

Chapter 6

Vienna



Vienna is Austria's capital city and a major metropolis of almost two million people. Among Vienna's population around 30.8% have a foreign citizenship, higher among 25–45 year olds (50.9%). 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 et al., 2021). People with precarious status who are not included in official statistics add another dimension to this diversity. As the largest city in Austria with the most relevant services, most of Austria's migrants with precarious status are likely to be resident there (Jandl et al., 2009).

6.1 Precarious Migrant Population Faces Multiple Challenges

Interviews indicate that the majority of precarious migrants are from Eastern and South-Eastern Europe, some of whom are long-term residents, as well as refused asylum seekers and overstayers from further afield. Men are more visible, e.g., among the homeless, but not necessarily more numerous. Women often work and live in private households and are more likely to remain in relationships of dependency than to rely on services. Children with precarious status are also present in Vienna. Deportations of children from Vienna in 2021 drew attention to their presence and vulnerability.

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 one NGO worker emphasised:

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)

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 (if entitled to work) because they cannot work in the regular labour market due to discrimination, 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, mainly by the NGO UNDOK,¹ sometimes in collaboration with the Viennese “Workers Chamber” (Arbeiterkammer)² and trade unions. In addition, there are some 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—IG24.³ These actors argue 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.

Based on our interviews and stakeholder meetings, it is possible to make some general statements about the profile of precarious migrants in the city. The profiles differ according to the services offered. To some extent, people from certain communities seem to prefer some facilities and not to appear in others. The majority are EU citizens from Eastern and South-Eastern Europe among whom Roma are often mentioned. Many of them were already affected by poverty and discrimination in their countries of origin. Some have been living in Vienna for a long time but due to discrimination and socio-economic exclusion remain in very precarious and irregular working and housing conditions. As a result, they can neither claim social welfare entitlements nor obtain permanent residence.

There are also people from other regions of origin who have passed through the asylum system and, voluntarily or involuntarily, are no longer in the basic care system in Vienna, or they have come to Vienna from another federal state after their asylum claim was rejected. Others most likely came with a visa that they could not extend or remain in a dependent status. There is very little knowledge about this group. They appear only sporadically in the support infrastructure of public services or NGOs and provide little information about their living situations.⁴ Third-country nationals with a residence status in another EU country were also mentioned by interviewees (SV1; SV2; V1; V6; V8). Although they are legally allowed to stay in Austria for 3 months, they have no entitlement to any welfare or support nor access

¹ See <https://undok.at/>

² The “Workers’ Chamber” (Arbeiterkammer) is a state funded organisation that represents all employees and consumers in Austria. Those working with a regular work contract are automatically members. Among other services, they offer legal support and counselling with regards to labour and social rights (see: <https://wien.arbeiterkammer.at>).

³ See: http://www.sezonieri.at/en/startseite_en/ and <http://ig24.at/en/>

⁴ People from Iran, Iraq, Nigeria, Somalia, Maghreb and various other African states, India, Chechnya, Georgia, Ukraine, China, the Philippines, and very occasionally also Latin American states were mentioned in the interviews in this context (V6; V7; V8; V13; V17; V21). The situation of Ukrainians has changed since the beginning of the war.

to the regular labour market. Older people and age-related migration were a recurring topic in the expert interviews. This was related to elderly people with unmet care needs, but also to parents/grandparents who were brought to Austria, either because they themselves needed care or to assist with childcare. In addition, people with mental illnesses and addictions were repeatedly mentioned by NGO interviewees as a particularly vulnerable and unsupported group (SV1; SV2; V2; V3; V4; V6; V7; V11; V13; V18; V21; V22).

In some service areas—especially those that address people in the asylum system and in support services for the homeless—significantly more men than women use the services. However, it cannot be concluded that it is predominantly male migrants who live in precarious situations. Rather, men are more visible due to their working conditions (e.g. in construction) but also due to a gendered use of public space. Awareness has also been raised with regard to LGBTQIA+ people, for whom there is now also some targeted service provision. Within the framework of this study, however, the specific situation of this group was not scrutinised.

6.1.1 Children at Particular Risk

Children with a precarious status were a frequent topic raised by interviewees. Despite being a particularly vulnerable group, protecting their rights seems not an explicit priority for the municipality. Children with precarious status are at risk of extreme poverty and exclusion and often also suffer from the stress that 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, their status may also not be overcome in the second generation, although these are young people who grow up and go to school in Vienna, as one interviewed family has illustrated. Despite growing up in Vienna, the eldest son of a precarious EU-migrant family could not find a job in the regular labour market and started to work in the informal sector, together with his parents, as he also needed to contribute to the family's income early on. He thereby continues to be uninsured and not eligible for social support (V25). Furthermore, children in precarious circumstances were 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 or tablets, as well as the interruption of face-to-face teaching, 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 from Vienna that was widely discussed in the media. As a result, the issue received broader attention, including protests and a civil society campaign.⁵ A temporary commission for child protection

