

RIGHTS, REJECTION, REFUGE

PROTECTION OF HUMAN RIGHTS IN THE CONTEXT OF
NON-RETURNABILITY FOR REJECTED ASYLUM SEEKERS IN
AUSTRIA

Written by

David Kibuuka

Student-number: 2100737

Submitted to:

Central European university

Department of Culture, Politics and Society (CPS)

In partial fulfilment of the requirements for the degree of Bachelor of Arts in Culture, Politics
and Society

Supervisor: Prof.Cameran Ashraf

Vienna, May 2024

Abstract

This thesis explores the theme of the protection of human rights for rejected asylum seekers in Austria who cannot be returned to their countries of origin due to legal, humanitarian, or safety reasons. It concentrates on the intersection of non-returnability and human rights, researching the difficulties these individuals face and examining Austria's policies within the framework of international human rights commitments. This study aims to provide a better understanding of Austria's approach to non-returnable rejected asylum seekers and its alignment with international standards through qualitative research, such as structured interviews with rejected asylum seekers, representatives from an NGO, a legal professional, and an employee from the ministry of foreign affairs in Austria. The findings seek to contribute to the academic and policy-making discourse on asylum and migration, advocating for reforms that uphold the dignity and rights of non-returnable individuals.

TABLE OF CONTENT

| | |
|---|----|
| INTRODUCTION | 1 |
| <i>Thesis Statement</i> | 2 |
| CHAPTER 1 - LITERATURE REVIEW..... | 4 |
| 1.1 <i>Theoretical Framework</i> | 4 |
| 1.2 <i>Studies on Non-Returnability</i> | 6 |
| 1.3 <i>Asylum Policies in Austria</i> | 6 |
| 1.4 <i>Human Rights Implications</i> | 8 |
| 1.5 <i>Gaps in Research</i> | 9 |
| CHAPTER 2 - METHODOLOGY | 11 |
| 2.1 <i>Research Design</i> | 11 |
| CHAPTER 3 - FINDINGS..... | 15 |
| 3.1 <i>Human Rights Implications</i> | 15 |
| 3.2 <i>Impact Analysis</i> | 16 |
| 3.3 <i>Policy Alignment</i> | 18 |
| 3.4 <i>Policy Effectiveness</i> | 21 |
| 3.5 <i>Challenges and Barriers</i> | 22 |
| 3.6 <i>Stakeholder Perspectives</i> | 23 |
| CHAPTER 4 - DISCUSSION..... | 26 |
| 4.1 <i>Interpretation of Findings and Support from Previous Studies</i> | 26 |

| | | |
|-----|--|----|
| 4.2 | <i>Practical Implications and Policy Recommendations</i> | 29 |
| | CONCLUSION..... | 31 |
| | REFERENCES | 34 |

INTRODUCTION

The European migrant crisis, which peaked in 2015, was characterized by a massive influx of refugees and migrants primarily fleeing from war-torn regions such as Syria, Afghanistan, Somalia, Nigeria and Iraq. (Peters, L., Engelen, P. J., & Cassimon, D. 2023). An estimate of about one million individuals sought asylum in Europe, using several routes across the Mediterranean and the Balkans to flee from violence and persecution, as reported by the United Nations High Commissioner for Refugees (UNHCR 2015). The extraordinary influx of individuals not only challenged the durability of the asylum systems in Europe, but also sparked a widespread discussion across the continent over the management of migration, the process of integration, and the protection of human rights.

In focus to Austria which became one of the focal countries during this period due to its geographical location and role as a transit country for many migrants aiming for Germany and other Northern European nations like Sweden. As reported by the European institute of the Mediterranean, the Austrian government faced a dual challenge of managing the immediate needs of thousands of new arrivals and integrating those who received asylum (Hettzey 2017). In addition, Political and public responses were also mixed, with growing worries about social cohesiveness, national security, and the financial cost (Hettzey 2017). Furthermore, reports from Asylkoordination Österreich emphasized in their studies on the status of asylum processes in Austria that this situation put a lot of pressure on the Austrian asylum system and caused delays in processing refugee applications ("Asylkoordination Österreich," 2016).

Among all these difficulties, the issue of non-returnability emerged as the primary one. Those whose asylum requests have been denied but who, for humanitarian or other reasons, cannot be returned to their countries of origin because of continuing violence or danger of persecution. (High Commissioner for Refugees of the United Nations, 2020). As stated in Article 3 of the

European Convention, which gives all people in a given geographical area the right to a dignified existence and protection from inhumane treatment regardless of their legal status, these people are frequently caught in legal limbo, lacking status but unable to leave, which raises serious human rights concerns under international law.(Council of Europe, European Convention on Human Rights, Art. 3). The predicament of non-returnable migrants in Austria exemplifies broader systemic issues within both national and EU asylum frameworks, necessitating a closer examination of policy responses and their compliance with international human rights obligations.

Thesis Statement

This thesis examines the intersection of non-returnability and human rights protections for rejected asylum seekers in Austria, focusing on how Austrian policies align with international human rights obligations. Central to this study are the rights articulated in international law, notably the principle of non-refoulement under the 1951 Refugee Convention and the prohibition of inhumane treatment under the European Convention on Human Rights. These rights ensure individuals are not returned to a country where they face serious threats to life or freedom. The research will analyze Austria's compliance with these standards and explore the impact of legal and policy frameworks on the lives of non-returnable individuals.

The reason for this research comes from not only my deep personal connection of having gone through the asylum system myself, but also to the issue of an academic recognition of its significance within the broader discourse on human rights and asylum policies. Having witnessed first-hand the struggles of individuals caught in the situation of non-returnability, and experiencing the asylum system's intricacies, the need for a focused study on the challenges faced by rejected asylum seekers in Austria became evident for me. Furthermore, in regards to

the Relevance to Current Policies, this study is highly relevant to current European asylum policies, which are under increasing scrutiny for their ability to protect the rights of migrants and refugees within the context of growing political and social pressures. By focusing on Austria a key player in European asylum policy the research highlights broader systemic issues and potential areas for policy improvement in handling cases of non-returnability.

In addition, this thesis provides valuable insights into Austria's asylum policies, highlighting gaps between current practices and international human rights standards. It serves as a resource for policymakers, suggesting more humane and legally sound approaches to handling of these individuals. The research enriches the field of migration and human rights by blending theoretical frameworks with empirical findings on non-returnability. It offers a nuanced perspective on human rights application in the asylum process and highlights the complex interaction between national policies and international obligations. The thesis's relevance and urgency in addressing contemporary asylum challenges are underscored by recent shifts in international attitudes and legal debates over migrants' rights. The ongoing refugee crises, exacerbated by global political instabilities, necessitate a reassessment of Europe's asylum policies to uphold fundamental human rights and international legal standards.

