessibility to multilingual information about the various educational trainings. In addition, the offers may not overlap with the educational aspirations of young people. In addition, access is significantly more difficult depending on previous education, length of stay and educational pathways in the country of origin or in Austria as well as residence status. In particular for young precarious migrants who are excluded from the labour market, it can be challenging to find a suitable educational training. For example, they do not have the possibility to do an apprenticeship. (V15, V19, SOS Mitmensch 2017; asylkoordination österreich o. J.).

### **Adult Education**

Although there is a wide range of courses and further education opportunities for adults in Vienna, there is hardly any access to education for adult precarious migrants. Subsidised courses are usually linked to one's status. As the only place in Austria, Vienna offers German language courses for asylum seekers for which the travel costs are also covered. However, with a legally binding negative asylum decision, the entitlement to education is lost and thus access to tickets for public transport (V23, V17, S1). In some cases, access to courses with specific funding is possible regardless of residence status, for example in basic education or programmes specifically for women (V13).

Civil society organisations offer educational programmes led by volunteer teachers, where access is possible regardless of status. These may range from regular courses to language cafés or 1:1 learning support. It was emphasised that people are extremely burdened by a precarious status

and the uncertainty this entails, and are therefore often confronted with learning difficulties. This is a challenge that is difficult to overcome in the courses.

In addition, numerous problems indicating that people with precarious status do not have the financial and/or time resources to attend courses regularly were mentioned. Either the working hours of precarious labour do not allow time for courses or, if they do not work, the travel costs for public transport to get to educational trainings already represent such a great financial burden that people cannot come to the courses (S1, V3, V13). For precarious migrants with access to the labour market, this is a problem as well. An interviewee with precarious status from the EU explained that they would like to work as a taxi driver, but would have to complete a qualification course. This would mean that they would have less time for their irregular work and thus the family would not have enough income for rent and basic needs. This illustrates the dilemma faced by people with precarious status: even with access to the labour market, it is difficult for them to escape the spiral of precarity (V25).

Although German language skills as well as education and training are key for access to the labour market, for precarious migrants there are not enough offers available and a lack of financial support to be able to actually pursue them. This can lead to migrants who would technically have access to the labour market becoming entrenched in irregular work contexts and thus not being able to escape their precarious situation despite the fact that they are working.

## Legal advice and social counselling

In Vienna, there is a large and specialised counselling system, parts of which are open to all people living in Vienna while others are explicitly aimed at migrants. Some of the services are linked to one's status, e.g. asylum seeker, while others are aimed at people with a specific native language and are accessible regardless of status. Counselling services include legal advice on asylum and aliens law; women-specific counselling; debt counselling and counselling related to housing and homelessness; health counselling; and various educational and labour market integration as well as labour law counselling offers. The organisation, financing and accessibility of these services vary greatly. The very diverse range of services in Vienna shows that the different stakeholders are aware of the vital importance of information and counselling, and that the city has created or funds many of these services.

## **Negative legal changes and the complexity of asylum, alien and social law**

Numerous experts have also highlighted the negative effects on legal developments caused by the political changes of the 2017 ÖVP/FPÖ coalition government. These have also influenced the scope for political action in Vienna. One of the effects is that at the beginning of 2021, legal counselling and representation for people in the asylum procedure was reorganised within the framework of the Federal Agency for Reception and Support Services ("Bundesagentur für Betreuungs- und Unterstützungsleistungen", BBU).<sup>17</sup> Since then, counselling services on asylum law in Vienna have been solely financed by donations and are offered in part by volunteer counsellors. These counselling services are especially important for rejected asylum seekers since they fill the gaps that are not addressed by the BBU (S1, S2, Integrationshaus 2021; fairlassen.at o. J.). There are not many legal advice services on aliens' law for people who are not in Austria through the asylum system. There is great need in this area. Specialisation in this area is necessary because, in addition to the general complexity in the field, there have also been an extremely large number of changes in recent years (V1, V2, V3, V8, V17, S1, S2).

The extreme complexity of asylum law and law relating to aliens, but also of social law, makes legal advice and counselling services indispensable. Without professional support, it is hardly possible for precarious migrants to assert their rights or claims. Support is also needed to claim social benefits, as the paperwork is not only complicated, but the social welfare system itself is extremely prescriptive. Failure to register or pay social security, even if it is not the fault of the person concerned, can mean that social welfare benefits cannot be claimed. Particularly in these cases, there is a lack of counselling centres that also provide legal representation and support in the fight to assert claims. This is partly due to the fact that counsellors and social workers are actually working in other areas and do not have the necessary time resources and in some cases do not have the know-how (V1, V2, V3, V8, V14, V17, S1, S2).

