



IOM International Organization for Migration
IOM Internationale Organisation für Migration

POLICY REPORT

IMMIGRATION AND INTEGRATION IN AUSTRIA

REFERENCE PERIOD 1 JANUARY TO 31 DECEMBER 2006

The opinions presented in this document are those of the NCP Austria alone and do not represent the position of the Austrian Ministry of Interior.

Project co-funded by the European Commission and the Austrian Ministry of Interior



BM.I 

REPUBLIK ÖSTERREICH
BUNDEMINISTERIUM FÜR INNERES
www.bmi.gv.at

FOREWORD

This report covering the reference period from 1 January to 31 January 2006 is the third policy report compiled by the National Contact Point (NCP) for Austria within the European Migration Network (EMN). It is one of the core tasks of the National Contact Points (NCPs) to produce annual policy reports, small-scale studies and research studies in the field of migration and asylum in Austria. These reports aim at providing a concise overview on the respective subjects in all participating countries and serve both internal and external information needs by providing information about legislation and policy debates in Austria. Based on a common template for all participating NCPs, which was elaborated by the Scientific Coordinator of the European Migration Network in close cooperation with the European Commission, the report offers at the same time a gate for comparison and information exchange with other EU members states.

The present report was compiled by the staff of the NCP Austria with respect to their specific areas of expertise. Brigitte Schütz coordinated the work on the policy report, was responsible for editing and wrote parts of the chapters on main policy debates and implementation issues. The legal parts were written by Heike Cholewa, researcher-in-residence at the NCP in 2006 in coordination with David Reisenzein, Head of the NCP Austria. Angelika Benkovszky, Herwig Schinnerl and Alma Zadic, researchers-in-residence at the NCP in 2006/2007, assisted in the research process contributing to the chapters on policy debates, policy implementation issues and legislative developments.

We trust that this report proves to be useful for the readers and thank all contributors for their input and efforts to compile a well-balanced and comprehensive report on Austria's recent immigration policy.

David Reisenzein, IOM Vienna

Head of the National Contact Point Austria

CONTENTS

FOREWORD	2
CONTENTS	3
LIST OF ABBREVIATIONS	4
1. EXECUTIVE SUMMARY	6
2. POLITICAL DEVELOPMENTS IN AUSTRIA	8
2.1. GENERAL STRUCTURE OF THE POLITICAL SYSTEM	8
2.2. GENERAL POLITICAL DEVELOPMENTS	8
2.2.1. <i>Parliamentary elections</i>	8
2.2.2. <i>Election results</i>	14
2.2.3. <i>Forming of the new government following the elections</i>	14
2.3. CENTRAL POLICY DEBATES	17
2.3.1. <i>Managed Immigration</i>	17
2.3.2. <i>Debate about the new migration and asylum laws</i>	19
2.3.3. <i>Integration and Settlement</i>	20
2.3.4. <i>Refugee Protection and Asylum</i>	22
2.3.5. <i>Citizenship and Naturalisation</i>	23
2.3.6. <i>Return</i>	24
2.3.7. <i>Other</i>	24
3. LEGISLATIVE DEVELOPMENTS IN THE AREA OF MIGRATION AND ASYLUM	26
3.1. GENERAL STRUCTURE	26
3.2. LEGISLATIVE DEVELOPMENTS	26
3.2.1. <i>Amendment of the Citizenship Act</i>	26
3.2.2. <i>Amendment of the Criminal Law</i>	27
4. IMPLEMENTATION OF EU LEGISLATION	28
5. OTHER POLICY IMPLEMENTATION ISSUES	29
5.1. LABOUR MARKET AND EMPLOYMENT	29
5.1.1. <i>Transition arrangements with Romania and Bulgaria</i>	29
5.1.2. <i>Employment of foreign nationals in Austria</i>	30
5.2. HOUSING AND URBAN DEVELOPMENT	31
5.3. EDUCATION	32
5.4. VULNERABLE GROUPS	32
5.5. DISCRIMINATION AND ANTI-DISCRIMINATION	33
6. BIBLIOGRAPHY	34
7. ANNEX: STATISTICS	41

LIST OF ABBREVIATIONS

AsylG	Asylgesetz	Asylum Act
AuslBG	Ausländerbeschäftigungs- gesetz	Aliens' Employment Act
BGBI	Bundesgesetzblatt	Federal Law Gazette
BJA	Bundeskanzleramt	Federal Chancellery of Austria
BZOE	Bündnis Zukunft Österreich	Alliance for Austria's Future
EC	Europäische Kommission	European Commission
EEA	Europäischer Wirtschaftsraum	European Economic Area
EMN	Europäisches Migrationsnetzwerk	European Migration Network
FPOE	Freiheitliche Partei Österreichs	Austrian Freedom Party
FPG	Fremdenpolizeigesetz	Aliens' Police Act
GRUENE	Die Grünen	Green Party
IOM	Internationale Organisation für Migration	International Organization for Migration
IV	Integrationsvereinbarung	Integration Agreement
KRONE	Neue Kronen Zeitung	Neue Kronen Zeitung (daily Newspaper)
NAG	Niederlassungs- und Aufenthaltsgesetz	Settlement and Residence Act
NCP	Nationaler Kontaktpunkt Österreich	National Contact Point Austria
NLV	Niederlassungsverordnung	Settlement Decree
OEVP	Österreichische Volkspartei	Austrian People's Party
PRESSE	Die Presse	Die Presse (daily Newspaper)
SPOE	Sozialdemokratische Partei	Social Democratic Party of Austria

Österreichs

STANDARD	Der Standard	Der Standard (daily Newspaper)
StbG	Staatsbürgerschaftsgesetz	Citizenship Act

1. EXECUTIVE SUMMARY

The most important political development in 2006 was the parliamentary election (election to the National Council of the Austrian Parliament), which took place on 1 October 2006. Thus, the main policy debates on immigration and asylum occurred in light of these elections; it became obvious, that immigration, integration and asylum were important issues of discussion during the election campaign of the participating parties. The debate was reinforced by the separation of the Alliance for Austria's Future (BZOE) from the Austrian Freedom Party (FPÖ). The Social Democratic Party (SPÖ) won the elections of October 2006; as a consequence, a coalition between SPÖ and the Austrian People's Party (ÖVP) was inaugurated in early 2007, replacing the former ÖVP-BZOE government.

Besides the elections, a main focus of the policy debates during this year was the new Aliens' Law Package (the Settlement and Residence Act (NAG), the Aliens' Police Act (FPG)) and the new Asylum Act (AsylG)), which entered into force on 1 January 2006. While this report focuses on the debate of these laws, the legal amendments were already described in detail in the previous policy report of 2005. The new legislation was strongly criticised by representatives of Civil Society (e.g. NGOs), particularly the provisions for detention pending deportation of asylum seekers as well as new provisions regarding settlement permits for (third country national) spouses of Austrian nationals. Besides detention pending deportation of asylum seekers, also single expulsion cases provoked public discussions.

Policy debates about migration and asylum during the year 2006 dealt with a range of topics, e.g. the field of managed immigration: the demands ranged from a "total immigration stop" to the introduction of a points-based system for the admission of immigrants to Austria ("Green Card"). Concerning integration, measures to promote the language acquisition of children before their school enrolment were discussed. Criticism also focused on the amended "Integration Agreement", which stipulates the obligation for immigrants to prove German language knowledge.

With the amendment of the Citizenship Act, which laid down new rules concerning the required periods of residence for naturalisations, tests on applied geography were furthermore introduced. In the field of health and care for the elderly, NGOs claimed a "state of emergency" in the care sector in summer 2006. Because Austria is confronted on the one hand with labour shortages in the care sector, but on the other hand people

can hardly afford to employ home care personnel according to Austrian social security and labour law standards, many people recur to nurses from neighbouring Eastern European countries, who then work illegally in Austria.

Looking at the field of legislative developments, apart from the amendment of the Citizenship Act, the Criminal Law (StGB) was amended, introducing more severe laws concerning forced marriages and female genital mutilation. Regarding other policy implementation issues, the report deals with labour market and employment (particularly the elongation of restrictions of the access to the Austrian labour market for EU-8 nationals), housing (the access of foreigners to municipal apartments), asylum (burden sharing between federal provinces and the recruiting of additional staff for the Federal Asylum Review Board) and anti-discrimination.

2. POLITICAL DEVELOPMENTS IN AUSTRIA

2.1. General Structure of the political system

As previous policy reports already give a detailed overview on the structure of the Austrian political system in the area of migration and asylum, this report will not further elaborate on this issue. The policy report 2005 also describes the newly adopted Aliens' Law Package (Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz, NAG), the Aliens' Police Act (Fremdenpolizeigesetz, FPG) and the new Asylum Act (Asylgesetz, AsylG)), which entered into force on 1 January 2006. Thus, we refer the interested reader to the policy reports of the years 2004 and 2005, which are available for download at the website of the NCP Austria www.emn.at.

2.2. General political developments

2.2.1. Parliamentary elections

The most important event during the reference period, was the elections to the National Council of the Austrian Parliament¹, on 1 October 2006. The following section sketches the most important political parties, which stood for election and their leading candidates.

Austrian People's Party (Österreichische Volkspartei, OEVP)

The Austrian People's Party nominated Chancellor Wolfgang Schüssel as its leading candidate for the parliamentary elections. The election programme of the OEVP "Kursbuch Zukunft" (OEVP 2006) focused on strengthening the business and employment location in Austria, enhancing security and quality of life, social cohesion as well as self-consciousness towards the country.

With regard to the integration of migrants, the OEVP highlights the principle of "integration before new immigration" (OEVP 2006: 18). The programme postulates measures such as more public integration activities (particularly in the housing sector), the set-up of an independent Asylum Court and a target-oriented management of the

admission of third country nationals based on Austrian interests. For a successful integration, language knowledge and “willingness” of migrants to integrate is deemed to be crucial. In addition, the OEVP clearly positions itself against regularisation programmes for irregular residing foreigners.

The OEVP election campaign focused on the OEVP’s and Schüssel’s leading role as chancellor during the past two legislative periods since the year 2000 and the achievements of the government. The campaign tended to create a positive image of the country, which was reflected by slogans such as “Austria. Here we feel good.”, “Safe. Austria.” and “Austria. Stays better”.

Social Democratic Party of Austria (Sozialdemokratische Partei Österreichs, SPOE)

Alfred Gusenbauer, party leader since 2000, was the SPOE’s leading candidate for the elections. The electoral campaign of the SPOE clearly reflected its role as largest opposition party during the past years and was problem-centred, mainly looking at issues such as unemployment, education, social security and changes of the pension system by the former government. To introduce their ideas for the coming legislative period, the SPOE published an Election Manifesto (Wahlmanifest), which describes “20 projects for more fairness in Austria” (SPOE 2006). An important topic during the election campaign was the controversial agreement of the former OEVP/BZOE government to purchase 18 Eurofighter interceptors. In October 2006 a parliamentary investigation committee was installed to examine the accomplishment of this bargain and the role of different actors related to this deal. In case of the SPOE’s participation in the government in the forthcoming legislative period, the party promised to back out of the bargain as far as possible. Concerning Gender politics of the OEVP/BZOE government, the SPOE harshly criticised the abolishment of the Ministry for Women in the year 2000. In the area of education, the SPOE pleaded for extensive reforms and budget extensions. In the field of immigration and integration, the SPOE suggested controlled immigration according to Austrian interests (SPOE 2006: 22). The programme clearly stated that integration involves rights and obligations for the host society and the immigrants. Main concerns were to grant access to the labour market for all legally residing immigrants in Austria, to

¹ The Austrian Parliament consists of two Chambers: the Nationalrat (National Council), which is elected directly by the Austrian electorate. The deputies of the second Chamber, the Bundesrat (Federal Council) are elected by the Landtage (Provincial Parliaments).

foster integration measures, to introduce a compulsory pre-school year, to introduce the right to vote in municipal elections as well as the right to stand for elections in representations of interest for long-term residents. In the asylum field, the SPOE suggested the establishment of an asylum court, the acceleration of asylum proceedings as well as the promotion of a common EU asylum law (ibid.: 22-23).

The posters of the electoral campaign traditionally showed the head of the party, Mr. Gusenbauer, amongst old and young people demanding “new fairness” for the country. Following this line Mr. Gusenbauer called for efforts to reduce the number of unemployed adolescents and to guarantee for pensions.