⁵<https://archiv2022.asyl.at/de/kindistkind/index.html>

was set up which raised numerous urgent questions (Kindeswohlkommission, 2021). In particular for unaccompanied asylum-seeking children above the age of 14, there is a lack of responsibility taken at the federal level, so that they are not represented and properly taken care of until they are assigned to a federal state. This also leads to many unaccompanied asylum-seeking children disappearing from federal facilities (asylkoordination österreich, 2019). Furthermore, there is structural discrimination against unaccompanied asylum-seeking children as they are entitled to a significantly lower daily rate of welfare payments and thus less care than other children who are in the care of the child and youth welfare services. A shortage of professionals and thus capacity in this field was also raised; and that any support given often ends abruptly when a child comes of age. There are some NGOs offering services which try to compensate for this (SV1; V10; Kindeswohlkommission, 2021).

It is important to note, as for other cities, that assessments of the profile of migrants with precarious status are complicated by the fact that the information on which they are based is drawn largely from the different fields in which services are provided. Each service attracts different categories of people and faces different challenges. With regards to health services, we see, for instance, a high rate of young women in all three cities, while legal advice with regards to labour relations and accommodation services is predominantly requested by men.

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 often comes 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. Information on available services is often spread as word-of-mouth recommendations within migrant communities, friends and family, who thereby also act as a guarantor for good support services and respectful treatment.

6.1.2 Federal State and City Authority with Broad Powers and Resources

Vienna is both a federal state and city authority. The mayor is therefore the governor of the state, and the city council has the dual function of a federal state government.⁶ Vienna has been governed by a social democratic mayor since 1945, from

⁶ see: <https://www.wien.gv.at/verwaltung/organisation/koerperschaft/>

2010 to 2020 in coalition with the Green party and subsequently with the liberal party NEOS. The seven executive city councillors of the two governing parties head the administrative groups. These are organised in Municipal Departments (“Magistratsabteilungen”, short: MA), of which (as of 2022) there were 56.⁷ The Council employs around 67,000 people of whom half are in the central administration and towards half in the municipal health network. A further 2000 plus work in the Vienna Social Fund.⁸

In contrast to Cardiff but similarly to Frankfurt, Vienna has some responsibility for applications and extensions of residence status. The council is also responsible for providing welfare and homelessness assistance and for checking entitlements, according to the national law. In this respect, Vienna has been acting in a more inclusive manner than intended by the federal government in certain areas, for example in continuing to provide basic benefits to rejected asylum seekers. It has also not fully implemented a change in the social benefits law: in contrast to a proposed exclusion, it still grants refugees with subsidiary protection access to social welfare support.

Different municipal departments, such as Integration and Diversity (MA 17) and Women’s Affairs (MA 57) support the activities or projects of NGOs that provide special services for refugees and migrants. Responsibility for granting social welfare (“Mindestsicherung”) lies with the Department of Social Welfare, Social and Public Health Law (MA 40), while the Municipal Department for Immigration and Citizenship (MA 35) is responsible for residence permits. That department was repeatedly criticised by interviewees but also in the media for discriminatory behaviour towards migrants as well as very long waiting periods (SV1; V1; V8; Koschuh, 2021). 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 responsible for organising and promoting the social and health landscape in Vienna. The Vienna Social Fund 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 Vienna Social Fund awards contracts in the field of refugee assistance and 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 define access and target groups.

⁷ See <https://www.wien.gv.at/english/administration/organisation/authority/municipality/city-councillors.html>

⁸ <https://www.wien.gv.at/spezial/personalbericht/personalstruktur/gesamtpersonalstand> and <https://www.fsw.at/downloads/ueber-den-FSW/zahlen-daten-fakten/fakten/gb-zahlen-daten-fakten-2021.pdf>

6.1.3 A ‘Human Rights City’ with an Inclusive Self-image

Since 2015, the City of Vienna has officially been a Human Rights City (“Stadt der Menschenrechte”) with a permanently established Human Rights Office that addresses various thematic focus areas (Menschenrechtsbüro der Stadt Wien, 2021). Vienna’s public discourse is inclusive, often referring to *all* people living in Vienna; and the city strives for progressive integration policies.⁹ With the programme “Integration from Day One” it funds a wide range of German courses for people in the asylum procedure. With StartWien, the city offers multilingual information modules on topics such as housing or the labour market and provides language vouchers for courses to all new residents.¹⁰ Vienna has thus created significantly more integration offers than stipulated by the federal government (V17; V23).