CHAPTER 1 - LITERATURE REVIEW

The literature review serves as a foundational element of this thesis, aiming to examine the non-returnability of rejected asylum seekers by exploring the human rights theories, current research on Austria's asylum policies, and their compliance with international human rights standards. The review will identify research gaps and contribute to understanding how Austria manages these individuals. The analysis will incorporate relevant studies, reports, and legal documents to support the thesis' central argument.

1.1 Theoretical Framework

When we look at the human rights theories, the fundamental human rights principles relevant to asylum and non-returnability are written in several key international treaties, which collectively underscore the protection owed to all individuals, irrespective of their legal status. Central to these principles are the right to asylum and the principle of non-refoulement, as enshrined in the 1951 Convention Relating to the Status of Refugees, which prohibits the return of refugees to countries where they face serious threats to their life or freedom (UNHCR, 1951). Moreover, the prohibition of inhumane treatment is explicitly stated in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR, Art. 3), ensuring that individuals are not subjected to torture or degrading treatment.

While applying for Asylum in Europe, these human rights theories apply directly to the asylum process by setting a legal framework that governs the treatment of asylum seekers and refugees. (Council of the European Union 2013, Directive 2013/33/EU). Specifically, the principle of non-refoulement as inducted by the Office of the United Nations High Commissioner for Human Rights that ensures that no individual is returned to a risk of persecution, torture, or

death, which is particularly relevant for those whose asylum applications may have been denied yet cannot safely return to their country of origin (United Nations, 1987). These provisions are supported by the International Covenant on Civil and Political Rights (ICCPR), which Austria and other EU countries are signatories to, reinforcing the obligation to protect the rights of all persons within their jurisdiction (OHCHR, 1966).

On looking at the Relevance to Non-Returnability, this concept is deeply intertwined with these human rights obligations. Non-returnable individuals often find themselves in a precarious legal limbo, where they neither qualify for asylum, nor can they be returned to their home countries due to ongoing risks. This situation poses a significant challenge for states under international law, which must navigate the fine balance between sovereign rights to control their borders and their duty to protect human rights (Rodolfo Ribeiro, Coutinho Marques 2021). The Council of Europe has extensively debated this balance, emphasizing the need for robust legal mechanisms that ensure non-returnable individuals are not left without legal protections or subjected to indefinite detention (Council of Europe, 1950).

These human rights frameworks not only form the basis for legal protection against return but also provide a moral imperative for countries to establish comprehensive and humane asylum procedures. In the case of Austria, examining how these international standards are implemented in the face of real-world challenges like changes in political environments and environmental disasters, it is essential for understanding the efficacy and gaps in current asylum policies and practices, particularly those highlighted in reports by Asylkoordination Österreich and the European Union directives on asylum (Asylkoordination Österreich, 2019; EU, 2013). Therefore, by aligning the theoretical underpinnings of human rights with practical asylum procedures, this thesis aims to critically assess Austria's compliance with its international obligations towards non-returnable rejected asylum seekers. This analysis will contribute to a broader understanding of how legal frameworks translate into practice and where improvements

can be made to ensure that the rights of the most vulnerable are upheld in accordance with international standards.

1.2 Studies on Non-Returnability

Non-returnability is a significant issue in international migration discussions, impacting global and European contexts. Literature primarily discusses the challenges faced by individuals unable to return to their countries of origin due to risks like conflict, persecution, or safety threats. Studies highlight the precarious legal and social status of these individuals, often leading to prolonged periods of uncertainty and vulnerability. For instance, the European Council on Refugees and Exiles provides extensive documentation on how European countries handle cases of non-returnability, revealing a mix of practices, from detention to temporary protection measures (ECRE, 2014). This variability underscores the need for coherent policy responses that align with international human rights standards, particularly the principle of non-refoulement as mandated by the 1951 Refugee Convention (UNHCR, 1951).

1.3 Asylum Policies in Austria

The Austrian asylum system has been the subject of ongoing academic and policy debate, with reports by Asylkoordination Österreich highlighting gaps within the system. These studies reveal that while Austria has established procedures intended to comply with EU directives, there are significant discrepancies in how these policies are applied in practice. For example, the organization's 2019 report criticizes the Austrian government for its handling of cases involving non-returnable individuals, pointing out that many are left in a state of no legality and without adequate support or clear resolution paths (Asylkoordination Österreich, 2019). Such

findings are crucial as they highlight the divergence between policy intentions and actual outcomes, urging a reevaluation of practices to ensure they conform to the broader legal frameworks established by the European Union's Common European Asylum System (CEAS) and the Charter of Fundamental Rights of the European Union (EU, 2012).

Furthermore, the complexity of the situation is compounded by Austria's implementation of the Dublin Regulation, which was originally known as the Dublin Convention, that is a crucial part of the European Union's asylum policy, establishing the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application lodged in one of the Member States by a third-country national or a stateless person. (European Council, 2013). As discussed in the analysis by Bocconi University's Institute for European Policymaking, that this often leads to prolonged and uncertain procedural delays for asylum seekers who are shuffled between member states without a clear determination of their status, and as a result, this regulatory environment contributes to the challenges faced by non-returnable asylum seekers, as they may experience repeated rejections without recourse to a stable legal status or the ability to integrate into society (IEP@BU. 2024)

Additionally, legal experts and human rights organizations have noted that the Austrian system sometimes fails to fully consider the specific risks associated with sending individuals back to countries with volatile security situations. Reports from the United Nations High Commissioner for Refugees (UNHCR) and decisions from the European Court of Human Rights (ECtHR) have occasionally highlighted instances where Austria's actions could potentially violate international obligations, particularly concerning the right to life and prohibition against torture and inhumane treatment (UNHCR, 2018; ECtHR, 2019).

Austria needs to improve its asylum policies to align with European and international standards and prioritize humanitarian considerations in asylum decisions. This will help manage the

delicate balance between border security and upholding human rights, particularly for non-returnable individuals, thereby ensuring the safety and well-being of all individuals within its borders.

