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IN HUMAN RIGHTS
AND DEMOCRATISATION

LIVING IN LIMBO – BETWEEN HOPE, CRIME AND DEPORTATION

Non-removable irregular migrants in Austria

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ABSTRACT

The number of failed asylum seekers and irregular migrants who have lost or never had the right to stay but cannot be removed to their countries of origin is rising all over Europe. Practical and technical obstacles such as the absence of travel documents due to the lack of cooperation from countries of origin and difficulties in identifying the individual are the most frequent reasons preventing removal. The EU Directive 2008/115/EC on common standards and procedures for returning illegally staying third-country nationals lacks clear guidelines on how to deal with this residual group of “undesirable” migrants. Only a few EU Member States provide sufficient legislation to protect the human rights of non-removable migrants, others leave them vulnerable to human rights violations, in a legal limbo situation for years.

This research examines the policies and procedures of Austrian immigration and prison authorities and their correlation with social exclusion and crime. It highlights the vicious circle of irregularity and its effect on the well-being by focusing with semi-structured interviews with prison inmates on this even more excluded group of migrants who are considered a “threat to the society”. Recommendations in order to meet international human rights obligations conclude this thesis.

Key words: irregular migrants, return, removal, non-removability

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