Despite the inclusive and human rights-based discourse in Vienna, however, people with precarious status continue to fall through social safety nets. Although some of the city’s services are available to all regardless of status, migrants with precarious status are excluded from many services and benefits aimed at ensuring basic livelihoods. This exclusion is often, but not always, a matter of national law. In the view of many interviewees, access to regular employment is the key to overcoming a precarious residence status and thus 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 services from NGOs and other civil society initiatives. They provide services and thereby close significant gaps in coverage that would otherwise have serious consequences for the city and all its residents. The NGOs are organised, financed and staffed very differently, and face complex legal, social and economic problems. Many are hybrid organisations that receive state or municipal funding or support, but also rely heavily on small private donations and voluntary commitment. There is usually a lack of financial and/or human resources and not all needs can be met.

6.2 Uninsured Excluded from Accessing Regular Health Care

The Austrian health care system is largely funded by social security contributions, mainly through the Austrian Health Insurance Fund (Österreichische Gesundheitskasse—ÖGK). This includes health, accident and pension insurance and is mandatory in Austria. In general, people are automatically insured through

⁹See e.g. the city government coalition: <https://www.wien.gv.at/regierungsabkommen2020/>

¹⁰See: <https://startwien.at/>

their employment or through a compulsory insurance status, such as receiving unemployment benefits or social welfare (“Mindestsicherung” in Vienna). In addition, family members can be co-insured (Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumentenschutz, 2019; Fuchs, 2019). There are nevertheless people in Austria who are not insured. This is attributed to structural gaps often linked to social inequality, lack of personal resources and lack of information that can lead to periods where people are not insured or leave family members uninsured (Riffer & Schenk, 2015). An irregular residence status or irregular employment of EU and third-country migrants, through which individuals lack an entitlement to work or welfare benefits, is also a barrier to insurance (Fuchs, 2019). Accordingly, migrants with precarious status are often not insured or uninsured for longer periods of time. An interviewed EU citizen with precarious status explains:

That’s the way it is in Vienna, if you work, you are insured, if you don’t work, you are not insured. (V25)

Although Article 35 of the EU Charter of Fundamental Rights stipulates the right to health care, people without health insurance in Austria only have a 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 treatment, so they face enormously high bills afterwards. This can lead people without insurance to avoid hospitals even for medical emergencies. Exceptions are medical measures that prevent the spread of infectious diseases. Similar to the measures taken to contain the COVID pandemic, the municipal health service (MA15) acts in cases of suspected tuberculosis. In such cases, mandatory but free access to screening and treatment is provided (under the Tuberculosis Act, BGBl. No. 127/1968). The NGO Aids Hilfe¹¹ further provides free and anonymous access to testing for HIV (V4; V6; V22; Spencer & Hughes, 2015; Karl-Trummer et al., 2009).

6.2.1 Reliance on NGOs to Provide Health Services

NGOs have thus taken over health care for uninsured people in Vienna. The Neunerhaus Health Centre (“Gesundheitszentrum neunerhaus”) and AmberMed (a health centre run by Diakonie in collaboration with the 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 (AmberMed, 2022). There is cooperation with laboratories and diagnostic centres that provide their services pro bono for the patients of these NGOs, as well as with doctors in private practice. Neunerhaus and the Louise Bus operated by Caritas also offer mobile health care, often in shelters for the homeless. A hospital (Krankenhaus der Barmherzigen Brüder) run by a Catholic order offers free inpatient and outpatient

¹¹ <https://aids.at/en/tests-und-beratung/>

treatment for people without health insurance. Furthermore, some hospitals of the Vinzenz Group, another Catholic order, cooperate with these NGOs and offer inpatient treatment for their uninsured patients. These services can be used anonymously (V6; V22). In addition, there are other counselling and therapy services offered by NGOs, especially in the field of mental health.

These organisations are characterised by their hybrid structure of full-time and voluntary staff working closely together. At AmberMed, more than half of the services provided in 2021 were performed by volunteers (V6; V22; AmberMed, 2022). Similar to the *neunerhaus*, the services of AmberMed are partly funded by donations, partly by the Vienna Social Fund's Homeless Assistance ("FSW Wohnungslosenhilfe") and by the Austrian Health Insurance Fund ("ÖGK"). This is impressive but poses challenges for 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 (V2; V6; V22).

Multilingualism is essential for successful support. It can be achieved through a multilingual team and cooperation with students of translation studies, or through the addition of video interpretation (V2; V6; V22). Another distinguishing feature of these civil society providers is the central role played by their social workers in supporting the patients. 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 also often needed to assert claims for insurance coverage. This is due to the bureaucratic effort required and its complexity, but there has also been some criticism of the unaccommodating attitude of insurance providers towards people in precarious life situations, who thus require close support. Nevertheless, while the need for services for the uninsured continues to increase, there is steady success in insuring people and bringing them into the regular system (V1; V2; V6; V22; SV2).

While more men than women are treated at the *Neunerhaus Health Centre*, the reverse is true at AmberMed. This is probably due to the gynaecological treatment available and to its 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 new-born baby. Alternatively, women can give birth in hospitals due to the right to emergency care ("Unabweisbarkeitsklausel"), but they are charged for the care afterwards (V6; V22).