1.4 Human Rights Implications

Austria's asylum policies have significant human rights implications due to legal uncertainty for non-returnable individuals, potentially leading to violations of fundamental rights such as dignity, security, healthcare, and education. As highlighted in the European Yearbook on Human Rights 2018 by the Ludwig Boltzmann Institute of Human Rights, specific cases demonstrate how such policies may result in de facto detention and the exclusion from essential social services, directly contravening the European Convention on Human Rights (Boltzmann Institute, 2018). Additionally, the inconsistent handling of non-returnability cases can intensify the psychological distress of these individuals, exacerbating their vulnerability and isolation. These conditions not only fall short of international human rights standards but also question the ethical obligations of the Austrian state to protect all individuals under its jurisdiction, irrespective of their legal status.

In summary, the research highlights the intricate relationship between legal frameworks, national policies, and non-returnable individuals' experiences. Despite Austria's efforts to align asylum practices with European directives, challenges persist in ensuring these policies provide meaningful protections. This gap affects the well-being of non-returnable individuals and Austria's compliance with international human rights obligations, necessitating a critical reassessment of policy and practice to effectively address these pressing human rights issues.

1.5 Gaps in Research

The existing literature on non-returnability, while extensive, often overlooks the nuanced interplay between national asylum policies and international human rights protections, particularly within the Austrian context. Most studies tend to focus either broadly on European policies or on specific legal and humanitarian issues without integrating the two perspectives. There is a noticeable gap in research that comprehensively analyzes how Austria's legislative framework aligns with its international human rights obligations towards non-returnable rejected asylum seekers. This includes a lack of detailed examination of the practical implementation of laws and the real-life impact on individuals who cannot be returned to their home countries due to risks of persecution or harm.

Therefore, this thesis aims to address these gaps by providing an updated analysis of Austrian asylum policies in light of recent changes in both international and Austrian law. The study focuses on the intersection of human rights protections and the status of non-returnable individuals, evaluating how effectively current legislation and policy practices protect these vulnerable groups. With changes such as the amendments to the Common European Asylum System and Austria's own adjustments to its asylum procedures, a fresh examination is crucial. This research will utilize recent data, legal documents, and first-hand accounts to offer a deeper understanding of the operational challenges and policy shortcomings.

By addressing these identified gaps, this thesis contributes significantly to the broader academic and policy discourse on migration, asylum, and human rights. It offers a critical perspective on the effectiveness of human rights protection in national asylum practices, with a particular focus on Austria a key player in European migration issues. The findings will provide valuable insights for policymakers, legal scholars, and human rights advocates, facilitating more informed discussions and potentially guiding future reforms in asylum law and policy.

Ultimately, this study aims to enhance the protection mechanisms for non-returnable individuals, ensuring that policies not only comply with international legal standards but also effectively safeguard the rights and dignity of every individual affected by these laws.

All in all, The literature review explored the theoretical frameworks of international human rights relevant to asylum and non-returnability, analyzing how these principles are embodied within Austrian law and practice. It highlighted significant gaps in the application of these policies, particularly in how non-returnable rejected asylum seekers are handled, demonstrating a discrepancy between Austria's legal commitments and their practical implementation. This review sets the groundwork for further investigation into the operational challenges and policy shortcomings identified.

Moving forward, the methodology section will build on these findings, employing qualitative research methods to delve deeper into the real-world impacts of Austrian asylum policies. This approach aims to provide empirical evidence that complements and expands upon the theoretical insights discussed, ultimately offering a more comprehensive understanding of the issue.

CHAPTER 2 - METHODOLOGY

This study utilizes a qualitative research design, participant selection criteria, data collection methods, and analytical techniques to address the literature review's questions on non-returnability and human rights protections in Austria's asylum system. The chosen methods provide insights into the experiences of rejected asylum seekers and the operational realities of Austria's asylum policies, enabling a comprehensive understanding of the complex dynamics at play.

2.1 Research Design

This study uses qualitative research to understand the complex social phenomena and individual experiences of asylum seekers in Austria. Qualitative methods provide a deeper understanding of subjective experiences, policy decisions, and practical implications as they focus on themes like vulnerability, legal ambiguity, and human rights protections, which are crucial to understanding the situation of these individuals in Austria.

The primary components of the research design include semi-structured interviews and document analysis. Semi-structured interviews are chosen for their flexibility, allowing me to look deeper into the responses of participants, which include rejected asylum seekers from diverse backgrounds, an NGO representative, a legal expert, and Austrian government official working in the sector responsible for migrants (BFA). This method enables the collection of detailed narratives and personal experiences that highlight the challenges and impacts of Austria's asylum policies. Document analysis complements these interviews by providing a structured examination of relevant policy documents, legal texts, and previous research reports. Analyzing these documents helps contextualize the interview data, offering a comprehensive

view of the legislative framework and its execution. Together, these methods provide a rich dataset from which to draw insights into how Austria's asylum policies align with international human rights standards and address the specific needs of non-returnable individuals.

The selection of participants for this study was strategically designed to capture a broad spectrum of perspectives related to the Austrian asylum system, particularly focusing on the life of non-returnable rejected asylum seekers. The participants include both women and men that are rejected asylum seekers from various countries such as Sudan, Uganda, Afghanistan, Nigeria, and Syria, providing a range of experiences that reflect different national contexts and challenges within Austria's asylum framework. Additionally, an NGO representative working with LGBTQ refugees, and a lawyers specialising in asylum law were chosen to offer professional insights into the legal and practical aspects of asylum policies. The inclusion of a diverse range of voices is essential for a comprehensive understanding of the asylum process and the specific challenges related to non-returnability. This diversity ensures that the study captures varied and comprehensive viewpoints, enhancing the reliability and depth of the findings. Efforts were made to include an Austrian policymaker to gain insights into the decision-making process, rationale behind current policies, and responses to the challenges faced by non-returnable individuals. This inclusion is crucial for understanding both the intended and actual impacts of policies on this vulnerable group.

The primary data collection method involved conducting semi-structured interviews, which allowed for in-depth exploration of personal experiences and professional perspectives. This format was chosen for its flexibility, enabling me to delve deeper into specific topics while allowing respondents the freedom to express their thoughts and experiences. Interviews were conducted with individuals such as Tambo H., Muhamood A., and a representative from both an NGO that is responsible for rejected asylums seekers called "QueerBase Austria" and governmental sector, covering a range of experiences and insights into the asylum process.

Furthermore, the Questions were open-ended to have detailed narratives that provide a richer understanding of the individual and collective experiences of the participants.