Austrian Freedom Party (Freiheitliche Partei Österreichs, FPÖ)

The Austrian Freedom Party nominated Heinz Christian Strache as its leading candidate for the election. The program of the FPÖ focused on topics, which have been dealt with in the past such as, immigration, security, European integration and social matters. A main claim of the FPÖ is to more strictly control and to curtail legal immigration and inflows of asylum seekers. Major demands as presented in the election program (FPÖ 2006), are an “immigration stop” as well as to proclaim in the Austrian Constitution that Austria is not an immigration country. Concerning integration, the party suggested introducing the possibility of an administrative penalty for immigrants, who refuse to adapt. In a similar vein, a stricter naturalization law was demanded. Other claims are the establishment of a state office for the return of foreign nationals as well as the set-up of an Aliens’ Police similar to that in Switzerland, which exclusively deals with Aliens’ Act matters. Some of their proclamations were not in line with EU law, such as the idea to abolish the (compared to other third country nationals) privileged status of Turkish nationals, being the consequence of the Association agreement between the EU and Turkey. Another focus of the FPÖ was the abuse of social benefits by foreigners as well as the removal of criminal foreigners. In the area of asylum, the views are similar: stricter asylum laws, no access for asylum seekers to the labour market, immediate expulsion of delinquent asylum seekers.

Another main topic of the FPÖ was EU politics in general: i.e. the rejection of Turkey’s accession to the European Union and the EU Constitution. Electoral slogans used by the FPÖ included “Safe pensions instead of millions for asylum”, “Welfare state instead of immigration”, and “Homeland instead of Schüssel and Brussels”.

Green Party (DIE GRUENEN)

Alexander van der Bellen was the leading candidate for the Austrian Green Party. The Greens opened the election campaign in May 2006 with the presentation of two black books. The “Schwarzbuch Schwarz” (Black Book Black) (DIE GRUENEN 2006a) critically dealt with the government politics of the OEVP. Few days later the “Schwarzbuch Rot” (Black Book Red) (DIE GRUENEN 2006b) was published, which was dedicated to the opposition work of the SPOE. The criticism focused on migration and asylum issues and largely on the new laws (Asylum Act (Asylgesetz, AsylG) 2005, Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz, NAG) and Aliens’ Police Act (Fremdenpolizeigesetz, FPG)), which had been adopted in parliament by the OEVP/BZOE coalition together with the votes of the SPOE in 2005.

Main areas of the green election programme “Zeit für Grün” (Time for Green) (DIE GRUENEN 2006c) were quality of life, fairness, freedom and international relations. In view of social issues and the fight against poverty, the Green Party promoted the introduction of a so-called basic existence income (Grundsicherung). Education and gender issues were emphasised in the election programme too. In the field of asylum, the party promoted the comprehensive right to asylum according to the Geneva Convention, and called for a shorter duration of asylum proceedings (a maximum of six months). The Green Party also heavily criticised the practice of detention pending deportation, as they argued that this should be the ultimate measure rather than the regular practice. Contrary to the other political parties, the Green Party explicitly acknowledged that Austria is an immigration country in need of further immigration. As a consequence, the introduction of new points-based immigration model was suggested. Other areas of concern were the quota-free right to family reunification as well as the replacement of the integration agreement by a so-called “integration accompaniment” (Integrationsbegleitung). They argued for the Citizenship Act to be reformed so as to allow for naturalisations to take place after five years of residence, and for double citizenship. To foster the political participation of immigrants, the right to vote on municipal level should be introduced for third country nationals similar to EU citizens.

The public information campaigns by the Greens reflected their traditional topics, such as demanding for measures against poverty, equal rights for women, better access to education and fair treatment for citizens and foreigners.

Alliance for Austria's Future (Bündnis Zukunft Österreich, BZOE)

Peter Westenthaler, the former chairman of the FPOE parliamentary fraction, was the leading candidate for the Alliance for Austria's Future (Bündnis Zukunft Österreich, BZOE). Westenthaler had been selected as party leader and successor of Jörg Haider in June 2006.

The BZOE was founded in 2005 after internal disputes in the FPOE; under the lead of Jörg Haider, a number of former FPOE representatives (particularly those represented in the OEVP-FPOE government) proclaimed the foundation of the BZOE. As a result, the BZOE replaced the former FPOE in the coalition, without having ever stood for elections. In view of the parliamentary elections in 2006, a main concern of the BZOE was to achieve the 4% threshold to be represented in the National Council of the parliament.

The separation of the BZOE from the FPOE evoked disputes between the two parties. Firstly the FPOE induced legal proceedings against the use of the term "the Liberals" in the name of BZOE. The court's ruling allowed the BZOE to keep its name on the ballot form but had to remove the addition "the liberals" on posters and other campaigning materials. In addition, the FPOE induced legal proceedings against the BZOE's demand to be listed in third place in the electoral list. The court judged that the FPOE is to be listed in third place and the BZOE in fifth place (PRESSE 2006v). In return, the Commercial Court ruled that the FPOE had to omit accusations of "election fraud" against BZOE and OEVP, following a claim of the BZOE (PRESSE 2006w).

The positions of the BZOE, which were presented in their election programme "10 points for a modern, social, productive and secure Austria" (10 Punkte für ein modernes, soziales, leistungsfähiges und sicheres Österreich) (BZOE 2006), were to a great extent similar to those of the FPOE. Main fields were immigration, security, social issues, protection of "homeland", Austria's position in the EU, economy, youth and education.

The leading statements in the election programme were: "Austria comes first. Austria is not an immigration country". To give an example, the BZOE demanded the decrease of the number of currently residing foreigners by 30 %. In addition, the party called for the extension of integration measures. Concerning the regulation of immigration, the BZOE suggested the introduction of a Green Card to only allow the immigration of persons, who fill labour market gaps. In the field of asylum, the BZOE was in favour of establishing an Asylum Court and the acceleration of asylum proceedings: protection should only be granted to prosecuted persons. The BZOE also supported the idea that foreigners, who commit an offence, should serve their sentence in their country of origin. Concerning

education, the number of pupils, who have difficulties to learn German, should not exceed 30 % per classroom. Like the FPOE, the BZOE opposed the accession of Turkey to the EU as well as the European Constitution, which both must be subject to referenda in all EU Member States.

The Communist Party of Austria (Kommunistische Partei Österreichs, KPOE)

Leading candidate of the KPOE was Mirko Messner. Besides OEVP and SPOE the Communist Party of Austria is the only Austrian party that stood for election in all parliamentary elections of the Second Republic. However, since the 1950's the KPOE has not been represented in the parliament. In 2003, the KPOE obtained 20 % of the votes in the elections to the municipal council in Graz, which was one of the best electoral results in the KPOE's history. Election campaign topics of the KPOE mainly focused on social and economic issues, such as higher minimum wages and pensions, the reduction of working hours to 30 per week, a "basic income" (Grundeinkommen), property tax, the increase of top income tax rate, harmonised social standards throughout the EU as well as the abolishment of tuition fees for universities (KPOE 2006). In regards to immigration, the KPOE demands equal rights for immigrants as well as the right to vote for all persons residing in Austria, independent from their citizenship.

List Dr. Martin- for Democracy, Control and Justice

At the end of July 2006, Hans-Peter Martin, Member of the European Parliament, announced the first candidacy of his List Dr. Martin - for Democracy, Control and Justice at the parliamentary elections. The Austrian newspaper Kronen Zeitung, which regularly publishes Martin's column, strongly supported him. In July 2006 Martin was allowed to publish a call for support in the newspaper (KRONE 2006).

Martin's electoral campaign revolved around bringing fresh ideas and a new voice to Austrian politics, criticising the "established parties" and reaching out for so-called "protest voters" (List Dr. Martin, 2006). The party stood for issues such as increased transparency of political decisions, for fostering direct democracy (referenda, petitions etc.), higher efficiency of the political system and the administration as well as reduced tax load. The EU was an important focus as well: more democratic legitimation and increased transparency of EU institutions as well as the opposition of Turkey's accession were among the topics of concern to Martin. Other topics included education policies,

protection of environment and climate change, independency of the media, and better care for the elderly. Asylum and immigration were not a main concern of Martin's party.

2.2.2. Election results

The overall turnout at the parliamentary elections held on 1 October 2006 was 78.5%, which is a decline by about 6% compared to the preceding elections of 2002. Looking at the results² in detail, the SPOE won the elections with 35.3% of votes (with a loss of 1.2% compared to the election result of the year 2002), followed by the OEVP (34.3%, loss of 8% compared to 2002). The FPOE Party (+1%) and the Green Party (+1.5) received 11% of the votes each. The BZOE, which stood for elections for the first time, gained 4.1% of votes and consequently managed to overcome the barrier of 4% to be represented in parliament. The KPOE gathered 1% of electoral votes (+ 0.4%), the List of Hans-Peter Martin 2.8%. Hence, both parties did not pass the threshold to be represented in parliament.

2.2.3. Forming of the new government following the elections

In the aftermath of the parliamentary elections, the process of government formation took until early 2007. In order to provide the reader with a better overview on the political developments in Austria, the establishment of the new government will be briefly sketched in the following section.

The Austrian Federal President Heinz Fischer assigned Alfred Gusenbauer, head of the SPOE, to build a government with broad support by the parliament. It took until 8 January 2007, when the SPOE and the OEVP finally agreed to form a "big coalition". The SPOE with the new Chancellor Alfred Gusenbauer negotiated the ministries of justice, defence, education/arts/culture, women, social affairs/consumer protection, infrastructure/innovation/technology resorts. In return, the OEVP with the Vice-Chancellor and Minister of Finance Wilhelm Molterer received the resorts European and international affairs (former Ministry for Foreign Affairs), interior, finance, economics/labour, health/family and youth, science/research and agriculture/environment. The new government took office on 11 January 2007.

The Government Programme 2007-2010 (Bundeskanzleramt 2007) outlines the main plans and aims related to migration and asylum as follows: concerning international cooperation, a main focus is placed on the areas of illegal migration, terrorism and

² For detailed information on the election results see <http://wahl06.bmi.gv.at/> (accessed in May 2007)

organised crime and the repeated willingness for strengthened cooperation with international agencies such as Frontex, Europol and Interpol. The exchange of security-, asylum- and migration related data should be extended as foreseen in the Hague Programme and the Prüm Treaty. Basic requirements are uniform asylum statistics and the development of an antiterrorism database on the European level (Bundeskanzleramt 2007: 137).

The Government Programme's chapter on integration outlines the government's visions on migration, integration and asylum (ibid.: 138-143). In general, it aims for continuity, following to a large extent the policies, which were applied by past governments. It accentuates the importance of the new laws related to aliens, which had been adopted in 2005 and points to the strong link between immigration and integration.

According to the Government Programme, immigration and integration policy should adhere to the principle of "integration before new immigration", which has been proclaimed since the 1990ies (meaning that the integration of foreigners, who are already residing in Austria is prior to the admission of new immigrations to Austria). Immigration management needs to be strongly linked to the developments on the labour market.

Integration is perceived as a cross-sectional matter, which affects all policy fields and ministries. The programme further underlines the importance of German language knowledge for integration and the government's commitment to maintain the so-called "integration agreement"³ (ibid). Besides language knowledge, immigrants must respect the Austrian legal system and basic values. In addition to the establishment of an "integration platform" and the development of integration concepts on federal, provincial and municipal level, the Government Programme points to the need for additional integration measures in the field of language training, education, counselling for newcomers, etc. Another issue, which is dealt with in the Government Programme, is civic participation of immigrants. A concrete aim in this regard is to allow foreigners, who are long-term residents, to stand for elections in representations of interests (ibid.: 142-143). The chapter on internal security outlines inter alia the aim to foster the recruitment of persons with migration background for law enforcement units (ibid.: 135).

More concrete measures and plans related to immigration policy can be found in the chapter on economy and the labour market. The main targets are the preparation of the

³ See Policy Report 2004 and Policy Report 2005 for more details on the Integration agreement (Integrationsvereinbarung, IV), which was introduced in 2002.

Austrian labour market for the abolishment of temporary provisions related to the restricted access of EU-8 nationals to the Austrian labour market and the selective immigration of key professionals based on needs-assessments (ibid.: 51). Related to the first target, the Government Programme foresees measures such as bilateral employment agreements with EU-8 states, more flexible solutions for the employment of qualified EU-8 nationals in economic sectors with labour shortages and cross-border cooperation of Public Employment Services. Concerning the immigration of third country nationals, exemptions from the Aliens' Employment Act (Ausländerbeschäftigungsgesetz, AuslBG) for researchers are foreseen, increased flexibility of the quota system for key-professional and new provisions for seasonal employment (ibid.).

The Government Programme also calls for efforts to fight against illegal migration, human trafficking and smuggling of human beings. In addition, the link between development aid and cooperation with countries of origin (e.g. concerning the issuance of travel documents or the negotiation of readmission agreements) is highlighted (ibid.: 139). With regard to asylum policies, the central focus is put on accelerating asylum procedures and on increasing the efficiency of the asylum system.