Children are also regular patients. At AmberMed there is a children's consultation hour once a week. If both parents are uninsured, the children are usually not insured either. Children in the care of the municipal Child and Youth Welfare Service (MA11) can also be affected by this. In such cases, the Youth Welfare Service can cover the costs of treatment, but it cannot insure the children (V10; SV2). Especially when children have serious illnesses and need inpatient treatment, there is a lack of cooperating hospitals with paediatric facilities, which has been criticised by the NGOs. Shortcomings are also seen with regards to psychosocial health care. Even before the COVID-19 pandemic, too few services were available, but the need has increased significantly in the last 2 years. City officials also identified a shortage of

skilled workers in the field of childcare, meaning that services could not be staffed sufficiently (V6; V10; V22; V26; SV2).

6.2.2 COVID-19 Pandemic Heightened Risks of Exclusion

The COVID-19 pandemic posed enormous challenges to the health sector. While some services, for example a large part of the specialist consultation hours at AmberMed, had to close, not least because a large part of the volunteer staff are older people and belonged to the at-risk group, the services that remained open were overrun. To some extent, this was also due to the needs of people who are not actually part of their target group but could no longer find support elsewhere (V2; V6). Moreover, cooperation with inpatient units became more difficult since they were already at the limit of their capacity with COVID-19 patients. The situation of women became even more precarious during the pandemic, as the burden of additional care obligations and potentially more violence in private spaces increased (V2).

However, there were also some aspects that have been highlighted positively:

What has worked very well is that since COVID, 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)

Experience during the pandemic demonstrated, despite the challenges, that it is possible to include uninsured people in the city's health strategy. For example, winter emergency night shelters were shifted to operating 24-h, and this had a positive impact on the health status of elderly and sick uninsured homeless patients. In addition, some new services were developed, for example a telephone consultation hour and the expansion of mental health services through federal funding (V6; V22).

6.2.3 Major Gaps in Provision Remain

There are nevertheless numerous challenges in providing health care to people without health insurance in Vienna. While the hybrid staffing and funding structure works well, it leads to insecurity as long-term planning based on donations and the voluntary work of professionals is difficult. The lack of core funding for NGOs is perceived by some as a low appreciation of their services, despite the relief that they offer to the general health system:

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 many gaps in coverage, for example in the inpatient sector. The Hospital Krankenhaus der Barmherzigen Brüder, which provides free inpatient

care, does not have an oncology department, nor a maternity or 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 cooperation with some hospitals, especially those run by private Catholic orders, is considered positive by interviewees, it was stressed that closer cooperation with the public hospitals of the municipal health network (“Wiener Gesundheitsverbund”) would be desirable (V6; V22).

A striking gap exists in the provision of services for people in need of social care, which affects many older people. This group often end up in facilities for the homeless, which are not equipped to meet their needs. This issue is widely recognised in the Viennese social care system (V4; V22). Another area is mental health care where there is a great unmet need despite some civil society and municipal offers. On the one hand, an insecure residence status is a huge psychological burden and there is a great need for this type of support among precarious migrants (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 regular job. This leads to an increased number of people with mental illness, especially women, ending up with precarious status in institutions for homeless people (V2; SV1).

Interviewees argued that a focus on prevention would be a sustainable approach:

[...] if you take a little more money in your hands and invest in this prevention, later on you save a lot of money, now spent on ‘putting out fires’. And the chance that people will then gain 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 level of 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 time off to see a doctor, and time off can lead to a loss of income. As a result, by the time healthcare is sought, illnesses are often already far advanced, which makes treatment long and expensive. In addition, there are accumulating fears on the part of patients: “The longer someone has been out of the [health] system, the greater the barrier to accessing it again” (V22). A sustainable investment in preventive health care, inclusive of people without insurance, is therefore seen as urgently needed by the people working in this field.

6.3 Access to Accommodation Limited by Law and Affordability

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 nevertheless one of its goals as a Human Rights City. The city has a long history

and a wide range of offers to provide the urban population with subsidised (“Sozialer Wohnbau”) as well as municipal housing (“Gemeindebau”). However, access to affordable housing is also dependent on status: only migrants with permanent residence or people with refugee status are eligible for social housing, and even this only after proving uninterrupted residence in Vienna for at least 2 years at the same address. In addition, there can be no tenancy concerns, such as pre-existing rent debts. 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; Gutheil-Knopp-Kirchwald & Kadi, 2014). Migrants with precarious status therefore usually do not have access to municipal housing. In the subsidised, cooperative housing sector,¹² the access barriers are mainly of a financial nature: although the rents are relatively cheaper, a high financial contribution must be paid at the beginning.

Despite a comparably large social and subsidised housing sector, as in many large European cities, there is limited affordable housing in the private housing market and particularly difficult to find for those with a precarious status (BAWO, 2016; Nowak, 2013; Menschenrechtsbüro der Stadt Wien, 2021).