Document analysis played a crucial role in complementing the interview data, involving a thorough review of asylum legislation, policy briefs, and reports from human rights organizations. This analysis helped contextualize the interview findings, offering a backdrop against which the lived experiences and testimonies could be assessed. By examining these documents, the study was able to trace the evolution of policies, understand the current legislative framework, and evaluate the alignment of Austria's asylum practices with international human rights standards.

The study also employs thematic analysis to scrutinize the interview transcripts and policy documents, allowing for the extraction of significant themes and patterns. This approach involves grouping the data in small cycles, categorizing information into meaningful groups to facilitate systematic analysis. This method enhances the understanding of the broader implications of the findings, ensuring a comprehensive interpretation of the nuanced data collected.

Qualitative data from the interviews will be synthesized with insights derived from the document analysis. This integration will ensure a holistic view, combining firsthand accounts of experiences with the broader policy context, thereby addressing the research questions effectively. This methodological strategy aims to construct a coherent narrative that encapsulates the complexities of non-returnability and human rights protections in Austria.

All in all, the methodologies described provide a robust framework for the forthcoming analysis. As we transition to the findings section, the data collected and analyzed as described will address and fill the gaps identified in the literature review. The insights gained will contribute to a deeper understanding of the management and implications for non-returnable

asylum seekers in Austria, paving the way for discussing significant results and implications in the subsequent section.

CHAPTER 3 - FINDINGS

This section presents the core findings derived from qualitative interviews with stakeholders such as Tambo H., Muhamood A., and a legal expert, alongside an analysis of policy documents. The findings delve into the human rights implications these individuals face. Additionally, the section explores the logistical and legal challenges these individuals face, which often impede their rights and access to necessary services. These insights provide a crucial understanding of the gaps between policy intentions and their real-world execution.

3.1 Human Rights Implications

The situation of non-returnable asylum seekers in Austria presents a complex state of human rights implications that underscore the urgent need for policy reassessment and reform. Through a series of interviews with affected individuals, a legal expert, and an NGO representative, combined with a thorough analysis of relevant policy documents, this research sheds light on the specific rights that are frequently jeopardized.

The Right to Safety where most of Non-returnable asylum seekers often find themselves in precarious living conditions, lacking sufficient protection from violence and exploitation. Interview data, including insights from a rejected asylum seeker from Syria, Ali M., reveals narratives of unsafe housing and occasional hostility from local communities, exacerbated by their uncertain legal status. He described how the house he was living in a small village in Upper Austria called Altenfelden was vandalized and then burnt down by unknown individuals presumably radical and against migrant settlement in the village (Ali M., Interview, April 10, 2024).

Furthermore, Access to Healthcare is somehow restricted for individuals without a stable residency status. The data indicates that many non-returnable individuals are excluded from full healthcare services, leading to untreated chronic conditions and mental health crises. An interview with an NGO representative, Mastula N. from Queerbase Austria, who works closely with asylum-seeking members of the LGBTQ community, highlighted several cases where essential medical treatment was delayed or inaccessible, posing severe risks to the individuals' health (Mastula N., interview, May 1, 2024).

Moreover, the Right to Live in Dignity is also hindered because of the lack of legal recognition not only impedes access to employment and education but also affects the overall ability of asylum seekers to live with dignity. This issue was particularly emphasized in discussions with Eckart S., a Nigerian asylum seeker, who described the social stigma and daily challenges that erode personal dignity and self-worth. (Eckart S., interview, 26 April, 2024).

3.2 Impact Analysis

The indefinite limbo status profoundly impacts the psychological, social, and economic wellbeing of non-returnable asylum seekers. The absence of a clear legal status leads to uncertainty and stress, which several interviewees reported as contributing to mental health issues such as anxiety and depression. This psychological toll is not just limited to adults; children and families are equally affected, facing disruption in their education and development due to instability and lack of access to consistent schooling.

Socially, these individuals often face isolation and marginalization, as highlighted by Philip M., an asylum seeker from Uganda, who spoke about the difficulties in building relationships and community ties due to the unknown nature of their legal status. The lack of integration opportunities further exacerbates feelings of alienation and disconnection from the society they

reside in. The social exclusion is compounded by language barriers and cultural differences, making it even more challenging for them to connect with local communities and access social networks that could offer support (Phillip M, interview, April 15, 2024).

Furthermore, Economically, the inability to work legally forces many into the underground economy where exploitation is high. Muhamood A., from Afghanistan, shared his experience of working under exploitative conditions as a freewoker on a plantation in upper Austria without any recourse to legal protections that are available to regular workers. He described the harsh realities of labor exploitation where he often endure unsafe working conditions, exceedingly long hours, and below-minimum or no wages. This economic vulnerability is a direct result of policy gaps that fail to address the work rights of individuals who are stuck in prolonged asylum procedures. (Muhamood A, interview, April 19, 2024)

The economic instability extends beyond just employment challenges. It impacts their ability to secure stable housing and access financial services, such as banking, which most take for granted. The cycle of poverty is difficult to break without the ability to engage in lawful employment, leading to a dependency on irregular jobs that offer no future security or growth opportunities.

From the interviews, these were some of the direct examples and Testimonies vividly illustrating the human rights implications for non-returnable asylum seekers. For instance, Tambo H., from Sudan, stated:

"Every day is a struggle for survival. Without the right to work legally, I must rely on irregular jobs that barely pay anything or if then black work where if am caught then harsh punishment by the state would be passed on to me."

Similarly, Mastula N. from Queerbase Austria, emphasized the unique challenges faced by LGBTQ+ asylum seekers *"Many from our community are stuck here without protection, susceptible to both societal and institutional discrimination, with no end in sight."*

These personal accounts are supplemented by findings from document analyses, such as reports from Asylkoordination Österreich, which criticize the Austrian government for inadequate protections and support for these individuals (Asylkoordination Österreich 2019). The reports corroborate the testimonial evidence, painting a comprehensive picture of a system that often fails to uphold basic human rights. Through these expanded insights into the impacts and testimonies, the complex challenges faced by non-returnable asylum seekers in Austria are brought sharply into focus, highlighting the urgent need for reforms that address both the symptoms and the root causes of their impact.

In Conclusion, the findings underscore a significant disconnect between the theoretical protections stipulated by international human rights laws and the actual experiences of these individuals in Austria. These gaps manifest in compromised safety, inadequate healthcare, economic exploitation, and a diminished sense of dignity all of which are fundamental human rights. The testimonies and documented evidence call for a critical reassessment of policies to close these gaps and ensure that Austria not only adheres to its international obligations but also truly protects the rights and wellbeing of all individuals within its borders.