## **Access to support infrastructure**

Most counselling services are provided by civil society organisations and initiatives, some of which are on behalf of or with funding from the city. This also means that the services are accessible to people in the asylum procedure or people with a positive asylum decision or subsidiary protection, or are conditional on access to the labour market (V1, V3, V7, V8, V16, V20, V21, V23). The

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<sup>17</sup> The BBU is subordinate to the Ministry of the Interior. This has led to a lot of criticism, as the independence of the counselling and representation mandate is considered to be at great risk.

degree to which counselling services are accessible at low thresholds and the importance of multilingualism in the various counselling services varies, partly presenting access barriers for precarious migrants. There are counselling services in different languages, some of which are explicitly addressed to people who speak a certain language, while other services are only available in German. For precarious migrants, it can also be a challenge to find out which services are open to them and offer the right expertise and language skills. This can be very wearisome and time-consuming, and can lead to disappointment. The interviews show that people with precarious status often rely on the advice of friends and acquaintances, not only about which services they can use, but also about which services they can rely on and trust. This shows that people within the communities play a central role as supporters, information providers and multipliers. These could be involved more (V1, V3, V8, V12, V14, V24, V25, S1, S2).

Scarce resources can lead to situations where people are sent to take their concerns from one place to another without anyone feeling responsible. In some cases, counsellors may have to decide whether they see a realistic prospect of a positive outcome or not and thus submit a complaint, a new application, etc. In other cases, there may be a lack of connections or internal knowledge transfer so that people can be referred to the right counselling centre. This often depends on committed individuals. Furthermore, responsibilities may not be clear, in particular when time resources are scarce. People are then sent on and/or turned away, or receive only brief counselling and feel that their concerns are not taken seriously. This is very frustrating for the people affected and can lead to a loss of trust in the support infrastructure. As a result, it can also happen that technically existing entitlements are not (or cannot) be asserted or that deadlines expire, which in turn can have serious consequences in terms of residence status or social benefits. This makes it even more difficult to reach people in precarious situations and to identify those affected by exploitation, violence and human trafficking. Adequate resources and good networks beyond the individual departments are therefore of central importance (V1, V2, V3, V8, V14, V17, S1, S2).

## Synopsis

The research project LoReMi has studied the local support infrastructure in Vienna for people with precarious residence status. On the one hand, the project focused on the realities and challenges of people with precarious status, with a special focus on the situation of women and children. On the other hand, it examined the local support services and the cooperation of municipal and civil society actors working to ensure basic security and respect for the human rights of this precarious part of the urban population.

## Networks, Cooperation und Exercise of Discretion

Vienna offers a wide range of support services, some of which are open and accessible to persons with a precarious residence status. Together with some progressive administrative practices, this is due in particular to a committed and innovative civil society and NGOs. The interviewed representatives of municipal authorities referred very positively to the NGOs and civil society actors with whom they cooperate. For the most part, they also referred positively to the cooperation with other representatives from the city. The majority of the interviewed staff members of NGOs and civil society initiatives also referred positively to the municipality and to each other, and appreciated the efforts of the municipality's staff members who work towards (more) inclusive services and access. However, mentioned was also the dependency on the city as a funding body, which at times can make it difficult to voice criticism. They also pointed out gaps and shortcomings, especially for groups that are classified as vulnerable and need access to support services. The assessment of qualification for support, in particular when there is no legal basis or when it is not clearly defined and allows room for discretion, is discussed in academia as "deservingness" (Willen 2012; Chauvin und Garcés-Mascareñas 2014; Ataç 2019). An essential point of reference for granting support is the so-called "perspective of stay" ("Bleibeperspektive"). Very important is also the best interest of the child as well as protection from violence, but also the rights of people in need of care and sick people.

In individual sectors, the city too uses its discretionary powers to make certain services accessible - such as access to Opportunity Houses of the Viennese Assistance for the Homeless - or to keep them more inclusive, as with the only partial implementation of the new Social Assistance Basic Act of 2019, ensuring that persons eligible for subsidiary protection have continued access to social welfare ("Mindestsicherung") in Vienna. These inclusive practices are not much publicised and advertised by the city and can thus be understood as "shadow politics" (Ataç, Schütze, und Reitter 2020; Spencer 2014). The financial support to health care facilities for treating uninsured people provided by the city, for example, can be regarded as such too. However, these are financial subsidies from the sector of homelessness assistance into a parallel health care system, rather than an inclusion into regular health care, as was the case with the city's inclusive testing and vaccination strategy to combat the Covid-19 pandemic. While many areas are seen as positive, there are also various criticisms. The Municipal Department for Immigration and Citizenship (MA35) was repeatedly criticised, on the one hand for long waiting times, but also for discriminatory behaviour, as was also reflected in the media last year (S1, V1, V8, Koschuh 2021). The city has announced that the problems will be addressed and resources will be expanded. However, it also appears that the city's specialised administrations interpret their scope for action



differently in this regard. Furthermore, it was felt that in certain areas there was a lack of political will to address grievances, to make services more inclusive and to allocate more resources. Accordingly, there does not seem to be a common approach between the different departments towards persons with precarious residence status. Rather, within Vienna's municipal administration, as in other large cities, there are different, competing and not always coordinated, department-specific approaches involving different stakeholders and interests (DeGenova 2015; Ambrosini 2021; Homberger et al. 2022).