Concerning the institutional structure, the program enumerates the evaluation and potential further development of the Advisory Board for Asylum and Migration Issues (Beirat für Asyl- und Migrationsfragen), the establishment of an "integration platform" to evaluate integration and migration issues and to propose adequate measures as well as a research focus on migration. In addition, the evaluation of the amended Citizenship Act (Staatsbürgerschaftsgesetz, StbG) after a reasonable period was mentioned (ibid.: 143).

2.3. Central Policy Debates

2.3.1. Managed Immigration

In view of the parliamentary elections in autumn 2006, the topic of managed immigration into Austria, was taken up by political parties and discussed in public and the in Austrian media. The entry into force of a series of new laws in 2006⁴ pushed this debate, namely the new Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz, NAG), the Aliens Police Act (Fremdenpolizeigesetz, FPG), the Asylum Act (Asylgesetz, AsylG) and the amended Citizenship Act (Staatsbürgerschaftsgesetz, StbG). The debate about immigration was sustained by the dispute between BZOE and FPOE, which both tried to exceed the other party's proposals in view of restrictiveness.

The Social Democrats (SPOE) presented a ten-point program on immigration. Its central demand was the adoption of a new law regulating immigration and admission. The programme clearly states that *„Immigration is not a right but a privilege. In the future the immigration to Austria must be defined on the basis of Austrian interests.“* (STANDARD 2006j; PRESSE 2006q). In order to improve migration management in the future, the SPOE pleaded for the creation of an immigration commission whose task would be to exactly define criteria to facilitate immigration. Furthermore the programme stipulated the obligation for immigrants to learn German and to accept common values, civil and women's rights. According to the SPOE, the knowledge of the German language is crucial and needs to be facilitated in order to foster integration; the proposed measures range from an obligatory preschool-year, more assistant teachers and cheaper German language courses (ibid.).

The OEPV took a different stance in the debate: they did not present a concrete programme, but referred to the fact that they had already set appropriate measures in the substantial fields, such as the adoption of new laws, the modified integration agreement (Integrationsvereinbarung, IV) and the stricter Citizenship Act (Staatsbürgerschaftsgesetz, StbG). However, according to the Ministry of Interior, individual amendments, which are deemed necessary, would be possible (PRESSE 2006p).

⁴ Information about the content of the new NAG and FPG can be found in the Austrian policy report 2005, reference period 1 July 2004 to 31 December 2005, which is available for download on the webpage of the NCP Austria: www.emn.at.

Concerning the amended StbG, see Chapter three of this report.

The BZOE (and also the FPOE), called for a “total immigration stop” (PRESSE 2006l). However, according to the BZOE, highly qualified key personnel should be allowed to come to Austria via a “Green Card”. In their view, the current quota system which regulates the admission of immigrants for settlement in Austria, should be replaced by a Green Card, following the Canadian points-based system (PRESSE 2006e).

The idea of a stronger selection of immigrants in the admission procedure was also taken up by other parties. The Green Party for example, expressed its favour for a points-based system, taking into account a variety of criteria for admission of foreigners, as it is in place in countries such as Canada, Australia, the United Kingdom or the Czech Republic. Among others, the following factors could be taken into account following their concept: education, language ability, possession of a work contract, work experience and relatives residing in Austria. Immigrants selected for admission should be granted the right to permanent settlement together with their family and should be largely treated equally as EU nationals concerning the right to access the labour market, residence and social rights (STANDARD 2006i; PRESSE 2006n). In order to guarantee for equal chances of citizens and immigrants, the Green Party suggested the introduction of “settlement assistance” (Niederlassungsbegleitung) during the first two years of settlement, including the right to job-related training, language courses and labour-market-coaching to foster language acquisition and integration into the labour market (PRESSE 2006p) According to the leader of the Green Party Alexander van der Bellen, such a model would foster economic migration and would differentiate between the right to asylum, family reunification, and economic migration. The Minister of Interior Mrs. Liese Prokop, reacted positively to the suggestions of the Green Party and the BZOE (PRESSE 2006o).

In addition to a more selective admission of immigrants, representatives of the BZOE proposed the deportation of about 300,000 unemployed foreigners within a three-year-period. Taking into consideration unemployment statistics, the number of unemployed foreigners had more strongly increased, than among Austrians (STANDARD 2006a; PRESSE 2006l). However, those targeted for expulsion would be foreigners who are “unwilling” to integrate and unemployed for a long period of time. A similar proposal was brought up by the FPOE (PRESSE 2006p). However, this proposal is not in accordance with the respective laws. The Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz, NAG), which is in force since 1 January 2006, stipulates that the residence title of a foreigner does not depend on whether s/he is employed or not but whether s/he is able to secure her/his own subsistence. Even if he/she is unable to do

so, expulsion can only take place under certain circumstances and is excluded on some grounds.

2.3.2. Debate about the new migration and asylum laws

Apart from the election debate, the new Aliens Act, namely the NAG and the FPG, which entered into force on 1 January 2006 led to many discussions before and also after its entry into force. It was particularly criticised by representatives of civil society, but also by the opposition. The main points of criticism concentrated on the detention pending deportation and the disrespect of the right to family life.

Manfred Nowak, head of the Ludwig Boltzmann Institute for Human Rights, for example criticised in a report on human rights in Austria that the new Aliens' Law was *„the sharpest and most restrictive regulation within Europe”* and called for more humane legal amendments on the European level. According to Nowak the new Aliens' law causes a rising number of persons in detention pending deportation and a decreasing number of asylum seekers due to legal restrictions. This again leads to a degradation of the conditions in detention pending deportation centres (Nowak et al. 2005; PRESSE 2006h; PRESSE 2006i). As a reaction, the office of Minister of Interior Liese Prokop, rejected the criticism and stated that the new Aliens Act was the fastest and fairest and that it was now possible to detain criminal asylum seekers (PRESSE 2006g).

At the 6th Vienna Integration Conference (Wiener Integrationskonferenz, WIK) with 130 delegates representing organisations, which support the interests of migrants in Vienna, a resolution withdrawing the new law was drafted (WIK Vernetzungsbuero 2006). The NGO “Asylum in need” (Asyl in Not) criticised the new law particularly in respect to the practice of detaining asylum seekers and so-called Dublin-cases (ibid.). In a similar vein, NGOs such as Caritas and Volkshilfe, protested against the new laws. The president of Caritas, Franz Küberl, suggested to enforce detention pending deportation only with persons whose asylum application was already rejected (PRESSE 2006x). Besides NGOs also the Green Party strongly criticised the new laws.

In addition to practices in the field of detention pending deportation, new provisions concerning the application for residence permits were subject to criticism. According to the New Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz, NAG), the application for settlement and residence permits has to be filed in the country of origin and not any longer in Austria, as it was the case before. These new legal provisions also affected foreigners, who were married to Austrian citizens, in particular to

asylum seekers, who intended to apply for a settlement permit. In a similar vein, the threshold for the required financial resources for the admission of the spouse was raised (in 2006, it was at approx. 1,055 € per couple). A problem in this regard is that before obtaining a settlement permit, third country national spouses are not entitled to work. As a consequence, it is in the sole responsibility of the Austrian partner to earn the requested amount. During 2006, various cases of couples, who were affected by these stricter conditions as well as by expulsions came up and were covered by the media (e.g. DER STANDARD 2006b; DER STANDARD 2006c). In June 2006 the former Minister of Interior Liese Prokop assured that those who had requested their settlement permit before 1 January 2006 would either be protected or their deportation would be delayed. However, for binational couples, whose marriage took place in the year 2006, the protection against deportation would not apply (PRESSE 2006r).

As a reaction to this situation, the initiative “Marriage without Borders” (Ehe ohne Grenzen)⁵ was formed in early 2006 to raise awareness for the legal situation for binational couples.

2.3.3. Integration and Settlement

Main debates related to integration and settlement dealt with integration at schools and language acquisition of children, the amended integration agreement and the new Citizenship Act (Staatsbürgerschaftsgesetz, StbG).

Incentives for the discussion about language abilities of pupils were on the one hand the PISA (Programme for International Student Assessment) study, published in 2005⁶ and on the other hand the language tests of children in the framework of their enrolment at school. Thus, approx. 9,000 children who were enrolled for primary school for the school year 2006/2007 were assessed to have only a limited knowledge of German language (11 % of all children enrolled for primary school) and were therefore assumed to be unable to properly follow school lessons. The federal province with the highest rate was Vienna with 17%. Following an amendment in 2005, these children are granted so called “language tickets” (120 hours of language classes), which are co-funded by the federal state with 80 Euros per child (the rest of the costs are paid by the respective province) (PRESSE 2006m).

⁵ <http://www.ehe-ohne-Grenzen.at> (accessed in July 2007)

⁶ See Policy Report 2005, accessible at www.emn.at

In June 2006, the OEVP-spokeswoman on science, Gertrude Brinek suggested to send immigrant children without sufficient knowledge of German for one year into classes, which are specifically designated for foreigners. According to the Ministry of Education Science and Culture, no amendment of laws would be necessary to implement this idea, as it would be only an organisational matter. While FPOE and BZOE sympathised with this suggestion, the SPOE and the Green Party opposed the idea of creating so-called “Ghetto classes” (PRESSE 2006r; PRESSE 2006s). A few months earlier, the BZOE had already touched this topic by proposing that the promotion of language acquisition had to start in kindergarten and that knowledge of German should be a precondition for pupils to enter elementary school. By the same token, the FPOE demands to set a limit of 30% of children with a foreign mother tongue in school classes (PROFIL 2006, p. 132). Another proposal concerning pupils with foreign nationality was presented by Peter Westenthaler (BZOE), who suggested to search for children of illegally residing foreigners, who are enrolled in Austrian schools. His idea was to oblige children with foreign nationality to present a registration certificate at their enrolment at school. As a reaction to this suggestion, the Minister of Education, Science and Culture argued that this proposal was an already existing law, while the chief of the Green Party, Alexander van der Bellen, suggested that children who live in Austria, should be able to go to school, irrespective of the right to residence of their parents (PRESSE 2006s).⁷

In December 2006, the SPOE and OEVP converged during the coalition negotiations concerning their ideas to promote German language knowledge before children will attend primary school. The SPOE had suggested to introduce one year of special support in kindergarten for children with language disabilities. Some 8,000 children would be covered by this regulation (PRESSE 2006z, PRESSE 2006aa).

In May 2006, a study on the integration of muslims in Austria (BMI 2006), which had been commissioned by the Ministry of the Interior, provoked another public debate. Referring to the study, which had not been published at this time, the Minister argued that 45% of the Muslim population living in Austria were not willing to integrate. Her statement was harshly criticised by the opposition, academics and NGOs. Terezija Stoisits, speaker for human rights and minorities of the Green Party, criticized Prokop’s statement to be an *„overall condemnation and discrimination of a religious community“*. (OTS GRUENE). After the study had then been published with delay, academics

⁷ The obligation to present a registration certificate at schools differs between provinces. In practice, a foreigner is not obliged to prove his right to residence when he registers in a municipality. See also: IOM (2005): Illegal Immigration

criticised it from a scientific and methodological point of view. However, the Ministry of Interior defended the outcome of the study as well as the political conclusions drawn (STANDARD 2006k). Contrary to the criticism, voices were raised, who acquiesced with the conclusions drawn by the Ministry of the Interior, e.g. the Secretary General of the Islamic Info Center Austria, Günther Ahmed Rusznak (PRESSE 2006j).

In the context of criticism against the new Settlement and Residence Act (NAG) the amended Integration Agreement was also debated in public. The Integration Agreement is composed of two modules, whereas the first focuses on literacy if needed (consisting of 75 hours classes). The second module is a language course of 300 hours (instead of 100 hitherto) and classes on applied geography (see BMI 2005). The Netzwerk SprachenRechte⁸ (Network Language Rights) and the Association Integrationshaus⁹ announced in a common statement, that the amendments do not contribute to an improvement of the situation, because concerns about the integration agreement of 2002 were ignored. One of the criticisms was that the contents of the integration agreement-courses were stipulated by the Ministry of Interior, not taking into consideration the input of experts. To give an example, according to the statement, the amount of hours for alphabetisation is deemed to be not sufficient.

Another issue, which was debated in the Austrian media was a decree of the Minister for Social Affairs Ursula Haubner in December 2006, which caused that legally residing foreigners were granted family allowance and child care allowance only after their new born babies had been granted a residence title. Due to administrative procedures, the granting of a residence title could take a few months. OEVP and SPOE, which were engaged in coalitions negotiations during this period, explicitly opposed Haubner's decision to discriminate families with foreign nationality. In the end, OEVP, SPOE and the Green Party adopted a legislative amendment, which allows foreigners to receive these benefits also retroactively (PROFIL 2006, p. 132; PRESSE 2006bb).