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 et al., 2021: 20). In the private rented sector, migrants generally live in significantly smaller and more expensive flats than people born in Vienna, and often with temporary rental contracts. They face numerous legal, administrative and financial barriers when looking for housing, as well as information deficits and open discrimination (Gutheil-Knopp-Kirchwald & Kadi, 2014). It can be assumed that migrants with precarious status are particularly affected by this. Participants in our study explained 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 a deposit and commission, pose an enormous financial challenge for people in precarious situations (SV1; V18).

Several interviewees pointed out that migrants in precarious situations are at risk of being exploited by landlords, for example in housing where beds in overcrowded rooms are rented to mostly migrant workers in the low-wage sector at extremely high prices; or in substandard flats with defects such as damp or mould (V4; V16; V23; V27). In such places, the tenants often do not receive a residence registration form (“Meldezettel”) and may 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).

¹²Housing cooperatives are limited profit organisations, providing housing at a regulated rent.

6.3.1 Eligibility for Homelessness Services Limited But Vital

The Viennese Homelessness Assistance (“Wiener Wohnungslosenhilfe”, WWH) provides support for people affected by or in danger of homelessness. It is organised by the Vienna Social Fund and offers a wide range of services from day centres and emergency night shelters to various forms of assisted living, such as Housing First and counselling services. In 2020, this service had a budget of 105 million euros and provided support to 12,550 people (FSW, 2020). Migrants with precarious status are usually not eligible for their services, as they lack the required documents such as the residence registration form or have been found ineligible (V3; V18; SV1; Krivda, 2018).¹³ Although there is no legal entitlement to receive support, the Viennese Homelessness Assistance does provide 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 night shelters (“Winterpaket”), as well as at day centres and at the social and return counselling services for EU-citizens. On the one hand, this is based on the humanitarian obligation to prevent people from dying of cold; on the other hand, the rationale is also that the city and its residents benefit from the reduced visibility of homelessness (V3; V4; V18). While the facilities are funded by the Viennese Homelessness Assistance they are mostly run by NGOs, some of which provide supplementary services funded by donations (V3).¹⁴

In the winter emergency shelters, there are about 900 low threshold sleeping places open to all people who need a place to spend the night. They are open only during the winter months and only at night, with day centres as supplementary offers. In 2020 and 2021, this arrangement differed due to the COVID 19 pandemic. The winter emergency shelters stayed open for 24 hours and throughout the summer months. In Summer 2022, however, only around 250 places remained open during the summer. 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).

6.3.2 ‘Opportunity Houses’ a Welcome Development

The newly developed Opportunity Houses (“Chancenhäuser”) introduced in the Summer of 2018 are aimed at providing temporary accommodation for all people in need (Diebäcker et al., 2021). Staying in the Opportunity Houses has the dual

¹³This can also apply to Austrian nationals who have become homeless in another federal province.

¹⁴The 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 municipal FSW (Gutleiderer & Zierler, 2020).

function of clarifying the individual's housing situation and social welfare entitlements to prevent them becoming entrenched in homelessness. Since people with precarious status are usually not entitled to further benefits from the Viennese Homelessness Assistance and/or have no access to the regular labour market, for many of them there are hardly any realistic follow-up prospects. Therefore, stays are usually limited to 3 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 discretion to decide whom to admit and for how long, if there is a suitable vacancy in the facility (by gender, couples, families, for those with a pet, etc.). Access and length of stay are handled differently by different providers, which in turn questions the supposed 'unrestricted access' regardless of residence status. 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, leading to diverging practices in different facilities (V18; Diebäcker et al., 2021: 32).

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 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 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 states, some states do not continue to grant it (Integrationshaus, 2021). It has also been observed that rejected asylum seekers come to Vienna from other federal states when they no longer receive support elsewhere (SV1; V21; Rosenberger et al., 2018). However, this group of people is not entitled to basic care in Vienna. One interviewed precarious migrant described his way through various of these facilities, first losing his places in another federal state, when his asylum claim was rejected, coming to Vienna and living in a winter emergency shelter for some time, then in an Opportunity House, where he had to leave after 3 months and then finding accommodation privately with friends (V24). 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. These places are however not enough to cover the actual need, the NGOs often having to reject people who seek their support. It can therefore be assumed that many find accommodation with friends and acquaintances (V5; V11; V14; V18; V21; V24).

These NGOs nonetheless 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 their perceived vulnerability. Families with children who would otherwise be homeless are given 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 potential follow-up housing options also plays a role in evaluating the situation at some NGO facilities: in order to be able

to take in new people and because the prospect of future options is seen as very important for the mental health of the people concerned (V21).

6.3.3 Targeted Facilities for the Most Vulnerable People

In addition, there are special facilities for vulnerable groups. Some of these are funded by the Viennese Homelessness Assistance, some by other municipal bodies or, like shelters for victims of human trafficking, by the federal government (V7). Homeless people who are discharged from hospital but are still in poor health can, for example, recover at the Caritas-run Haus Jaro, which is also funded by the Vienna Social Fund, 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 the above-mentioned NGO-run shelters or Opportunity Houses (V11).