## Discussion

This diversity of actors and sectoral support services, but also the diversity of migrants with precarious status, the different realities of life, challenges and perspectives they bring to the table, make it difficult to make generalised statements. Nonetheless, it is possible to summarise some findings and derive courses of action that are relevant beyond the individual sectors.

### Importance of the labour market: strengthening labour rights and social rights

*"What [...] all these groups have in common [...] is the fact that they all go to work because they do not have access to social benefits. They're not entitled to social welfare, they're not entitled to unemployment benefits, and they all go to work and sometimes they work two, three different jobs to somehow make ends meet for themselves [...] and for their family and that's really quite impressive." (V6)*

Employment, both regular and irregular, is the basis of a sustainable livelihood. Access to the regular labour market was consistently mentioned in the interviews as a key bottleneck in supporting precarious migrants. As shown in the quote above, it can be assumed that many migrants with precarious residence status work undocumented. This is partly because they are denied long-term access to the regular labour market, partly because they cannot refer to the regular labour market due to structural discrimination and racism, and partly because they have not been registered by employers. This in turn excludes them from making use of numerous social support services. In this area, there are support services offered by trade unions, AK or UNDOK, the contact point for undocumented workers, as well as sector-specific, partly self-organised initiatives, such as the Sezonieri Campaign for the Rights of Harvest Workers or the Interest Group of 24-Hour Care Workers - IG24 (sezonieri.at o.J.; IG24.at o.J.). These actors emphasise that despite residence-related exclusions, there are labour and social welfare rights

that people are entitled to regardless of whether their employment relationship or residence is regular or irregular, and that they need protection and support in this regard.

### **Reduce bureaucratic obstacles and make positive use of discretionary powers**

Some people would be entitled to insurance or social benefits, but their documents are not complete. Often this is not the fault of the persons affected, but of employers or due to a lack of information. They need support in asserting their claims, as well as a sympathetic and solution-oriented response from the authorities. Here, discretionary powers are located at the street level of bureaucracy (Landolt und Goldring 2015). Especially in the case of Vienna's Municipal Department 35 for immigration, there has been repeated criticism by interview partners but also in the media about discriminatory behaviour towards precarious migrants as well as very long waiting periods (S1, V1, V8 Koschuh 2021). More effective support is needed here, especially for people who have the possibility of extending their status, regularising it and/or gaining access to insurance and social benefits.

### **Providing preventive services**

While municipal actors place the responsibility for the area of the labour market with the federal government, civil society actors also see possibilities for action at the municipal level. Especially when it comes to preventing precarious employment or providing access for people in precarious situations so they can become stable and independent, early intervention is crucial. This applies to all areas. Targeted low-threshold and multilingual counselling services could prevent people from slipping into or remaining in conditions of precarious residence. In addition, a need for low-threshold labour market integration services was identified for precarious EU citizens too. Also with regard to covering basic needs, such as housing and health care, early intervention is essential in order to prevent the entrenchment of homelessness or chronic illnesses. These tendencies can be seen in various areas and are largely driven by civil society actors, for example in the health care sector.

### **Protection in the assertion of rights**

While numerous civil society counselling services as well as health care services can be used anonymously, there often are problems in this regards when it comes to claiming rights. In spite of this, so-called "firewalls", which enable anonymous use of services, were rarely mentioned by the interviewed experts. The focus is rather on the possibilities for regularisation. For this, a registration is usually the first requirement. This is probably also due to the composition of

migrants with precarious status in Vienna, the majority of whom are EU citizens. They too are affected by deportations to their country of origin, but it is easy to return to Vienna from there. Still, registering and thus exposing oneself to the authorities can be a major obstacle when it comes to receiving support, for instance for victims of human trafficking, but also for other persons with irregular residence.

### **Creating prospects and providing care for vulnerable groups**

For people who are excluded from the labour market due to their residence status, but also due to illness or age, a way out of residence-related precariousness is often much more difficult. In particular, for these people, a precarious residence status increases the risk of falling into and remaining in dependent relationships and of becoming victims of violence, labour exploitation or human trafficking. In the absence of prospects or the knowledge of possible opportunities for regularisation, remaining in precarious and exploitative working and housing conditions may seem to be without alternative. Accordingly, there is a need for prospects towards a regular residence status and a greater permeability of the municipal social system, especially for children, young adults and other vulnerable groups. Moreover, there are still gaps in specific areas, such as inpatient health care for uninsured children. For people who cannot (or can no longer) enter the labour market for health reasons, but who are here on a permanent basis, there also is a need for better access to the care system.