2.3.4. Refugee Protection and Asylum

The debate about refugee protection and asylum issues has to be interpreted in the context of the parliamentary elections, which played an important role. While the newly

in Austria, Research Study in the framework of the EMN, Vienna. Available at: www.emn.at.

⁸ <http://www.sprachenrechte.at/> (accessed in July 2007)

⁹ <http://www.integrationshaus.at> (accessed in July 2007)

adopted Asylum Act was subject to criticism by the opposition and NGOs, parties such as the BZOE put forward new restrictive suggestions.

In March, Joerg Haider (BZOE) suggested modifications of the Geneva Convention as it would not define the criteria for asylum precisely enough (PRESSE 2006d). This idea was criticised by SPOE, Green Party and also the FPOE. In addition, the BZOE as well as the OEVF suggested the implementation of an Asylum Court in Austria in order to accelerate asylum proceedings (STANDARD 2006a; PRESSE 2006e).

In addition, the long asylum procedures and negative asylum decisions as well as expulsion orders, which affected asylum seekers, who had already stayed for years in Austria and proved to be well integrated, was an issue of public debate in late 2006. In a few Austrian cities, civil initiatives were formed, proclaiming the possibility of granting a right to residence for these individual cases (STANDARD 2006h).

An issue of particular public interest was detention pending deportation of asylum seekers. With the entry into force of the new Aliens' Police Act (FPG) in January 2006, the possibilities to take asylum seekers in detention pending deportation was extended. The new law allows for detaining asylum seekers for a longer time, also in an early stage of their procedure, irrespective of their vulnerability (e.g. traumatised persons, minors etc.). The new practices, especially the fact that the number of persons in detention pending deportation has increased, were particularly criticised by NGOs as well as the Green Party (PRESSE 2006x). In December 2006, the Ministry of the Interior reported a total number of 2,275 asylum seekers in 2006, who were released from detention pending deportation following a hunger strike; this number has increased in recent years (PRESSE 2006cc).

2.3.5. Citizenship and Naturalisation

In December 2005, an amendment of the Citizenship Act was adopted by OEVF and BZOE. Consequently, stricter conditions for the naturalization of foreigners were implemented. In addition, the waiting periods for groups with preferential treatment (recognized refugees, EU nationals and foreign spouses of Austrian nationals) were harmonized and fixed at six years. The SPOE and the Green Party, who opposed this amendment, vetoed against it in the Bundesrat (Federal Council, second Chamber of the Austrian parliament). As a consequence, the law entered into force with delay in spring 2006 (Netzwerk Migration in Europa 2005; PRESSE 2005a)).

With the new Citizenship Act, a test on applied sciences and a language course or as an alternative the proof of sufficient German knowledge were introduced in order to qualify for Austrian citizenship. The respective decree, which stipulates additional rules for these tests, was published by the Ministry of the Interior in April 2006. The test on applied sciences comprises questions on three areas (democratic system, Austrian history and the respective province, where the foreigner is residing). The introduction of this test and in particular the content of the questions was largely criticized by opposition parties (particularly the Green Party), by NGOs as well as initiatives such as the Netzwerk Sprachenrechte (PRESSE 2006b; PRESSE 2006f; VIENNA ONLINE; OE1 INFORADIO).

2.3.6. Return

Single cases of expulsions and deportations provoked public and political debates in the year 2006 (e.g. STANDARD 2006d; STANDARD 2006e). In August, four policemen of the Unit "Wega" were convicted following the abuse and the mistreatment of the detainee Bakary J. in April, who was scheduled to be deported. Bakary J. accused the policemen of beating and torturing him in a storage building, following his refusal and resistance to leave the country. The policemen were sentenced to six to eight months in prison (conditional). The judgement was criticised by NGOs, e.g. the Secretary General Heinz Patzelt of Amnesty International, of being inappropriate and too mild (PROFIL 2006, p. 97).

2.3.7. Other

One important topic during the election campaign for the parliamentary election in October 2006 was the so-called "Pflegenotstand" (State of emergency concerning care of the elderly). On the one hand, Austria is confronted with a lack of care personnel, on the other hand, many people cannot afford to employ care personnel as per Austrian social and labour law standards. A consequence is the illegal employment of care personnel, mainly from the new EU-10 countries. In a first reaction, Chancellor Wolfgang Schüssel denied that such a state of emergency exists (PRESSE 2006t). However, the OeVP was then forced to change its position in the ongoing debate in view of the parliamentary elections. Martin Bartenstein, Minister of Labour and Economy (OeVP), pleaded not to prosecute illegally working persons in the care sector, as the current system would not work without the approximately 40,000 of them. To find a solution, he suggested to cut the minimum income requirement for health care workers enabling them to legally immigrate and work in Austria from 1,500 to 1,200 Euros. Franz Küberl,

president of the NGO Caritas, pointed out the need for a national action plan regarding the problem and for consistent care standards, financing standards and quality standards throughout Austria (PRESSE 2006u). Alfred Gusenbauer, head of the Austrian Social Democratic Party (SPOE) presented his proposals for solutions at a press conference: among others, he pleaded for a new type of employment named “care at home”; the introduction of a labour law contract, which stipulates the rights and duties of the nurses, the hours of work, the remuneration etc.; social organizations like Caritas or Volkshilfe could function as employer of these nurses (SPOE Press Conference 2006).

3. LEGISLATIVE DEVELOPMENTS IN THE AREA OF MIGRATION AND ASYLUM

3.1. General structure

For details on the general structure of the legal system in Austria, consult the two previous policy reports of the Austrian NCP of the years 2004 and 2005.

3.2. Legislative developments

On 1 January 2006, the new Aliens' Law package, consisting of the Settlement and Residence Act (NAG), the Aliens' Police Act (FPG) and the amended Asylum Act, entered into force. These new laws and amendments are described in detail in the previous Policy Report of 2005, available at www.emn.at.

3.2.1. Amendment of the Citizenship Act

On 23 March 2006, the amendment of the Citizenship Act (Staatsbürgerschaftsgesetz 1985, StbG) entered into force. The most important changes concern the minimum duration of residence prior to naturalization and other conditions such as knowledge of German language and an exam on applied geography. The number of rules for different groups concerning the minimum duration of legal residence in Austria were reduced to four different time periods.

To qualify for Austrian citizenship, in general a period of ten years of lawful residence in Austria is required, thereof five years of settlement. However, if the applicant has solely one main place of residence, Austrian citizenship must be granted after 30 years upon application (right to naturalisation). Certain groups e.g. refugees, EEA citizens or spouses of an Austrian citizen, who are legally residing in Austria, can be naturalised already after six years (§ 10(1) StbG). In addition, other conditions have to be fulfilled, such as the proof of sufficient German language skills as well as basic knowledge about the democratic system and about applied geography of Austria and the respective province of the federal republic, where the applicant is residing (citizenship exam) (§ 10a (1) StbG). The conditions for the citizenship exam were specified by the Ministry of the

Interior by a separate decree (Staatsbürgerschaftsprüfungsverordnung (StbP-V)).¹⁰ The test, which is conducted by the provincial governments (as they are competent for naturalisations), aims at giving the applicant an understanding of the political and national institutions, rights and obligations of citizens as well as the main developments in Austrian history. The exam consists of 18 multiple-choice questions (§ 3 StbP-V). If the applicant fails the exam, a repetition is possible (§ 6 StbP-V).

3.2.2. Amendment of the Criminal Law

In February 2006, the Council of Ministers resolved a “package for protection of victims” of Female Genital Mutilation (FGM) and forced marriages, introducing amendments of the Criminal Code (Strafgesetzbuch, StGB), which were adopted in parliament and entered into force in July 2006.¹¹

According to estimations of the Waris-Dirie-Foundations, about 500,000 women and girls in Europe are victims of FGM. As stated by another study, it is estimated that in Austria about 8,000 women and girls are affected by FGM (Bundeskanzleramt/Frauen 2007: 43; PRESSE 2006c; www.stopFGM.net). In the past, FGM was classified as aggravated assault (sentenced to three years in prison) or rather as aggravated assault with permanent consequences (sentence of ten years). The main problem was the statute-barred prosecution after three years, which particularly affected minors and children. After the amendment of the Criminal Code, the statute of limitation only begins with age of consent (18 years) of the victim with a sentence of ten to 20 years (§ 58 StGB). In a similar vein, if the crime was committed abroad, there is now the possibility of prosecution in Austria.

Concerning forced marriage, the government decided to qualify as offence, which is prosecuted “ex officio” (Offizialdelikt). Before the legal amendment, prosecution was only possible after the complaint of the victim (Antragsdelikt) (§§ 193, StGB, 2 StPO). However, even after these legal amendments, the debate about forced marriage continued. As an example, the Green Party demanded a further change in the Settlement and Residence Act (NAG) concerning family reunification: currently, family dependents have the right to receive a settlement permit which is independent from the

¹⁰ For more information on the legal basis, scripts and questions of the citizenship exam, see: <http://www.bmi.gv.at/staatsbuergerschaftswesen/> (accessed in July 2007)

¹¹ See also Bundeskanzleramt/Frauen: <http://www.frauen.bka.gv.at/site/5526/default.aspx#4> (accessed in July 2007)

right to residence of their spouse only after a period of five years of settlement. The party argued that such a waiting period causes dependency on their spouse particularly for women, as in case of divorce the dependant risks to lose her right to residence. Furthermore, the Green Party suggested establishing a shelter for women, who became victims of forced marriages (STANDARD 2006f).

4. IMPLEMENTATION OF EU LEGISLATION

In 2006, there were no new developments in the field of implementation of EU legislation. One purpose of the Aliens Law Package was the transposition of EU legislation into national law. For more information on this topic, consult the Policy Report 2005.¹²

¹² See <http://www.emn.at>.

5. OTHER POLICY IMPLEMENTATION ISSUES

5.1 Labour Market and Employment

5.1.1. Transition arrangements with Romania and Bulgaria

Contrary to the recommended opening of the labour market by the European Commission in February, the Minister of Labour and Economic Affairs declared in February 2006 that Austria would prolong the restrictions for employees from the new EU-8 Member States for three more years. However, given the fact that unemployment substantially decreased, Minister Bartenstein stated that the abolishment of the restrictions could be possible even in 2009. The SPOE opposed this proposal and required, that the temporary arrangement for the protection of the domestic labour market should be fully adhered to until 2011 (PRESSE 2006a).

The European Union Accession Treaty with the Republic of Bulgaria and Romania of 25 April 2005 (Official Journal No. L 157 of 21 June 2005) stipulates a transition arrangement for the gradual establishment of free movement of workers as well as the transnational employment of workers in the context of freedom of services (Art. 49ff EGV; Appendices VI and VII of the accession document). This transition arrangement with Bulgaria and Romania corresponds to the one between the EU-15 and the eight accession countries of May 2004, which is already transposed into the Aliens' Employment Act (Ausländerbeschäftigungsgesetz, AuslBG). The transition period amounts to a maximum of seven years and consists of three phases ("2+3+2-Model").

Regarding the right of free movement of workers according to community law (starting from the entry) the citizens of the new member states Bulgaria and Romania do not have the right of free movement during the first two years. The national and bilateral regulations concerning the access to the labour market continue to apply. After this period of two years, the member states can decide whether they maintain these temporary agreements for another three years. In this case the member state has to announce this decision to the European Commission or accord freedom of movement as granted by community law. After five years the member state has the possibility to maintain the transition regulation if the member state is able to justify this measure and communicate the reasons for the prolongation to the European Commission (Art 32a AuslBG).

Regarding the freedom of services, Austria implemented the seven-year transition period as stipulated by the European Union and the Republic of Bulgaria and Romania in the transition arrangements to the Accession Treaty (Art 32a par 10 AuslBG in corroboration with Art 32a par 6). According to this article, Austria is still able to further apply the national regulations and the rules resulting from bilateral agreements for labour market entrance regarding Romanians and Bulgarians. However, this just applies for workers sent to Austria by enterprises whose headquarters are in Bulgaria or Romania for the contribution of transnational services in certain sectors as construction business, gardener service, cleaning service, social service as well as security service. The application period starts at the date of accession. From this point in time, citizens of Bulgaria and Rumania are granted freedom of establishment and do not require a residence title subject to quotas according to the Settlement and Residence Act (NAG).