For families or single parents with children there are dedicated places in Opportunity Houses. However, these usually do not offer long-term solutions (Diebäcker et al., 2021). Civil society services, such as the Haus Amadou of Caritas or the Ute Bock House are urgently needed and fill important gaps, since children affected by homelessness may be separated 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 (Kinder und Jugendhilfe, MA11).

All experts interviewed in housing and homeless services mentioned the challenge of meeting the needs of people with health problems, especially in combination with mental illness, addictions and/or the need for care, especially for older people, when they are ineligible for services. Municipal actors identify this group of people as particularly vulnerable (V3; V4; V18; Diebäcker et al., 2021). Those who have been living in Vienna for a long period of time and have no prospects of leaving, often stay in winter emergency shelters for an extended period. It can be assumed that they turn to this kind of shelter because they can no longer pay for private accommodation and accommodating them is no longer feasible for acquaintances or 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 not always sufficiently trained or qualified. Despite the good cooperation between Viennese Homelessness Assistance and the NGOs that sometimes provide medical care on site, there is an enormous lack of mental health care provision. The lack of long-term housing options also increases their vulnerability to exploitation and sometimes leads them to remain in relationships of dependency or violence.

Beyond that, the city and NGOs provide various support and counselling services in housing, which may also be used by people with precarious status. One example is

assistance for special circumstances, where bills, such as for heating or electricity, are paid by the Municipal Department of Social Welfare, Social and Public Health Law (MA40) (V9; V12). However, these are rather high-threshold services that usually require professional support (V12).

Besides structural factors such as legal restrictions that limit the access and duration of stay in an official shelter for migrants with a precarious status, there are several other factors at play. The services of Viennese Homelessness Assistance cannot, for instance, be used anonymously. The fear of a registration leading to imprisonment and deportation can therefore lead to people preferring to stay privately with acquaintances or family members. One interview partner mentioned that he is quite certain that precarious migrants at risk of deportation therefore “exclude themselves” from the services of the Viennese Homelessness Assistance (V18). Another reason is the stigmatisation associated with the use of services for the homeless, particularly an issue, it is said, for women. Shame, dignity, rejection or lack of knowledge can all play a role (V3; V4; Beeck et al., 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)

Given the few long-term accommodation options for migrants with precarious status in Vienna, as well as the barriers to using homeless assistance services, 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. The descriptions of the conditions experienced 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), as well as accommodation in the private households of employers (SV1).

6.3.4 Protection for Victims of Violence

Precarious migrant women often work and live in the private sector, e.g. as care givers or au pairs in private homes, 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 high, and the barriers related to stigmatisation are considerably higher for them. It appears that women seek accommodation through informal networks, family or acquaintances and are thus more difficult to reach for assistance services (SV1; 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 with an insecure status. Services for 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 is some cooperation with the donation-funded support services of NGOs, where women can find accommodation afterwards (V11). An NGO, St. Elisabeth-Stiftung, provides 15 housing spaces for single mothers with precarious status and their children, with municipal funding, and supports and counsels them in order to find long term solutions, access to the labour market and regularisation.¹⁵ It was emphasised repeatedly that there is a lack of awareness of work-related exploitation and that accordingly there are few offers of services, although there are some civil society campaigns on specific sectors (SV1; V1; V7; V8).¹⁶

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 of residence status that can follow from leaving a violent or exploitative context, as the quote above illustrates. Divorce or leaving an employment relationship can lead to losing a 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 removed from the country. There is temporary legal protection for victims of human trafficking, but it is conditional on cooperation with the authorities and on filing a legal complaint. There is no separate status for this vulnerable group; therefore, removal from the country can be a possible consequence. Both at the federal and municipal level, there are working groups to combat human trafficking that cooperate with the NGOs active in this field. In Vienna, there is not only an NGO that looks after female victims of human trafficking but also 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 (SV1; V1; V5; V7; V8; Schlintl & Sorrentino, 2021).

6.4 Inclusive School Education with Challenges

In Austria, schooling is compulsory for children between 6 and 15 years of age and this applies to children with precarious residence status. The Department of Education (“Bildungsdirektion”) in Vienna has taken numerous steps to facilitate access to the regular school system for multilingual children and children with different

¹⁵See <https://www.elisabethstiftung.at/wohnen/mutter-kind-haus-collegialit%C3%A4t>

¹⁶For example, there is a lack of awareness & protection measures for 24-h caregivers who work and live in private settings where they can be victims of sexual and physical violence. A self-organisation of 24-h caregivers has developed into a campaign for more rights and better working conditions. See: <https://ig24.at/>

educational backgrounds. In addition, native language classes are offered in 23 languages. Multilingual outreach to parents and dissemination of information about schooling are also intended to promote inclusion (V19). In interviews with people with precarious status who have, or have had, children of school age, the majority referred positively to the schools in Vienna's regular education system and mentioned the school as a place through which they received support and connections to external support services (V12; V14; V25).