### **Strengthening trust and providing more resources**

Migrants with precarious status are confronted with countless challenges and enormous psychological burdens: Uncertainty and fear of the future often combined with long waiting times for responses from authorities regarding their residence status or access to social benefits. For others who have exhausted legal remedies, this is exacerbated by a lack of prospects. Another factor is precariousness due to poverty, which usually goes hand in hand with an insecure residence status. In addition, migrants experience discrimination and racism in Austria, which can impede access or block paths. This can lead to migrants with precarious status finding it difficult to trust, seek out and make use of support services. Access to precarious migrants as well as relationships of trust are therefore extremely fragile and can easily be fractured, which may lead to migrants turning away from support services. Often services seem to be circulated among migrant communities, friends and family, who thereby act as a guarantor for good support services and respectful treatment. Support services should therefore not only be low-threshold and multilingual, but also need appropriate sensitivity and time resources to build trust.

## Expand networks and information flows

The complexity of residence and social welfare law poses enormous challenges for everyone involved. For migrants with precarious status, this means that they are dependent on professional support in asserting claims under social welfare or residence law. At the same time, there is a lack of resources among the service providers, which can lead to them not taking cases and a dismissal of responsibilities. Sometimes it is also not clear which support service is the appropriate one in a particular case. Networking between stakeholders from the municipality and civil society varies greatly in the areas described above. While there are often good networking structures within the established areas and competences, this is not always the case for issues that cut across them. Sectorality and a lack of coordination between specialist areas can lead to access barriers. While in some areas, the connections between the municipality and NGOs are well established, in other areas networks and the transfer of knowledge and information seem to be informal and based on personal relationships, and to cluster around a few particularly committed individuals. This can lead to a situation where employees, but also volunteers who are in contact with precarious migrants, are not aware of important services and are unable to refer them. Thus, it appears to be partly a matter of chance whether and how migrants in precarious situations reach the correct contact point or the appropriate service. It is therefore desirable to provide information systematically within organisations and to strengthen networking beyond the individual sectors.

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### **Exploratory talks:**

V1, Director of an NGO, Vienna, 27.05.2021

V2, Team leader of a counselling service of an NGO, Vienna, 10.06.2021

V3, Team leader for social work in an NGO, Vienna, 11.06.2021

V4, Group discussion with department heads of a municipal institution, Vienna, 24.06.2021

V5, Group interview with staff members of a national authority, Vienna, 08.09.2021

**Guided interviews:**

V6, Director of an NGO, Vienna, 03.11.2021

V7, Deputy Director of an NGO, Vienna, 03.11.2021

V8, Legal advisor at an NGO, Vienna, 03.11.2021

V9, Head of Department of a municipal authority, Vienna, 22.11.2021

V10, Head of Department of a municipal authority, Vienna, 03.12.2021

V11, Psychosocial counsellor in an NGO, Vienna, 14.12.2021

V12, Migrant with precarious status, Vienna, 15.12.2021

V13, Head of Department of an NGO, Vienna, 15.12.2021

V14, 2 relatives of migrants with precarious status, Vienna, 16.12.2021

V15, Volunteer staff member of an association, Vienna, 16.12.2021

V16, Volunteer staff member of a civil society initiative, Vienna, 16.12.2021

V17, Head of Department of a municipal institution, Vienna, 21.12.2021

V18, Social Worker at an NGO, Vienna, 22.12.2021

V19, 2 staff members of a local authority, Vienna, 12.01.2022

V20, Deputy Head of a municipal authority, Vienna, 19.01.2022

V21, Head of residential care in an NGO, Vienna, 21.01.2022

V22, Team leader for social work and division head in the management of an NGO, Vienna, 25.01.2022

V23, Head of a regional office of a municipal authority, Vienna, 26.01.2022

V24, Migrant with precarious status, Vienna, 27.01.2022

V25, 2 Migrants with precarious status, Vienna, 08.02.2022

V26, Head of a municipal ombudsperson office, Vienna, 18.02.2022

V27, 2 employees of the Vienna Provincial Police, Vienna, 02.03.2022

**Stakeholder Meetings:**

S1, 1st Stakeholder Meeting with 12 participants from the municipality & civil society, Vienna, 23.09.21

S2, 2nd Stakeholder Meeting with 17 participants from the municipality & civil society, Vienna, 03.03.2022

# LOCAL RESPONSES TO PRECARIOUS MIGRANTS: FRAMES, STRATEGIES AND EVOLVING PRACTICES IN EUROPE (LOREMI)

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