5.1.2. Employment of foreign nationals in Austria

In 2006, the average number of employed foreign nationals amounted to 389,894, which accounts for an increase of 4 % when compared to the previous year. The average share of foreigners in the total number of employees in 2006 was 11.9 %.¹³ The overall unemployment rate in Austria declined to 6.8 % of the total labour force (in 2005: 7.3 %) ¹⁴. Although a decline of the unemployment rate among foreign nationals was noted as well, the unemployment rate among foreign nationals is still significantly higher than among Austrian nationals (Austrians: 6.4 %; foreign nationals: 9.7 %).¹⁵

In regards to training and advancement measures for unemployed and employed persons, such as training and qualification, occupation projects, advisory services, support for the foundation of enterprises, human resources development etc., the Public Employment Service (Arbeitsmarktservice, AMS) provided support to a total of 308,530 persons in 2006. Thereof, 15 % were foreign nationals. Compared to the preceding year, the number of foreign nationals receiving support rose by 21 %.

¹³ Data Source: Federation of Austrian Social Insurance Institutions (Hauptverband der Sozialversicherungsträger), see <http://www.hauptverband.at>

¹⁴ National method of calculation of unemployment rate: Registered unemployed persons divided by total labour force (the total labour force is the sum of registered employed persons and registered unemployed persons).

¹⁵ Data Source: Public Employment Service (Arbeitsmarktservice, AMS), see <http://www.ams.or.at> (accessed in July 2007)

In December 2006, the Council of Ministers¹⁶ decided to downsize the quota for settlement permits in 2007. While in 2006 the quota was fixed at 7,000 settlement permits, the quota for 2007 was reduced to 6,500¹⁷. While the number of permits for so-called key-professionals (Schlüsselarbeitskräfte) was kept at the same level, the quota for family reunification was reduced (PRESSE 2006y).

The temporary employment of foreigners in agriculture and forestry was regulated for the year 2006 by two decrees¹⁸ of the Federal Minister for Economy and Labour. In addition to a contingent of 4,540 foreign workers in agriculture and forestry, a second decree stipulated an additional contingent of 6,150 foreign workers. The employment permits issued to these workers could not exceed six months and had to conclude before 31 December 2006. Citizens of EU Member States which acceded the EU in 2004 and who are subject to the temporary provisions of the European Union concerning the free movement of workers (EU-8) (§ 32a AuslBG) are treated preferentially concerning the granting of employment permits for temporary employment. In another decree¹⁹, the Minister of Economy and Labour fixed the number of seasonal workers for harvest with 6,315 for 2006. This kind of temporary employment could not exceed six weeks and had to conclude before 30 November. Again, EU-8 citizens who are subject to the temporary provisions of the European Union concerning the free movement of workers (§ 32a AuslBG) were treated preferentially in the admission procedure. However, given that the annual average of foreigners in temporary employment (and not their total number) must not exceed these contingents, the total number of temporary employed foreigners during a year is effectively much higher (see §5 lit 1 (2) AuslBG).

5.2 Housing and Urban Development

An important change in the field of housing was introduced in the city of Vienna. Foreign citizens, who are long-term residents (which means at least five years of settlement in Austria) and who have a regular income and health insurance, were granted access to municipal apartments in Vienna since 2006. Before, third country nationals did not have

¹⁶ This decision was taken by the former OEVP/BZOE-government as the coalition negotiations were not concluded at this point in time. Between the parliamentary elections and the inauguration of a new government, the Federal President assigned the former government to continue its work until an agreement about a new government was reached

¹⁷ See also Settlement Decree (Niederlassungsverordnung (NLV)) 2007, BGBl. II Nr. 54/2007

¹⁸ BGBl. II Nr. 8/2006 of 13 January 2006 and BGBl. II Nr. 134/2006 of 30 March 2006

¹⁹ BGBl. II Nr. 133/2006 of 30 March 2006

access to municipal apartments. This “opening” of municipal apartments was due to the transposition of EU anti-discrimination directives. In practice, one third of the residents of the municipality buildings already have a migration background (PRESSE 2006k).

5.3. Education

Looking at new initiatives concerning education and integration, specific language-classes for mothers were developed in Vienna. The title of this pilot-project is “Mama Learns German”. Since autumn 2006, mothers of children with migration background have the possibility to attend German language courses twice per week. This kind of language course focuses on women, who do not have access to the Austrian labour market and who consequently do not have the opportunity to learn German in a working environment. The project is financed by the Viennese Municipal Department for Integration and Diversity issues (MA17) and other partners.

Furthermore, the City of Vienna introduced vouchers for language training in 2006, granting 100€ per person. This subsidy was increased for 2007 to 300€. The language voucher is accessible for third country nationals, who were newly-admitted to Austria, including family dependants.²⁰

5.4. Vulnerable Groups

In the field of asylum, the implementation of the Basic Welfare Support Agreement (Grundversorgungsvereinbarung) and the burden-sharing between the federal provinces, was a focus of ongoing discussions in 2006. The numbers of asylum seekers, who are accommodated in the nine federal provinces, are still varying. Three provinces hosted even more asylum seekers than they agreed upon: Upper Austria with 106 %, Lower Austria with 107 % and Vienna with 131 %. The other provinces did not fulfil the quota, such as Carinthia with only 62 % and Tyrol with 67 %. Other numbers are: Salzburg (80 %), Vorarlberg (83 %), Burgenland (88 %) and Styria (92 %) (STANDARD 2006g).

As a general development, the asylum statistics of the Ministry of the Interior displayed that the number of asylum seekers is decreasing. In 2006 a total of 13,349 asylum

²⁰ For more information see <http://www.wien.gv.at/integration/> (accessed in July 2007)

applications were filed, which is a decrease of approx. 41% when compared to the preceding year.²¹

The discussion about pending asylum applications led to an increase of personal of the Independent Federal Asylum Review Board (Unabhängiger Bundesasylsenat, UBAS), the review instance on first instance decisions on asylum applications. The number of board members (asylum judges) increased by 1 January 2006 from 37 to 53. In addition, the UBAS-staff was extended from around 100 to 180. At the beginning of 2006, the number of pending asylum applications at the UBAS reached 27.000 (PRESSE 2005b).

5.5.Discrimination and Anti-discrimination

The “Rassismus-Report” (Report on Racism), published by the NGO ZARA (Zivilcourage und Anti-Rassismus-Arbeit), commented on the implementation of EU anti-discrimination legislation in Austria (ZARA 2006). The two EU Directives on antidiscrimination²² were transposed into Austrian law only after the deadlines expired. As one of the last provinces, Burgenland managed to comply with the obligation to transpose the Directive. In addition, the last gaps concerning the provisions for agricultural workers in the employment law were finally filled in all Austrian provinces. At present, six federal laws and 23 provincial laws provide for the transposition of the antidiscrimination directives. The institutions responsible for the implementation of the directives are the Commission on Equal Treatment (Gleichbehandlungskommission), the Federal Commission on Equal Treatment (Bundesgleichbehandlungskommission) and the Equal Treatment Advocacy (Gleichbehandlungsanwaltschaft). Furthermore, relevant provincial commissions, antidiscrimination offices and equal treatment agents were established. By the end of 2006, only a single case of a terminated lawsuit according to the new legislation was registered. In this regard, ZARA referred to the difficult working situation of the Equal Treatment Commission due to the lack of public resources to finance these institutions, which was criticised by the NGO.

²¹ Data Source: Ministry of the Interior. See also: www.bmi.v.at/publikationen/ (accessed in June 2007)

²² Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

6. BIBLIOGRAPHY

Reports:

Bundeskanzleramt Österreich: Regierungsprogramm für die XXIII. Gesetzgebungsperiode 2007-2010 (Government Programme for the XXIII. Legislative period), Vienna 2007, available at: <http://www.austria.gv.at/DocView.axd?CobId=19542> (accessed in July 2007)

Bundesministerium für Inneres/Sicherheitsakademie (Eds.): Perspektiven in der Integration muslimischer MitbürgerInnen (Perspectives for the Integration of muslim citizens), Vienna 2006, available at: http://www.bmi.gv.at/downloadarea/asyl_fremdenwesen/Perspektiven_Herausforderungen.pdf (accessed in May 2007)

Bundeskanzleramt/Frauen (Eds.): Migrantinnenbericht 2007 (Report on migrant women 2007), Vienna 2007, available at: <http://www.frauen.bka.gv.at/DocView.axd?CobId=25457> (accessed in December 2007)

Bundesministerium für Inneres (Eds.): Fremdenrechtspaket 2005 (Aliens' Act Package 2005), In: Öffentliche Sicherheit 9-10/05, Vienna 2005, available at: http://www.bmi.gv.at/oeffentlicherheit/2005/09_10/FREMDENRECHT.pdf (accessed in July 2007)

International Organization for Migration(IOM)/National Contact Point Austria to the European Migration Network (EMN): Policy Report on Immigration and Integration in Austria 2005, Vienna 2006, available at: <http://www.emn.at>

Nowak, Manfred/Pritz, Constanze/ Weyss, Birgit/ Lubich, Alexander: Report on the situation of fundamental rights in Austria in 2005, EU Network of independent experts on fundamental rights, Vienna 2005, available at: <http://www.univie.ac.at/bim/php/bim/get.php?id=255> (accessed in September 2007)

Verein ZARA - Zivilcourage und Anti-Rassismus-Arbeit: Rassismus-Report 2006. Einzelfall-Bericht über rassistische Übergriffe und Strukturen in Österreich. Vienna 2006, available at: <http://www.zara.or.at/materialien/rassismus-report/rassismus-report-2006.pdf> (accessed in July 2007)

Media articles:

(KRONE 2006)

Die Kronen Zeitung, "Krone"-Gastkommentar von Hans-Peter Martin, Vienna 2006, available at http://www.krone.at/index.php?http://wcm.krone.at/krone/S32/object_id_50275/hxcms/ (accessed in July 2007)

Netzwerk Migration in Europa E.v.: Österreich: Neues Staatsbürgerschaftsgesetz, in: Newsletter Migration und Bevölkerung, Vol. 8/October 2005, available at:

http://www.migration-info.de/migration_und_bevoelkerung/artikel/050803.htm (accessed in May 2007)

(OE1 INFORADIO)

OE1 Inforadio: Expertenkritik am Staatsbürgerschaftstests, Vienna August 2006, available at: <http://oe1.orf.at/inforadio/67106.html> (accessed in May 2007)

(OTS GRUENE)

Press Release of DIE GRUENEN, Prokop startet mit antimuslimischen Aussagen Antiausländerwahlkampf, 13 May 2006, available at <http://www.gruene.at/menschenrechte/artikel/lesen/6791/> (accessed in May 2007)

(OTS SPOE Vienna)

Press release of SPOE Vienna, Al-Rawi: Besorgniserregende Aussagen von Prokop, 13 May 2006, available at: http://www.ots.at/presseaussendung.php?schluessel=OTS_20060513_OTS0035&ch=politik (accessed in May 2007)

(PRESSE: 2005a)

Die Presse: 2005a, Ö: Staatsbürgerschafts-Recht verschärft, 6 December 2005

(PRESSE: 2005b),

Die Presse: 2005b, Rückstau bei Asylanträgen, Asylsenat aufgestockt, 14 December 2005

(PRESSE: 2006a)

Die Presse: 2006a, Arbeitsmarkt: Freizügigkeit macht Sinn, 9 February 2006

(PRESSE: 2006b)

Die Presse: 2006b, Integration: Deutsch und Landeskunde Pflicht, 12 February 2006

(PRESSE: 2006c),

Die Presse: 2006c, Opferschutz: Zwangsheirat wird Offizialdelikt, 23 February 2006

(PRESSE: 2006d),

Die Presse: 2006d, Asyl: Haider fordert Revision der Genfer Konvention, 20 March 2006

(PRESSE: 2006e),

Die Presse: 2006e, BZÖ: Green Card für Zuwanderer, 21 March 2006

(PRESSE: 2006f),

Die Presse: 2006f, Staatsbürgerschaft: Einbürgerung: Regeln nochmals verschärft, 4 April 2006

(PRESSE: 2006g),

Die Presse, Fremdenrecht: Prokop: Fair und schnell, 20 April 2006

(PRESSE: 2006h),

Die Presse: 2006h, Asylrecht: Schärfste und restriktivste Regelung Europas, 20 April 2006

(PRESSE: 2006i),

Die Presse: 2006i, Fremdenrecht: „Polizei-Polizei“ gefordert, 21 April 2006

(PRESSE: 2006j),

Die Presse: 2006j, Integration: Streit um "willige" Moslems, 15 May 2006

(PRESSE: 2006k),

Die Presse: 2006k, Migration: Gemeindebau: Ein Drittel Neo-Österreicher, 17 May 2006

(PRESSE: 2006l)

Die Presse: 2006l, Westenthaler will absoluten Zuwanderungsstopp, 30 May 2006

(PRESSE: 2006m)