3.3 Policy Alignment

Austria's asylum policies are designed to adhere to international standards set by significant treaties such as the 1951 Refugee Convention and the European Convention on Human Rights. These documents mandate protections against the return of individuals to countries where they would face serious threats to their life or freedom and require that all individuals be treated with

humanity and respect for their dignity and human rights. Despite these guidelines, discrepancies emerge in the application of these policies within Austria. The principle of non-refoulement, a fundamental aspect of the 1951 Refugee Convention, is intended to ensure that no one is forcibly returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment. However, analysis of Austrian policy application reveals a troubling gap. Instances have been documented where asylum seekers were returned to countries where they were at risk, contrary to what the convention advocates (Convention Relating to the Status of Refugees, 1951). A relevant example is the case of Marcus Omofuma, a rejected asylum seeker whose tragic death during an illegal deportation in 1999 continues to resonate in public consciousness and influence discourse around immigration and police practices in Austria. As reported by "Die Presse," the case of Omofuma remains a critical reference point, underscoring the need for transparency, accountability, and reform in the enforcement of deportation and detention practices ("Die Presse", 2021). Moreover, the European Convention on Human Rights (ECHR) mandates the right to a fair trial and no punishment without law (ECHR, Art. 6 and 7), yet delays and transparency issues in the asylum process have raised concerns regarding Austria's compliance with these principles.

Furthermore, the comparative analysis of Austria's asylum policies with those of other EU member states provides further insight into specific areas where Austria could improve its approach to meet international standards more effectively. The proactive approach in Sweden to integrate refugee children into the education system almost immediately upon arrival highlights a model of inclusivity and rapid integration. This system, detailed in a report by Jenny Berglund, emphasizes individual assessment of each student's knowledge and experience to tailor education to their specific needs. Moreover, the provision of native language education alongside Swedish promotes language development and eases the integration process (Berglund, 2017). In contrast, in Austria, the integration of refugee children into schools is often

hampered by bureaucratic delays and a lack of resources dedicated to language acquisition, which is critical for their educational success and social integration (Asylkoordination Österreich 2023).

Furthermore, countries like Finland have excelled in providing civic orientation programs that educate asylum seekers about the rights and responsibilities associated with living in the host country. These programs are often coupled with comprehensive language training, which is crucial for successful integration (International Organization for Migration Finland, 2024). Austria could benefit from adopting similar comprehensive orientation and language programs, which would likely result in better social and economic outcomes for asylum seekers.

In terms of housing, countries like Netherlands have implemented structured housing solutions with policymakers encouraging housing suppliers to rent modular houses to these individual through temporary contracts that support them from exclusion (Groot, J., & Ronald, R. 2024). These solutions not only provide immediate shelter but also facilitate the gradual integration of refugees into local communities. Unlike in Austria, where asylum seekers often face challenges in securing stable and adequate housing due to limited availability and regulatory constraints, the housing provided is often segregated from local communities and structured exclusively for refugees in the form of camps. According to Council Directive 2003/9/EC, member states are obliged to provide housing that ensures a standard of living adequate for the health of applicants and capable of ensuring their subsistence. The directive emphasizes the need for accommodations that promote the well-being and social integration of asylum seekers within the host country (Council of the European Union, 2003).

Therefore, by learning from the practices implemented successfully in these countries, Austria could develop a more cohesive and supportive framework that not only upholds international

human rights standards but also facilitates a more efficient and humane integration process for these individuals thus contributing to the social and cultural enrichment of Austria as a whole.

3.4 Policy Effectiveness

The effectiveness of Austria's asylum policies is a critical area of concern, especially when examining whether the outcomes align with the intended objectives of international protection and human rights standards. Interviews with stakeholders and analysis of case studies suggest that while the policies on paper reflect a commitment to international standards, their implementation often falls short. For instance, interviews with asylum seekers such as Phillip M. from Uganda and Eckart S. from Nigeria illustrate that many are ensnared in extended legal uncertainty without sufficient support or definitive resolutions, leading to considerable distress and social exclusion (Interview with Phillip M., 2024; Interview with Eckart S., 2024). This discrepancy between the intended policy outcomes and their actual implementation highlights a significant gap in providing effective protection and support for asylum seekers, as evidenced by the lengthy waiting times for decision-making processes experienced by these individuals.

In Conclusion the evaluation of Austria's asylum policies against international human rights standards and comparative analysis with EU best practices illustrates significant room for improvement. While Austria has established a legal framework aiming to protect asylum seekers and refugees, the actual application of these policies often does not live up to Austria's international obligations. To truly align with these standards, Austria must refine its asylum procedures, enhance integration measures, and ensure that all practices conform fully to the humanitarian principles included in international law. Only through such comprehensive reforms can Austria fulfill its commitment to protecting the rights and dignity of all individuals seeking refuge within its borders.

3.5 Challenges and Barriers

The administrative and procedural landscape for non-returnable asylum seekers in Austria is fraught with logistical hurdles that significantly impede their ability to secure a stable and secure status. Delays in processing asylum applications are commonplace, often exacerbated by bureaucratic issues that can prolong the limbo status of asylum seekers for years. The lack of clear information and guidance through the asylum process is another critical issue, leaving many asylum seekers unsure of their rights and the status of their applications. According to the Council of the European Union's Directive 2013/33/EU, member states are required to ensure that procedures at national level for examining applications for international protection are conducted efficiently and fairly. This directive emphasizes the need for procedural guarantees, adequate reception conditions, and swift access to asylum procedures to reduce the uncertainty and hardship faced by asylum seekers (Council of the European Union, 2013).

These delays of the process can lead to significant psychological distress among asylum seekers, as noted in interviews with stakeholders. For example, Tambo H., a rejected asylum seeker from Sudan, detailed how the uncertainty of his status contributed to ongoing anxiety and helplessness, impacting his overall wellbeing (Interview with Tambo H., 2024).

Furthermore, legal challenges are also prominent, with the Dublin Regulation often cited as a major barrier. This regulation, which dictates that asylum applications should be processed in the first EU country an asylum seeker enters, frequently results in non-returnable asylum seekers being shuffled between member states without resolution to their cases (EU Regulation No 604/2013). Moreover, issues with deportation orders, where non-returnable individuals are issued orders despite the impracticality or illegality of enforcing them due to conditions in the home country, create a paradoxical situation that further complicates their legal standing. The absence of a clear pathway to residency or citizenship for individuals who cannot be returned

is another significant legal hurdle. Despite international protections outlined in treaties such as the Convention Relating to the Status of Refugees and the European Convention on Human Rights, Austria's national legislation often fails to provide a consistent and humane approach to these cases (Convention Relating to the Status of Refugees, 1951; European Convention on Human Rights, 1950).