Nevertheless, numerous challenges were mentioned, especially exclusions related to poverty and language. In particular, and perhaps counterintuitively, the special classes for improving German language skills ("Deutschförderklassen") introduced by the right-wing government in 2019/2020 together with a new German language test (MIKA-D test) were widely described as discriminatory and fostering segregation: non-German native children are taken out of their regular classes and grouped in these special classes, where they do not have peers of the same age to learn from. Despite criticism coming from within the political and administrative sphere in Vienna, the city did not have sufficient leverage at federal level to stop the introduction of these classes (V15; V19). The COVID-19 pandemic also posed challenges to families living in precarious circumstances who are non-native German speakers, as one interviewee put it:

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)

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, Vienna's schools were kept open after the first lockdown and multilingual information that children could come to school was distributed (V15, V19).

6.4.1 Pre-school Provision Authorised Regardless of Migration Status

In Austria, there is a compulsory kindergarten year. Children can also attend a municipal kindergarten prior to this compulsory year, 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.¹⁷ However, applying for the exemption is a bureaucratic process with a rather high threshold, and the parents' income has to be disclosed, which can be a barrier for

¹⁷ See: https://www.oesterreich.gv.at/themen/bildung_und_neue_medien/schule/Seite.110002.html and <https://www.wien.gv.at/amtshelfer/gesellschaft-soziales/magelf/bewilligungsverfahren/kindergartenjahr.html>

precarious migrants. 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, an interviewee pointed out that there often are concerns on the part of teachers or school management when it comes to children with precarious residence status, e.g. if they lack the documents necessary for registration or lack health insurance, making it necessary to raise more awareness towards the rights and needs of children with a precarious status, for example, that uninsured children at school are covered by accident insurance (V15).

6.4.2 Post-school Provision Limited But Extended by NGOs

Up to 18 years of age it is mandatory for children to be in some form of educational training,¹⁸ however, asylum seekers have been explicitly exempted from this regulation (SOS Mitmensch, 2017). For adolescents and young adults from the age of 15, there are various educational pathways and there are numerous counselling services in Vienna to advise. Among them there is also training provision explicitly for young migrants with different educational backgrounds.¹⁹ However, some offers may not be well-known and there is a lack of knowledge and accessibility to multilingual information about such training opportunities. The trainings on offer may also 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. For young precarious migrants who are excluded from the labour market, it can be challenging to find suitable training, and their status may bar them for the possibility of doing an apprenticeship (V15; V19; SOS Mitmensch, 2017).²⁰

Although there is a wide range of courses and further education opportunities for adults in Vienna, there is hardly any access to subsidised education for those with a precarious status. Vienna is alone in Austria in offering 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 also access to tickets for public transport (V23; V17; SV1). In some cases, access to courses with specific funding is possible regardless of residence status, for example in basic education and literacy courses or programmes specifically for women (V13).

NGOs 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

¹⁸ see: <https://www.bmbwf.gv.at/Themen/schule/beratung/schulinfo/abp18.html>

¹⁹ see e.g.: <http://www.interface-wien.at/5-sprache-und-arbeit/91-jugendcollege-startwien>

²⁰ see also: <https://asylumineurope.org/reports/country/austria/reception-conditions/employment-and-education/access-labour-market/>

by a precarious status and the uncertainty this entails and therefore often face difficulties concentrating on studying a new language. This is a challenge that is difficult to overcome in the courses (V13).

People with precarious status often do not have the financial and/or time resources to attend courses regularly. Either the working hours of precarious labour do not permit this or, if not working, the cost of public transport to participate is too great a financial burden (SV1; V3; V13). Even for those with access to the labour market, cost and time remain a problem—taking time to take a qualification course (e.g. as a taxi driver, as arose in one interview) would mean less time for their current 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 pursue them. Thus, migrants who would technically have access to the labour market, such as EU-Citizens, can become entrenched in irregular work contexts and unable to escape their precarious situation despite the fact that they are working.

6.5 Good Access to Legal Advice and Counselling

In Vienna, there is a large and specialised counselling system, parts of which are open to all of Vienna's residents while others are explicitly aimed at migrants. Some of the services are linked to status, such as asylum seekers, while others are aimed at people with a specific native language and are accessible regardless of status. Counselling services include legal advice on immigration law, including matters relating to asylum, residence and settlement; women-specific counselling; as well as specialised counselling related to debt, housing and homelessness, health, and various educational and labour market integration opportunities or to labour law. The organisation, financing and accessibility of these services vary greatly. The diverse range of services in Vienna (in stark contrast, for instance, to Cardiff) shows that the different stakeholders are aware of the vital importance of information and counselling, and that the city has invested resources to fund many of these services.