Die Presse: 2006m, Integration: Deutschprobleme bei Sechsjährigen, 31 May 2006

(PRESSE: 2006n)

Die Presse: 2006n, Grüne: Punktesystem statt Deportation, 2 June 2006

(PRESSE: 2006o)

Die Presse: 2006o, Nach grünem „Green Card“-Schwenk: Lob von Prokop und BZÖ, 16 June 2006

(PRESSE: 2006p)

Die Presse: 2006p, Flut von Konzepten im Ausländerwahlkampf, 27 June 2006

(PRESSE: 2006q)

Die Presse: 2006q, Ausländerpolitik: Für die SPÖ ist Zuwanderung kein Recht“, 28 June 2006

PRESSE: 2006r),

Die Presse: 2006r, Absagen von allen Seiten, 10 July 2006

(PRESSE: 2006s),

Die Presse: 2006s, Kritik: Keine Analphabeten heranziehen, 11 July 2006

(PRESSE: 2006t)

Die Presse: 2006t, Schüssel: Kein Pflegenotstand, Die Presse, 8 August 2006

(PRESSE: 2006u)

Die Presse: 2006u, Bartenstein: Keine Strafe für illegale Pfleger, 10 August 2006

(PRESSE, 2006v),

Die Presse: 2006v, BZÖ darf sich nicht freiheitlich nennen“, 2 September 2006

(PRESSE, 2006w)

Die Presse: 2006w, BZÖ verbietet FP-Wahlslogan, 4 September 2006

(PRESSE, 2006x)

Die Presse: 2006x, Fremdenrecht: Asyl "Eine Schande für Österreich", 7 December 2006

(PRESSE: 2006y),

Die Presse: 2006y, Zuwanderung: Quote wird gesenkt, 9 December 2006

(PRESSE: 2006z),

Die Presse: 2006z, Verpflichtendes Vorschuljahr könnte kommen, 10 December 2006

(PRESSE: 2006aa),
Die Presse: 2006aa, Koalition: Sticheleien und ein kleiner Durchbruch, 11 December 2006

(PRESSE: 2006bb),
Die Presse: 2006bb, Ausländer-Babys: Parlament kippt Haubners Erlass, 16 December 2006

(PRESSE: 2006cc),
Die Presse: 2006cc, Schubhaft: 2275 AsylwerberInnen hungerten sich frei, Die Presse, 29 December 2006

PROFIL, Jahresrückblick 2006, Volume 51/52, Vienna December 2006
Other:

SPOE Press Conference, Die Lösung für den Pflegenotstand, Vienna 28 August 2006,
available at: http://www.spoe.at/bilder/d253/pflege_pk_28_08_2006.pdf (accessed in May 2007)

(STANDARD: 2006a)
Der Standard: 2006a, Arbeitslose raus – Spezialisten rein, Der Standard, 21 March 2006

(STANDARD: 2006b)
Der Standard: 2006b, Paare als Opfer des Einwanderungsstopps, Der Standard, 8 May 2006

(STANDARD: 2006c),
Der Standard: 2006c, Ehepartnerin eines Österreichers abgeschoben, Der Standard, 17 March 2006

(STANDARD: 2006d)
Der Standard: 2006d, Abschiebung nach "Dublin-Verfahren": Keine Gnade für Familie Yousefian, Der Standard, 3 August 2006

(STANDARD: 2006e)
Der Standard: 2006e, Zwangsabflug nach Paris, Der Standard, 9 August 2006

(STANDARD: 2006f)
Der Standard: 2006f, Zwangsheirat: Grüne fordern Notunterkunft für Betroffene, Der Standard, 5 December 2006

(STANDARD: 2006g)
Der Standard: 2006g, Pühringer: Mehr Solidarität bei Asylwerbern, Der Standard, 14 June 2006

(STANDARD: 2006h)
Der Standard: 2006h, Gemeinden kämpfen für Ausländer, Der Standard, 23 November 2006

(STANDARD: 2006i)
Der Standard: 2006i, Prokop beurteilt Einwanderungsmodell der Grünen positiv, Der Standard, 7 July 2006

(STANDARD: 2006j),
Der Standard: 2006j, www.derstandard.at, 27 June 2006

(STANDARD: 2006k),
Der Standard: 2006k, www.derstandard.at, 24 May 2006

(STANDARD: 2007),
Der Standard: 2007, Pflagenotstand droht spätestens 2011, 7 February 2007

(VIENNA ONLINE)
Vienna Online, Verschärfter Staatsbürgerschaftstest, 3 April 2006, available at:
<http://www.vienna.at/engine.aspx/page/vienna-article-detail-page/cn/vienna-news-mherloss-20060403-031906/dc/om:vienna:wien-aktuell> (accessed in May 2007)

WIK Vernetzungsbuero: Rücknahme des Fremdenrechtsparkets, Vienna 2006, available at: http://www.wik-vernetzungsbuero.at/index.php?option=com_content&task=view&id=89&Itemid=71 (accessed in July 2007)

Publications of political parties and election programmes:

Buendnis Zukunft Oesterreich (BZOE): Positionen für ein modernes, soziales und leistungsfähiges Österreich (BZOE Election Programme), Vienna 2006, available at: http://media.vienna.at/bilder/specials/wahl2006/downloads/bzoe_punkte.pdf (accessed in July 2007)

Freiheitliche Partei Oesterreichs (FPOE): Wahlprogramm der Freiheitlichen Partei Oesterreichs (FPOE Election Programme), Vienna 2006, available at: http://www.fpoeparlamentsklub.at/fileadmin/Contentpool/Parlament/PDF/Wahlprogramm_FP_2006.pdf (accessed in June 2007)

Die Gruenen: Schwarzbuch Schwarz (Blackbook Black), Vienna 2006a, available at: http://www.gruene.at/uploads/media/gruenes_schwarzbuch_schwarz.pdf (accessed in June 2007)

Die Gruenen: Schwarzbuch Rot (Blackbook Red), Vienna 2006b, available at: http://www.gruene.at/uploads/media/gruenes_schwarzbuch_rot_01.pdf (accessed in June 2007)

Die Gruenen: Zeit für Grün. Das Grüne Programm. (Election Programme of the Green Party), Vienna 2006c, available at: http://www.gruene.at/uploads/media/GruenesWahlprogramm2006_04.pdf (accessed in June 2007)

Kommunistische Partei Oesterreichs (KPOE): Wahlplattform Nationalratswahl 2006, available at: <http://www.kpoenet.at> (accessed in July 2007)

Liste Dr. Martin: Eckpunkte der Grundsatzerklärung (List Dr. Martin – Election Programme), Vienna 2006, available at: http://www.weisse.at/uploads/media/DKG-Grundsätze_01.pdf (accessed in May 2007)

Oesterreichische Volkspartei (OEVF): Kursbuch Zukunft (OEVF Election Programme). Vienna 2006, available at: http://www.oevp.at/download/Kursbuch%20Kurz_web.pdf<http://www.wien.gv.at/integration> (accessed in July 2007)

Sozialdemokratische Partei Oesterreichs (SPOE): 20 Projekte für mehr Fairness in Oesterreich. Wahlmanifest. (SPOE Election Manifesto), Vienna 2006

Legislation:

(AsylG: 2005)

AsylG: 2005, Asylgesetz 2005, BGBl I 100/2005.

(AuslBG: 1975)

AuslBG: 1975, Ausländerbeschäftigungsgesetz, BGBl I 218/1975, amended version BGBl I 99/2006.

(Council Directive: 2000/43/EC)

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal L 180, 19/07/2000, p. 22.

(Council Directive: 2000/78/EC)

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Official Journal L 303, 02/12/2000, p. 16.

(FPG: 2005)

FPG: 2005, Fremdenpolizeigesetz 2005, BGBl I 100/2005, amended version BGBl I 157/2005.

(NAG: 2005)

NAG: 2005, Niederlassungs- und Aufenthaltsgesetz, BGBl I 100/2005, amended version BGBl I 157/2005.

(NAG-DV: 2005)

NAG-DV: 2005, Niederlassungs- und Aufenthaltsgesetz-Durchführungsverordnung, BGBl II 451/2005.

Niederlassungsverordnung (NLV) 2006 (Settlement decree 2006), BGBl II 426/2005.

Niederlassungsverordnung (NLV) 2007 (Settlement decree 2007), BGBl II 54/2007.

(StbG: 1985)

StbG: 1985, Staatsbürgerschaftsgesetz, BGBl I 311/1985, amended version BGBl I 37/2006.

(StbP-V)

StbP-V: 2006, Staatsbürgerschaftsprüfungs-Verordnung – StbP-V, BGBl. II Nr. 138/2006.

(StGB: 1974)

StGB: 1974, Strafgesetzbuch, BGBl 60/1974, amended version BGBl I 56/2006.

Verordnung des Bundesministers für Wirtschaft und Arbeit über die befristete Beschäftigung von Ausländern in der Land- und Forstwirtschaft (Decree of the Minister for Economy and Labour on the seasonal employment of foreigners in agriculture and forestry), BGBl. II 8/2006 of 13 January 2006.

Verordnung des Bundesministers für Wirtschaft und Arbeit über die befristete Beschäftigung von Ausländern in der Land- und Forstwirtschaft (Decree of the Minister for Economy and Labour on the seasonal employment of foreigners in agriculture and forestry), BGBl. II 134/2006 of 30 March 2006.

Verordnung des Bundesministers für Wirtschaft und Arbeit über die kurzfristige Beschäftigung ausländischer Erntehelfer in der Landwirtschaft (Decree of the Minister for Economy and Labour on the seasonal employment of foreigners for harvest), BGBl. II Nr. 133/2006 of 30 March 2006.

Websites:

<http://www.frauen.bka.gv.at/site/5526/default.aspx#4> (accessed in July 2007)

<http://wahl06.bmi.gv.at/> (accessed in July 2007)

<http://www.bmi.gv.at> (accessed in July 2007)

<http://www.ams.or.at> (accessed in September 2007)

<http://www.statistik.gv.at> (accessed in July 2007)

<http://www.ehe-ohne-Grenzen.at> (accessed in August 2007)

<http://www.sprachenrechte.at> (accessed in July 2007)

<http://www.integrationshaus.at> (accessed in July 2007)

<http://www.hauptverband.at> (accessed in September 2007)

7. ANNEX: STATISTICS

Table 1: Resident Population by citizenship (by 1 January 2006)

Citizenship	Resident Population by 1st January 2006		
	Total	Men	Women
Total	8.265.925	4.019.354	4.246.571
Austrian Nationals	7.451.860	3.598.341	3.853.519
Non nationals	814.065	421.013	393.052
EU-24 countries	227.405	113.414	113.991
Belgium	1.376	715	661
Cyprus	86	41	45
Czech Republic	7.941	3.025	4.916
Denmark	1.082	487	595
Estonia	167	40	127
Finland	1.172	393	779
France	5.683	2.580	3.103
Germany	104.410	51.434	52.976
Greece	2.529	1.668	861
Hungary	16.763	7.995	8.768
Ireland	841	492	349
Italy	12.769	7.529	5.240
Latvia	383	102	281
Lithuania	528	197	331
Luxembourg	499	288	211
Malta	49	26	23
Netherlands	5.607	2.915	2.692
Poland	31.456	16.962	14.494
Portugal	1.315	829	486
Slovakia	13.334	5.262	8.072
Slovenia	6.692	3.851	2.841
Spain	2.454	1.126	1.328
Sweden	2.900	1.336	1.564
United Kingdom	7.369	4.121	3.248
Selected non-EU countries	586.660	307.599	279.061
Albania	1.546	797	749
Bosnia-Herzegovina	88.490	48.007	40.483
Bulgaria	6.797	2.941	3.856
Croatia	58.351	30.831	27.520
Macedonia	16.305	9.171	7.134
Romania	22.776	9.766	13.010
Switzerland	6.868	3.115	3.753
Serbia Montenegro	139.076	73.678	65.398
Turkey	113.635	61.171	52.464
Others	132.816	68.122	64.694

Source: Statistics Austria (POPREG)