The aforementioned logistical and legal barriers have a direct and profound impact on the rights of non-returnable asylum seekers. The inability to obtain a clear status not only affects their legal rights but also restricts access to essential services, including healthcare, employment, and education. Their situation exacerbates social exclusion and economic vulnerability, trapping them in a cycle of dependency and marginalization. According to Council Directive 2008/115/EC, member states are urged to adopt appropriate measures to ensure that return procedures respect fundamental freedoms and human rights, particularly regarding the dignity and physical integrity of the individuals involved. This directive emphasizes the importance of providing clear procedural guarantees to protect the rights of individuals who cannot be returned, highlighting the necessity for access to basic services as part of humane treatment standards (Council of the European Union, 2008). For instance, the case of Muhamood A., an interviewee from Afghanistan, illustrates how these barriers prevent access to regular employment, forcing many into the informal labor market where they face exploitation and have no legal recourse (Interview with Muhamood A., 2024).

3.6 Stakeholder Perspectives

The perspectives of various stakeholders, including a legal expert, an NGO representative, and a policymaker, underscore the complexity of addressing these challenges within the current policy framework. The Legal expert pointed to the need for reforms that prioritize the human

rights of asylum seekers, suggesting that Austria should enhance its compliance with international obligations to provide protection and support to those who cannot be returned (Interview with a legal expert, 2024).

The NGO representative emphasized the practical difficulties in advocating for individual cases due to the rigid and often opaque administrative processes. She advocated for more transparent procedures and better access to information for asylum seekers to navigate their legal challenges more effectively (Mastula N., interview, May 1, 2024).

On the other hand, a policymaker emphasized the challenges of balancing national security with the management of asylum seekers, particularly noting that many individuals who arrive in Austria do so via the Balkan route, where there is little or no background checks made on the individuals arriving in the country. He pointed out that a significant number of these rejected asylum seekers are primarily economic migrants lacking legitimate grounds for asylum. However, they cannot be deported due to various claims they make during the asylum process. Consequently, Austria often leaves them in a prolonged state of uncertainty, hoping they will opt to return to their countries voluntarily. (Interview with a ministry employee, 2024).

All in all, the challenges and barriers faced by non-returnable asylum seekers in Austria are multifaceted, involving complex logistical, legal, and systemic issues that impede their rights and integration into society. The disparity between the intent of international and national laws and the reality on the ground indicates a significant gap in policy execution. Addressing these issues requires a concerted effort to reform existing practices, enhance legal protections, and ensure that the procedures not only comply with international standards but are also implemented in a way that upholds the dignity and rights of all individuals involved.

In conclusion, this research reveals the complex situation of non-returnable asylum seekers in Austria, highlighting systemic problems in policy alignment with international human rights

standards and practical barriers that hinder their rights and integration. It calls for urgent policy reform to bridge the gap between legislative frameworks and their application, ensuring the rights of all asylum seekers are upheld. The findings suggest a critical evaluation of current asylum procedures and legislative measures, examining them in relation to existing theories and prior research. As we transition to the discussion section, these findings will be examined in relation to existing theories and prior research and will contribute to the ongoing discourse on asylum policy and human rights, informing future directions in national and European contexts.

CHAPTER 4 - DISCUSSION

This section of the thesis interprets the research findings within the frameworks established by prior studies and human rights theories, showing the practical ramifications for policy-making aimed at non-returnable rejected asylum seekers in Austria. The discussion aims to connect empirical data with scholarly literature to explore how the observed outcomes corroborate or challenge existing knowledge. The analysis will examine the theoretical implications of the findings, assessing their broader impact on human rights practices and suggest actionable insights for improving Austria's asylum policies.

4.1 Interpretation of Findings and Support from Previous Studies

The findings of this research largely align with previous studies that highlight the systemic challenges and human rights issues faced by asylum seekers in Europe, specifically focusing on the Austrian context. The research corroborates reports such as those by Asylkoordination Österreich, which emphasize the administrative delays and procedural inconsistencies in the Austrian asylum system (Asylkoordination Österreich, 2019). These delays often exacerbate the vulnerability of non-returnable asylum seekers, a point that has been extensively documented in prior research and is vividly illustrated through the personal testimonies collected during this study. Similarities are also found with studies by the Council of Europe, which criticize the lack of adherence to the principle of non-refoulement and the insufficient protection against inhumane treatment within the asylum process (Council of Europe, European Convention on Human Rights, 1950). The testimonies of interviewees in this research echo these concerns, underlining the practical shortcomings in protecting fundamental human rights, which are promised under both Austrian law and international treaties.

While many findings from this research align with existing literature, there are distinct discrepancies that offer unique insights into the Austrian asylum system. Previous studies commonly emphasize the effectiveness of EU directives in enhancing asylum processes. However, this study reveals that the implementation of these directives in Austria might not entirely achieve their intended outcomes. According to Council Directive 2013/32/EU, member states are required to establish clear and effective procedures for granting and withdrawing international protection. Yet, the findings suggest that national administrative practices or interpretations of legislation in Austria may weaken the impact of these EU policies (Council of the European Union, 2013). This divergence highlights the complexity of applying EU-wide directives within diverse national contexts. This discrepancy could be attributed to national administrative practices or legislative interpretations that dilute the effectiveness of EU policies.

Moreover, while literature from the UNHCR and other human rights organizations often focuses on legal frameworks and policies at an international level, this research provides a view of how these policies are experienced on the ground by those they aim to protect. For instance, while the European Union Charter of Fundamental Rights advocates for dignity and safety, the personal accounts from this research depict a reality where these rights are not fully realized, pointing to a gap between policy and practice (Charter of Fundamental Rights of the European Union, 2012/C 326/02).

The alignment and contradictions found between this research and existing literature highlight both the strengths and weaknesses of Austria's approach to handling these individuals. The similarities reinforce the ongoing issues recognized by previous studies, affirming the need for continued focus on these areas. The discrepancies, however, are particularly revealing as they provide a deeper understanding of the practical challenges and suggest areas where Austria might need to refine its asylum policies to ensure they are both effective and humane. This nuanced interpretation of the findings invites policymakers, scholars, and practitioners to

reconsider current strategies and to develop more comprehensive solutions that address the real-world complexities faced by asylum seekers.