Many experts highlighted the negative effects of legislative developments introduced by the right wing ÖVP/FPÖ coalition government (2017–2019). 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), which is subordinate to the Ministry of the Interior, the department responsible for the decision on asylum claims. This has led to a lot of criticism, as the independence of the counselling and representation mandate is considered to be at risk. Since then, independent 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 gaps that are not addressed by that Federal Agency (SV1; SV2; V8; V17; Integrationshaus, 2021).²¹ There are not many legal advice services covering aliens' law for people who are not in Austria through the asylum system yet there is great need in this area. One specialised NGO in this field receives funding from the city. It faces a huge caseload (V8). In addition, it is a specialist area of law in which, on top of the general complexity in the field, there had been many changes in the years prior to our study (V1; SV1; SV2; Peyrl, 2018).

6.5.1 Complexity and Scarce Resources Pose Challenges to Legal Advice

The great complexity of asylum law, law relating to aliens and 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: 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 but of the employer, 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 effort to assert claims. This is partly because counsellors and social workers are actually working in other areas of law and do not have the necessary time resources or, in some cases, the know-how (V1; V2; V3; V8; SV1; SV2).

Most counselling services are provided by NGOs, some of which are working on behalf of, or with funding from, the city. This means that the services are accessible to people in the asylum procedure, 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 degree to which counselling services are accessible at low thresholds, and recognition of the importance of multilingualism in the counselling services varies, 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 be a challenge to find out which services are open to them and offer the right expertise and language skills. This can be time-consuming and can lead to disappointment. The interviews found 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 trust. People within migrant communities thus play a central role as supporters and information providers (V1; V3; V8; V12; V14; V24; V25; SV1; SV2).

²¹ See also: <https://www.fairlassen.at/>

Scarce resources can lead to situations where people are sent 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 agree to submit a complaint or a new application. Signposting to the right agency requires knowledge and often depends on committed individuals. Furthermore, responsibilities may not be clear, not least when time resources are scarce. People are then sent on or simply turned away. Alternatively, they receive only brief counselling and feel that their concerns are not taken seriously. This is 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 access to 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; SV1; SV2).

6.6 Conclusion

Vienna offers a wide range of support services, some of which are open and accessible to people with a precarious residence status. A well-resourced municipality, responsible for delivering a wide range of services, it has been able to extend its inclusive approach, to an extent, to precarious migrants. Together with these inclusive practices of the administration, the extent of service provision is nevertheless mainly due to a committed and innovative civil society. It is striking that municipal interviewees spoke very positively of the NGO actors with whom they cooperate, recognising their dependence on them. Many NGO interviewees equally referred positively to the municipality and to each other, appreciating the efforts of those staff who work towards (more) inclusive services. However, also mentioned was their dependency on the city as a funding body, which at times can make it difficult to voice criticism.

NGOs also identified numerous gaps and shortcomings, especially for groups that are classified as vulnerable and need access to support services. The assessment whether individuals qualify for support when there is no legal basis, or it is not clearly defined so that discretion plays a significant role, is often based on the likelihood that the individual will remain in the long term. That is highly problematic as a yardstick for those with precarious status for whom this is unknown. Very important also is the assessment of the best interests of the child, the need to protect people from violence, and the rights of people in need of care and sick people. These are key factors in the assessment of 'deservingness', which shape the way in which municipal staff discretion is used (Willen, 2012; Chauvin & Garcés-Masareñas, 2014; Ataç, 2019).

In individual sectors, the city as a matter of policy 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 people eligible for subsidiary protection have continued access to social welfare (“Mindestsicherung”) in Vienna. Significantly, however, these inclusive practices are not much publicised by the city and can be understood as ‘shadow politics’ (as opposed to the ‘sunshine politics’ of restrictions on migrants’ rights to which politicians at the national level are much more willing to attract attention) (Ataç et al., 2020; Spencer, 2014). The financial support to health care facilities for treating uninsured people provided by the city, for example, is similarly under the radar. Moreover, these are financial subsidies from the sector of homelessness assistance into a parallel health care system. That contrasts with inclusion into regular health care, which was the case with the city’s inclusive testing and vaccination strategy to combat the COVID-19 pandemic.

The dual role of the city in the administration of certain aspects of immigration law, through its Department for Immigration and Citizenship (MA35), exposes the city to public criticism for long waiting times in handling applications and for discriminatory behaviour of its staff (SV1; V1; V8; Koschuh, 2021). The city has announced that the problems will be addressed, and resources expanded (Anders & Tomaselli, 2021). However, it also appears that the dual role leads to internal differences of view on the desirability of making services more inclusive—so that there may be a lack of political will to address grievances and to make the necessary reforms (V1; V3). Accordingly, there does not seem to be a common approach between the different departments towards people 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 (De Genova, 2015; Ambrosini, 2021; Homberger et al., 2022b).

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