Table 2: Immigration and emigration 2005 by sex and citizenship

Citizenship	IMMIGRATION			EMIGRATION		
	total	Men	Women	total	Men	Women
Total	117.822	65.000	52.822	68.650	40.816	27.834
Austrian nationals	16.367	11.032	5.335	21.170	13.125	8.045
Foreign nationals	101.455	53.968	47.487	47.480	27.691	19.789
EU-14 total	22.277	12.273	10.004	10.244	5.753	4.491
Germany	15.060	8.126	6.934	5.658	3.109	2.549
Italy	1.486	904	582	990	607	383
Belgium	270	170	100	187	135	52
Denmark	215	125	90	150	92	58
Finland	274	98	176	254	88	166
France	928	484	444	548	286	262
Greece	389	262	127	315	219	96
Ireland	150	92	58	80	49	31
Luxemburg	51	37	14	35	19	16
Netherlands	925	519	406	438	245	193
Portugal	327	234	93	228	168	60
Sweden	496	260	236	355	196	159
Spain	511	262	249	283	138	145
United Kingdom	1.195	700	495	723	402	321
EU-10 total	16.673	8.468	8.205	8.275	4.610	3.665
Hungary	3.549	1.662	1.887	2.245	1.187	1.058
Slowenia	563	324	239	439	292	147
Slovakia	3.724	1.543	2.181	1.935	945	990
Czech Republic	1.317	533	784	876	401	475
Estonia	49	11	38	20	8	12
Latvia	86	26	60	58	14	44
Lithuania	254	128	126	147	79	68
Malta	6	3	3	1	0	1
Poland	7.108	4.230	2.878	2.546	1.680	866
Cyprus	17	8	9	8	4	4
Non-EU total	62.505	33.227	29.278	28.961	17.328	11.633
Switzerland	528	268	260	308	171	137
Turkey	7.798	3.969	3.829	2.794	1.753	1.041
Croatia	2.884	1.475	1.409	2.241	1.270	971
Bosnia-Herzegovina	4.608	2.624	1.984	2.208	1.389	819
Macedonia, FYR	1.394	839	555	462	339	123
Serbia and Montenegro	11.609	6.601	5.008	4.285	2.735	1.550
Albania	257	131	126	76	37	39
Bulgaria	1.467	633	834	1.035	530	505
Romania	5.261	2.535	2.726	3.496	1.838	1.658
Others	43.066	25.184	17.882	33.226	20.391	12.835

Source: Statistics Austria (Migration Statistics 2005)

Table 3: Immigration and emigration 2006 by citizenship

Citizenship		Immigration	Emigration
Total		100.972	73.495
Austrian nationals		15.588	20.591
Foreign nationals		85.384	52.904
EU-14 total		23.387	12.067
EU-14	Germany	16.223	7.147
	Italy	1.562	987
	Belgium	210	217
	Denmark	176	164
	Finland	293	261
	France	968	578
	Greece	357	353
	Ireland	141	101
	Luxemburg	75	34
	Netherlands	878	510
	Portugal	296	254
	Sweden	582	394
	Spain	502	340
	United Kingdom	1.124	727
EU-10 total		15.711	9.286
EU-10	Hungary	3.734	2.401
	Slowenia	644	493
	Slovakia	3.669	2.285
	Czech Republic	1.243	933
	Estonia	47	31
	Latvia	76	53
	Lithuania	245	179
	Malta	7	5
	Poland	6.035	2.899
	Cyprus	11	7
Non-EU total		46.286	31.551
Non-EU	Switzerland	602	329
	Turkey	4.897	2.950
	Croatia	2.535	2.237
	Bosnia-Herzegovina	3.235	2.080
	Macedonia, FYR	948	562
	Serbia and Montenegro	7.423	5.162
	Bulgaria	1.315	1.020
	Romania	4.757	3.656
	Others	20.574	13.555

Source: Statistics Austria (Migration Statistics 2006)

Table 4: Immigration and emigration from and to Austria by citizenship 1996-2006

Year	Citizenship	Immigration	Emigration	Net migration
1996	Austrians	12.830	17.136	-4.306
	Foreign Nationals	57.100	48.914	8.186
	Total	69.930	66.050	3.880
1997	Austrians	13.227	18.830	-5.603
	Foreign Nationals	56.895	49.755	7.140
	Total	70.122	68.585	1.537
1998	Austrians	13.494	19.407	-5.913
	Foreign Nationals	59.229	44.865	14.364
	Total	72.723	64.272	8.451
1999	Austrians	14.331	19.644	-5.313
	Foreign Nationals	72.379	47.279	25.100
	Total	86.710	66.923	19.787
2000	Austrians	13.324	17.639	-4.315
	Foreign Nationals	65.954	44.367	21.587
	Total	79.278	62.006	17.272
2001	Austrians	15.142	21.644	-6.502
	Foreign Nationals	74.786	51.010	23.776
	Total	89.928	72.654	17.274
2002	Austrians	20.598	40.881	-20.283
	Foreign Nationals	92.567	38.777	53.790
	Total	113.165	79.658	33.507
2003	Austrians	16.390	31.192	-14.802
	Foreign Nationals	97.164	46.065	51.099
	Total	113.554	77.257	36.297
2004	Austrians	18.452	28.491	-10.039
	Foreign Nationals	108.947	48.326	60.621
	Total	127.399	76.817	50.582
2005	Austrians	16.367	21.170	-4.803
	Foreign Nationals	101.455	47.480	53.975
	Total	117.822	68.650	49.172
2006	Austrians	15.588	20.591	-5.003
	Foreign Nationals	85.384	52.904	32.480
	Total	100.972	73.495	27.477

Source: Statistics Austria, ISIS database (1996-2001) and Migration Statistics (2002-2006)²³

²³ Migration statistics 1996-2001 did not record movements of persons but change of residence across borders. The basis for these statistics was aggregated local population register data. With the introduction of a new central registration register, the methodology of migration statistics has considerably changed:

Table 5: Issued residence titles 2004-2006²⁴

2004

Type of permit	Male	Female	Total
First settlement permit (quota)	1.840	3.298	5.138
First settlement permit (quota-free)	12.631	14.066	26.697
First residence permit	16.903	15.306	32.209
Renewal of settlement permit	33.443	38.304	71.747
Proof of settlement	26.362	24.775	51.137
Renewal of residence permit	10.757	12.731	23.488
TOTAL	101.936	108.480	210.416

2005

Type of permit	Male	Female	Total
First settlement permit (quota)	2.287	3.971	6.258
First settlement permit (quota-free)	12.221	13.687	25.908
First residence permit	11.374	9.826	21.200
Renewal of settlement permit	36.484	41.883	78.367
Proof of settlement	n.a.	n.a.	48.009
Renewal of residence permit	9.994	12.508	22.502
TOTAL	72.360	81.875	202.244

2006

Type of permit	Male	Female	Total
First settlement permit (quota)	1.616	2.453	4.069
First settlement permit (quota-free)	5.400	6.884	12.284
First residence permit	2.902	3.711	6.613
Renewal of settlement permit	22.462	24.260	46.722
Renewal of residence permit	7.521	8.008	15.529
Other renewals	29.389	31.518	60.907
Change of residence purpose - residence permits	131	203	334
Change of residence purpose - settlement permits	506	679	1.185
TOTAL	69.927	77.716	147.643

Source: Federal Ministry of the Interior

Migration statistics for the years from 2002 onwards are based on a newly developed population register (POPREG; created by Statistics Austria), which is based on the central registration register. With the creation of this new database, the compiled migration events can be linked to individuals. Furthermore, it is possible to distinguish different categories of migrants following international concepts, like short-term and long-term migrants.

²⁴ 2006: The number of "first settlement permits (quota-free)" includes the "Erstaufenthaltstitel - Familienangehörige" (quota-free) (total number of 8.595), which are granted to (third country national) family dependants of EU nationals.

As of 2006, the "proof of settlement" (Niederlassungsnachweis) was replaced by the settlement permit "Daueraufenthalt -EG" ("permanent residence -EC"), which is granted to third country nationals, who are long-term residents (according to Directive 2003/109/EC).

"Other renewals": this category includes "permanent residence -EC", "permanent residence - family dependant" and "family dependant" (=dependants of Austrian nationals, nuclear family).

Table 6: Asylum applications 2005 by gender

Month	Male	Female	TOTAL
January	1.003	351	1.354
February	898	337	1.235
March	1.173	437	1.610
April	1.217	477	1.694
May	1.178	428	1.606
June	1.225	444	1.669
July	1.255	519	1.774
August	1.466	764	2.230
September	1.567	693	2.260
October	1.582	686	2.268
November	1.710	726	2.436
December	1.683	642	2.325
TOTAL	15.957	6.504	22.461

Source: Federal Ministry of the Interior

Table 7: Asylum applications 2006 by gender

Month	Male	Female	TOTAL
January	893	402	1.295
February	666	305	971
March	767	366	1.133
April	685	260	945
May	692	327	1.019
June	619	354	973
July	688	381	1.069
August	730	373	1.103
September	735	448	1.183
October	796	478	1.274
November	761	417	1.178
December	748	458	1.206
TOTAL	8.780	4.569	13.349

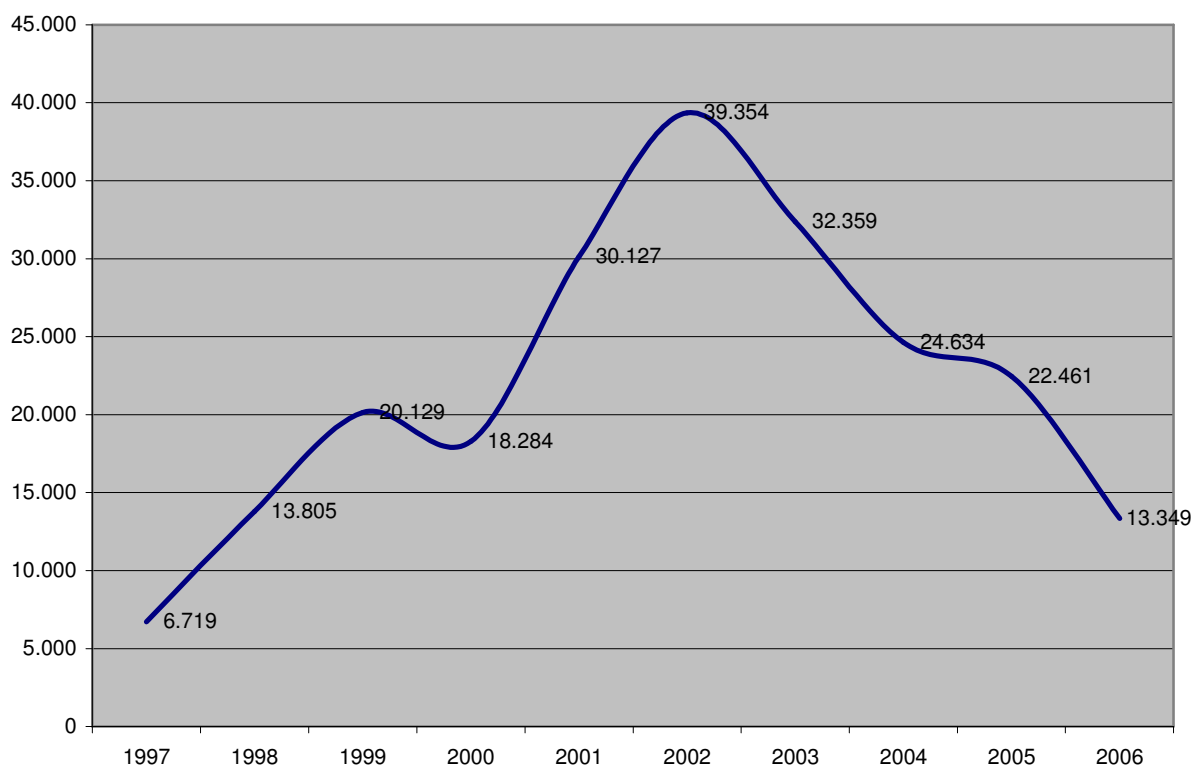
Source: Federal Ministry of the Interior

Table 8: Asylum Applications by gender of asylum seekers 1997-2006

Year	Total	Male		Female	
		Total	in %	Total	in %
1997	6.719	5.093	75,8%	1.626	24,2%
1998	13.805	9.781	70,9%	4.024	29,1%
1999	20.129	13.472	66,9%	6.657	33,1%
2000	18.284	13.665	74,7%	4.619	25,3%
2001	30.127	23.430	77,8%	6.697	22,2%
2002	39.354	30.515	77,5%	8.839	22,5%
2003	32.359	23.726	73,3%	8.633	26,7%
2004	24.634	17.721	71,9%	6.913	28,1%
2005	22.461	15.957	71,0%	6.504	29,0%
2006	13.349	8.780	65,8%	4.569	34,2%

Source: Federal Ministry of the Interior

Chart 1: Asylum Applications 1997-2006



Source: Federal Ministry of the Interior

Table 9: Asylum Applications and decisions 2000-2006

2000

Citizenship	Asylum applications	Positive decisions	Negative decisions	Recognition rate
Afghanistan	4.205	295	217	57,6%
Iran	2.559	63	368	14,6%
India	2.441	0	268	0,0%
Iraq	2.361	98	241	28,9%
Serbia and Montenegro	1.486	292	2.025	12,6%
Pakistan	624	1	100	1,0%
Turkey	592	18	165	9,8%
Nigeria	390	1	142	0,7%
Bangladesh	305	0	40	0,0%
Russian Federation	290	21	48	30,4%