The findings of this research, grounded in the realities faced by non-returnable rejected asylum seekers in Austria, resonate profoundly with established human rights principles, notably those articulated in the Convention Relating to the Status of Refugees and the European Convention on Human Rights. The principle of non-refoulement, which prohibits the forcible return of individuals to a country where they face serious threats to their life or freedom, is a cornerstone of the 1951 Refugee Convention and directly relates to the experiences shared by participants in this study (Convention Relating to the Status of Refugees, 1951).

The right to a fair trial and the right to dignity and safety, as mandated by the European Convention on Human Rights, were frequently highlighted in the testimonies of interviewees who faced bureaucratic and legal uncertainties. These testimonies illustrate the gaps between policy frameworks and their implementation, shedding light on the often precarious legal standings of non-returnable individuals, which can lead to extended periods without resolution, impacting their dignity and safety (European Convention on Human Rights, 1950; Interview with Muhamood A., 2024). Furthermore, the analysis of these findings within the broader human rights framework highlights the necessity for theoretical models in human rights that are adaptable and responsive to the complexities of modern migrations. Such models should account for the socio-legal intricacies that characterize the asylum processes in nations like Austria, offering a more nuanced interpretation of non-refoulement that encompasses the full spectrum of human rights.

4.2 Practical Implications and Policy Recommendations

The findings from this research underscore the necessity for specific policy enhancements to better protect and support these individuals in Austria. One critical recommendation is the establishment of a clear, legally defined status for non-returnable individuals that provides them with certain rights and protections, including access to work, healthcare, and education, as suggested by the European Union's directives on standards for the reception of applicants for international protection (Council of the European Union, Directive 2013/33/EU). Additionally, Austria should consider revising the Dublin Regulation application to reduce the bureaucratic burden on asylum seekers and accelerate the processing of their cases. This adjustment would align with the recommendations from the UNHCR, advocating for more humane and efficient asylum procedures (UNHCR, 2019).

To implement these policy changes effectively, a comprehensive strategy involving multiple stakeholders is essential. Engagement with EU bodies is crucial to ensure that any new national policies are in harmony with broader European regulations and standards. Collaboration with NGOs and international organizations can also facilitate the practical aspects of these changes, such as providing support services or monitoring compliance with new standards. Furthermore, establishing task forces or committees that include representatives from non-returnable asylum seekers themselves can ensure that the policies are not only theoretically sound but also practically applicable and tailored to the needs of those they aim to protect.

The policy recommendations could significantly improve the conditions for non-returnable asylum seekers in Austria. Clear legal status would alleviate uncertainties and insecurities, allowing them to fully participate in society and access essential services. This would reduce psychological stress and improve integration outcomes. Faster processing and reduced bureaucratic procedures could also decrease time spent in limbo, improving wellbeing and

facilitating quicker community integration. This would contribute to societal harmony and public safety.

In Conclusion the research highlights the need for policy changes to improve the protection and integration of non-returnable rejected asylum seekers in Austria. It provides a comprehensive perspective on the current system's deficiencies and offers actionable recommendations. These findings should be integrated into policy-making and human rights advocacy to ensure the rights of all individuals are respected. The final conclusions aim to influence national and EU-level policies to better address the challenges faced by this vulnerable group.

CONCLUSION

This thesis has explored the critical challenges faced by non-returnable rejected asylum seekers in Austria, emphasizing the disparities between existing asylum policies and the practical realities these individuals endure. Utilizing a qualitative research approach, this study analyzed interviews with affected asylum seekers and reviewed pertinent policy documents. This comprehensive methodology enabled a detailed examination of the human rights implications and the effectiveness of Austrian asylum policies, setting a foundation for understanding the broader impacts on human rights and asylum practices in Austria.

Revisiting the main findings, the research exposes profound human rights challenges encountered by non-returnable rejected asylum seekers in Austria. The study identifies systemic shortcomings that undermine the protection of these individuals' rights, marked by inadequate access to legal representation, healthcare services, and secure housing. These issues underscore a significant discrepancy between Austria's policy goals and their actual execution, often placing asylum seekers in precarious situations that fail to uphold the dignity and safety mandated by international human rights norms. Specifically, the European Convention on Human Rights mandates the right to life, prohibition of torture, and the right to a fair trial (Council of Europe, 1950), while the 1951 Refugee Convention outlines the principle of non-refoulement and the right to be protected from expulsion or return in situations where a person's life or freedom would be threatened (Convention Relating to the Status of Refugees, 1951). These standards establish a clear legal framework that is not fully realized in the current Austrian asylum system, highlighting critical areas for policy improvement and enforcement.

The implications of these findings are profound, underscoring a significant disconnect between Austria's asylum policies which are often insufficiently aligned with fundamental human rights principles, such as non-refoulement and the right to dignity and safety. These findings suggest a need for urgent reforms in Austria's asylum procedures to ensure they comply with

international laws and effectively protect the human rights of all individuals under its jurisdiction. To align Austria's asylum procedures with international human rights standards, legislative reforms and clear protocols are needed. Key reforms should include establishing a definitive legal status for non-returnable asylum seekers, ensuring access to essential services like healthcare, education, and the right to work. Comprehensive guidelines should also be developed to prevent refoulement in situations where returning individuals could face human rights violations.

These changes would significantly improve the legal and humanitarian treatment of asylum seekers in Austria, ensuring their rights are preserved in compliance with established international obligations. Non-governmental organizations (NGOs) play a crucial role in supporting non-returnable asylum seekers through various activities, advocating for policy reforms that prioritize the human rights of asylum seekers. They provide direct support mechanisms, including legal assistance, healthcare services, and integration programs. International bodies also play a vital role in enhancing Austria's asylum practices by offering funding and technical expertise to develop and improve asylum infrastructure compliant with human rights standards. Monitoring Austria's adherence to international obligations and publishing findings are essential for accountability and fostering the development of more effective and humane asylum policies across the EU.

This study, however, is not without its limitations which may affect the generalizability of the findings. The primary reliance on qualitative interviews provides profound, nuanced insights but might not capture all dimensions of the issue comprehensively. Additionally, the geographical focus on Austria means that the applicability of the conclusions to other contexts might require additional comparative research.