2001

Citizenship	Asylum applications	Positive decisions	Negative decisions	Recognition rate
Afghanistan	12.955	432	335	56,3%
Iraq	2.118	87	239	26,7%
Turkey	1.868	49	284	14,7%
India	1.802	0	296	0,0%
Serbia and Montenegro	1.637	206	692	22,9%
Armenia	1.235	6	108	5,3%
Nigeria	1.047	2	216	0,9%
Bangladesh	949	0	63	0,0%
Macedonia	947	0	71	0,0%
Iran	734	134	334	28,6%

2002

Citizenship	Asylum applications	Positive decisions	Negative decisions	Recognition rate
Afghanistan	6.651	263	308	46,1%
Serbia and Montenegro	4.723	191	1.249	13,3%
Iraq	4.466	117	159	42,4%
Turkey	3.561	68	352	16,2%
India	3.366	0	192	0,0%
Russian Federation	2.221	36	91	28,3%
Armenia	2.038	10	205	4,7%
Georgia	1.921	13	136	8,7%
Nigeria	1.432	6	322	1,8%
Bangladesh	1.104	0	52	0,0%
Moldova	819	1	77	1,3%

2003

Citizenship	Asylum applications	Positive decisions	Negative decisions	Recognition rate
Russian Federation	6.713	635	215	74,7%
Turkey	2.843	65	398	14,0%
India	2.823	0	651	0,0%
Serbia and Montenegro	2.521	164	1.028	13,8%
Afghanistan	2.360	294	156	65,3%
Nigeria	1.846	3	345	0,9%
Georgia	1.517	53	220	19,4%
Iraq	1.452	138	50	73,4%
Moldova	1.175	0	155	0,0%
Armenia	1.112	23	119	16,2%

2004

Citizenship	Asylum applications	Positive decisions	Negative decisions	Recognition rate
Russian Federation	6.184	2.798	199	93,4%
Serbia and Montenegro	2.840	407	915	30,8%
India	1.842	0	520	0,0%
Nigeria	1.829	3	455	0,7%
Georgia	1.743	52	409	11,3%
Moldova	1.350	9	216	4,0%
Turkey	1.113	101	628	13,9%
Afghanistan	757	729	117	86,2%
Pakistan	575	4	117	3,3%
People's Republic of China	565	4	81	4,7%

2005

Citizenship	Asylum applications	Positive decisions	Negative decisions	Recognition rate
Serbia and Montenegro	4.408	462	1.042	30,7%
Russian Federation	4.359	2.395	271	89,8%
India	1.530	1	368	0,3%
Moldova	1.210	7	217	3,1%
Turkey	1.067	67	579	10,4%
Georgia	953	59	505	10,5%
Afghanistan	928	533	141	79,1%
Nigeria	881	7	637	1,1%
Mongolia	641	3	59	4,8%
Bangladesh	548	0	114	0,0%

2006

Citizenship	Asylum applications	Positive decisions	Negative decisions	Recognition rate
Serbia	2.515	318	1.530	17,2%
Russian Federation	2.441	2.090	398	84,0%
Moldova	902	13	259	4,8%
Afghanistan	699	475	128	78,8%
Turkey	668	113	380	22,9%
Georgia	564	38	504	7,0%
Mongolia	541	2	159	1,2%
India	479	2	432	0,5%
Nigeria	421	11	352	3,0%
Iraq	380	92	50	64,8%

Source: Federal Ministry of the Interior

Table 10: Asylum decisions 1997-2006 ²⁵

Asylum decisions	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Positive decisions	639	500	3.393	1.002	1.152	1.073	1.829	4.986	4.552	4.063
Negative decisions	7.286	3.491	3.300	4.787	3.840	4.285	4.604	5.096	5.638	5.867
Recognition Rates	8,1	12,5	50,7	17,3	23,1	20,0	28,4	49,5	44,7	40,9

Source: Federal Ministry of the Interior

Table 11: Employed persons 2005-2006

	Average 2005	Average 2006
Total number of employed persons in Austria	3.234.636	3.278.444
Male	1.740.816	1.763.822
Female	1.493.820	1.514.622
thereof:		
Employed foreign nationals	373.692	389.894
Male	225.139	234.506
Female	148.553	155.388

Source: Federation of Austrian Social Insurance Institutions (Hauptverband der Sozialversicherungsträger)

²⁵ For calculations of recognition rates, non-status decisions are not taken into consideration.

Table 12: Employed foreign nationals holding an obligatory work permit (average 2005) ²⁶

	Male	Female	Total	As % of total
Foreign nationals holding a work permit	132.694	78.533	211.227	
Category of permit:				
Employment permit	14.190	8.636	22.826	10,8%
Work permit	5.120	3.331	8.451	4,0%
Exemption certificate	58.047	29.099	87.146	41,3%
Proof of settlement	43.616	32.512	76.128	36,0%
Others	11.721	4.955	16.676	7,9%

Source: Public Employment Service (Arbeitsmarktservice, AMS)

Table 13: Employed foreign nationals holding an obligatory work permit (average 2006)

	Male	Female	Total	As % of total
Foreign nationals holding a work permit	133.909	81.000	214.909	
Category of permit:				
Employment permit	13.290	8.110	21.400	9,96%
Work permit	3.884	2.183	6.067	2,82%
Exemption certificate	42.513	22.175	64.688	30,10%
Exemption certificate - §4c AuslBG	2.497	1.256	3.753	1,75%
Proof of settlement	52.807	38.420	91.227	42,45%
Permanent Residence - EC	3.761	2.310	6.071	2,82%
Others	15.157	6.546	21.703	10,10%

Source: Public Employment Service

²⁶ "Employment permit" (= Beschäftigungsbewilligung): valid for max. one year and limited to a particular job (employer), extension possible

"Work permit" (= Arbeitserlaubnis): after 52 weeks of legal employment, valid for two years, limited to a specific region (Bundesland), extension possible

"Exemption certificate" (= Befreiungsschein): provides unlimited access to the Austrian labour market; requirements: five years of legal employment within the last 8 years of residence (exceptions for particular groups)

"Exemption certificate §4c AuslBG": issued to Turkish nationals, based on Association Agreement EEC-Turkey.

"Proof of settlement" (= Niederlassungsnachweis): combines unlimited settlement permit with exemption certificate; issued: after five years of legal settlement and legal employment. As of 2006, the proof of settlement (Niederlassungsnachweis) was replaced by the settlement permit "Daueraufenthalt -EG" ("permanent residence -EC"), which is granted to third country nationals, who are long-term residents (Directive 2003/109/EC).

As the tables contain average numbers, deviations (due to rounding) might occur.

Table 14: Employees with foreign nationality holding an obligatory work permit (all titles) by nationality 2006

	Male	Female	Total	As % of total
Serbia and Montenegro	27.794	22.420	50.214	23,4%
Bosnia and Herzegovina	23.278	16.226	39.504	18,4%
Croatia	14.646	10.311	24.957	11,6%
Turkey	20.561	7.927	28.488	13,3%
Hungary	10.883	3.868	14.751	6,9%
Poland	7.394	3.290	10.684	5,0%
Slovakia	4.872	3.130	8.002	3,7%
Slovenia	4.669	1.784	6.453	3,0%
Romania	3.351	2.657	6.008	2,8%
Macedonia	3.672	1.360	5.032	2,3%
Czech Republic	3.259	1.729	4.988	2,3%
Bulgaria	760	590	1.350	0,6%
China (People's Rep.)	749	428	1.177	0,5%
Russian Federation	537	587	1.124	0,5%
India	671	335	1.006	0,5%
Others	6.813	4.358	11.171	5,2%
Total	133.909	81.000	214.909	100,00%

Source: Public Employment Service

Table 15: Registered unemployed persons 2005-2006

	Average 2005	Average 2006
TOTAL	252.654	239.174
thereof:		
Austrians	208.352	196.983
Foreign nationals	44.302	42.191

Source: Public Employment Service

Table 16: Unemployment rates 2005 and 2006 (in %) ²⁷

	2005	2006
Overall unemployment rate	7,3	6,8
Unemployment rate Austrian nationals	6,8	6,4
Unemployment rate foreign nationals	10,6	9,7

Source: Public Employment Service

²⁷ Austrian calculation of unemployment rate: registered unemployed persons divided by total labour force (defined as the sum of registered unemployed and registered employed persons)

Table 17: Support and training for employees and unemployed persons 2005-2006

Supported persons	Average 2005	Average 2006
TOTAL	291.809	308.530
thereof Foreign nationals	39.063	47.158

Source: Public Employment Service

Table 18: Naturalisations 2006 by original citizenship (Top-15)²⁸

Original Citizenship	Total
TOTAL	26.259
Turkey	7.549
Bosnia and Herzegovina	4.597
Serbia and Montenegro	4.828
Croatia	2.497
Romania	983
Macedonia, FYROM	716
Egypt	410
Nigeria	364
Afghanistan	261
Iran	260
Bulgaria	248
Poland	237
Russian Federation	237
Pakistan	182
Ghana	176
Other	2.714

Source: Statistics Austria

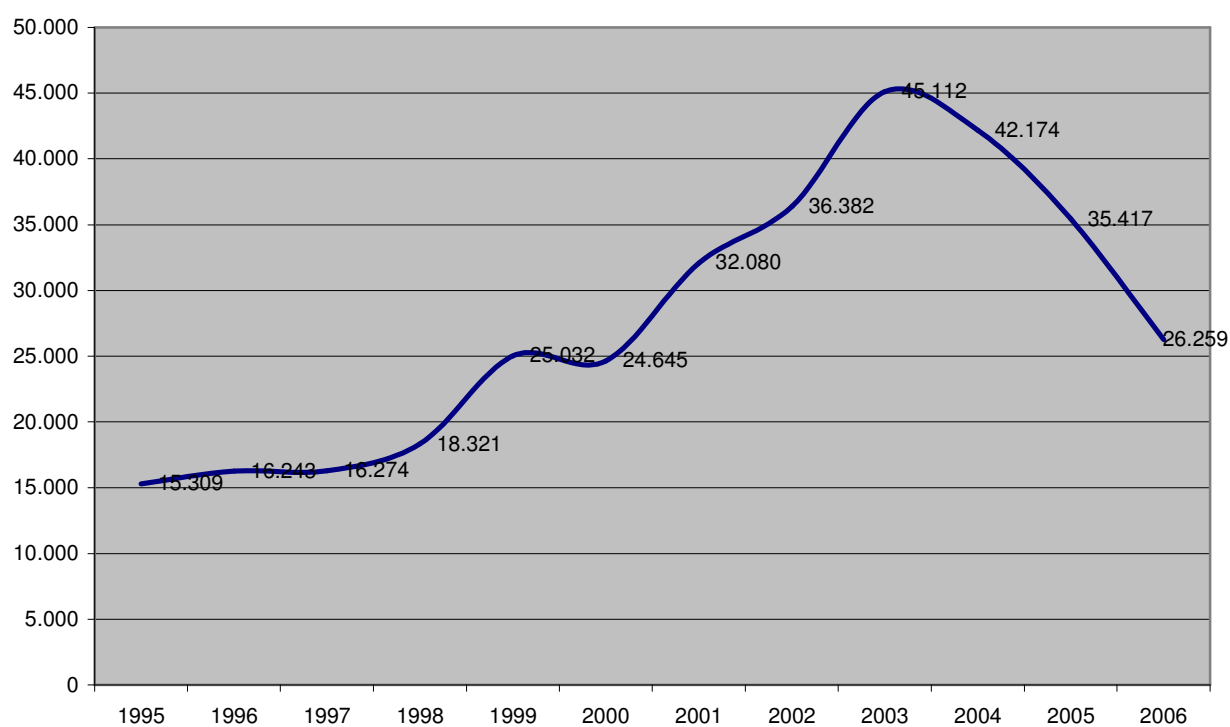
²⁸ The figures include naturalisations of persons, who are residing abroad.

Table 19: Naturalisations 1995-2006²⁹

Year	Total number of naturalisations
1995	15.309
1996	16.243
1997	16.274
1998	18.321
1999	25.032
2000	24.645
2001	32.080
2002	36.382
2003	45.112
2004	42.174
2005	35.417
2006	26.259

Source: Statistics Austria

Chart 2: Naturalisations 1995-2006



Source: Statistics Austria

²⁹ The figures include naturalisations of persons, who are residing abroad.