Future research directions should include comparative studies between Austria and other EU countries to identify best practices and discern broader trends in the treatment of non-returnable asylum seekers. Longitudinal studies would be valuable to assess the long-term impacts of policy changes on the lives of these individuals. Moreover, incorporating quantitative research could complement the qualitative findings, providing a broader statistical context to the issues discussed. Such studies could utilize data from international human rights organizations and European asylum databases to expand the empirical basis of research, offering a more comprehensive understanding of the dynamics at play.

Concluding Remarks

The thesis emphasizes the need for Austria to address the issue of non-returnable rejected asylum seekers. It suggests recommendations to improve individual lives and the asylum system by aligning national policies with international human rights standards. This study provides valuable insights into migration and human rights, offering practical guidance for policymakers and advocates to improve asylum practices and uphold the dignity and rights of asylum seekers in Austria and Europe at large.

REFERENCES

1. "Die Presse". (2021, April 3). Zehn Jahre später: Der Fall Omofuma wirkt noch nach. Retrieved April 15, 2024, from <https://www.diepresse.com/474709/zehn-jahre-spaeter-der-fall-omofuma-wirkt-noch-nach>
2. Asylkoordination Österreich. (2016). Reports on the state of asylum procedures in Austria. Accessed between April 10, 2024.
3. Asylkoordination Österreich. (2019). Regular Procedure. Retrieved from <https://www.asylumineurope.org/reports/country/austria/asylum-procedure/procedures/regular-procedure>. Accessed May 3, 2024.
4. Asylkoordination Österreich. 2023. Access to education. Asylum Information Database | European Council on Refugees and Exiles. Retrieved May 20, 2024, from <https://asylumineurope.org/reports/country/austria/reception-conditions/employment-and-education/access-education/>
5. Berglund, J. (2017). Education Policy – A Swedish Success Story? Integration of Newly Arrived Students into the Swedish School System. Friedrich Ebert Stiftung. Retrieved from <https://www.fes.de/ipa>
6. Boltzmann Institute. (2018). In European Yearbook on Human Rights 2018. Retrieved April 15, 2024, from <https://gmr.lbg.ac.at/news/european-yearbook-on-human-rights-2018-2/?lang=en>
7. Convention Relating to the Status of Refugees (1951). United Nations Treaty Series, 189. Accessed May 1, 2024.
8. Council of Europe. (1950). European Convention for the Protection of Human Rights and Fundamental Freedoms, ETS 5. Accessed April 18, 2024.
9. Council of Europe. (1950). *European Convention for the Protection of Human Rights and Fundamental Freedoms*.
10. Council of the European Union. (2013). Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>
11. Council of the European Union. (2013). Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). Official Journal of the European Union, L. 180/96. Accessed April 20, 2024.

12. Council of the European Union. (2013). *Directive 2013/33/EU*. Retrieved April 15, 2024, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013L0033>
13. European Council on Refugees and Exiles (ECRE). (2014). *Documentation on non-returnability*. Retrieved April 12, 2024, from https://www.ecre.org/resources/non_returnability.pdf
14. European Union. (2003). Council Directive 2003/9/EC of January 27, 2003, laying down minimum standards for the reception of asylum seekers. Official Journal of the European Union, L 31/18. Accessed April 18, 2024.
15. European Union. (2013). Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person . Official Journal of the European Union, L 180/31. Retrieved April 15, 2024, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0604>
16. *Freedoms*. Retrieved April 20, 2024, from https://www.echr.coe.int/Documents/Convention_ENG.pdf
17. Groot, J., & Ronald, R. (2024). Integrating refugees through ‘flexible housing’ policy in The Netherlands. *International Journal of Housing Policy*, 1–25. <https://doi.org/10.1080/19491247.2024.2339460>
18. Hettyey, András. (2017). „Austria and the Migration Challenge: From the Culture of Welcome to the Culture of Deterrence.“ in *Mapping Migration Challenges in the EU Transit and Destination Countries : IEMed*. “ Accessed April 10, 2024. <https://www.iemed.org/publication/mapping-migration-challenges-in-the-eu-transit-and-destination-countries/#section-austria-and-the-migration-challenge-from-the-culture-of-welcome-to-the-culture-of-deterrence-pfTMt>
19. International Covenant on Civil and Political Rights (ICCPR). (1966). Retrieved April 30, 2024, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
20. *International Journal of Refugee Law*, Volume 33, Issue 1, March 2021, Pages 179–182, <https://doi.org/10.1093/ijrl/eeab024>
21. International Organization for Migration Finland. Orientation courses for quota refugees. Retrieved May 20, 2024, from <https://finland.iom.int/orientation-courses-quota-refugees>

22. Peters, L., Engelen, P. J., & Cassimon, D. (2023). Explaining refugee flows. Understanding the 2015 European refugee crisis through a real options lens. *PloS one*, 18(4), e0284390. <https://doi.org/10.1371/journal.pone.0284390>

Reports and Online sources:

23. The Problem with the Dublin Regulation. Institute for European Policymaking at Bocconi University. Retrieved May 20, 2024, from <https://www.iemed.org/publication/mapping-migration-challenges-in-the-eu-transit-and-destination-countries/#section-austria-and-the-migration-challenge-from-the-culture-of-welcome-to-the-culture-of-deterrence-JQOkC>
24. United Nations High Commissioner for Refugees (UNHCR). (1951). *The 1951 Refugee Convention*. Retrieved April 25, 2024, from <https://www.unhcr.org/1951-refugee-convention.html>
25. United Nations High Commissioner for Refugees. (2020). Global Trends: Forced Displacement in 2019. Accessed April 20 2024 Retrieved from <https://www.unhcr.org/globaltrends2019/>
26. United Nations. (1987). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Accessed May 1 2024 Retrieved from <https://legal.un.org/avl/ha/catcidtp/catcidtp.html>

Interviews:

27. Interview with Tambo H., a rejected asylum seeker from Sudan, currently residing in Vienna (April 22, 2024).
28. Interview with Phillip M., from Uganda, conducted in Vienna (April 15, 2024).
29. Interview with Muhamood A., from Afghanistan, conducted in Vienna (April 19, 2024).
30. Interview with Eckart S., from Nigeria, conducted in Vienna (April 26, 2024).
31. A phone interview with Ali M., from Syria, was conducted on April 10, 2024.
32. Interview with Mastula N., from Queerbase Austria (NGO), conducted in Vienna (April 21, 2024).
33. Interview with an employee of the Austrian ministry (BFA) responsible for integration via Zoom (April 27, 2024).
34. Interview with a legal expert, (human rights lawyer) in person conducted in Vienna (May 5th 2024)