



IOM International Organization for Migration  
IOM Internationale Organisation für Migration

# MIGRATION AND ASYLUM IN EUROPE 2005

## AUSTRIA

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

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## **PREFACE**

This country report is an analysis of the trends and developments in the field of migration, asylum and illegal immigration in Austria in the year 2005. The Report was written by Brigitte Schütz, Researcher for the National Contact Point (NCP) Austria to the European Migration Network (EMN) at the International Organization for Migration (IOM) in Vienna. She was assisted by Herwig Schinnerl and Katharina Benedetter, interns at IOM Vienna in 2007 and 2008.

The basis for this report is statistical information compiled by Eurostat, which is published by the European Commission in the Annual Statistical Report on Migration and Asylum for 2005. These statistics are not included in this report, as they will be published by the European Commission in a separate document with the country reports. Where feasible, this country report on Austria reverts to additional statistics (included in the Annex), which are published by Austrian authorities and Statistics Austria.

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## **A) MIGRATION ISSUES**

### **1) ANALYSIS AND INTERPRETATION OF MIGRATION STATISTICS**

#### **a) Migration Flows**

*How did migration flows in your Member State change compared to the previous years, from 2002 onwards? Please explain the reasons for changes. Did the migration trends observed in this field reflect immigration policies at the time?*

Comparing the migration flows<sup>1</sup> in recent years, the year 2005 marks a decrease in inflows (-8%) after a constant rise since 2001. However, with a recorded immigration of 117,822 and a recorded emigration of 68,650 in 2005 (which is lower than in preceding years), the net migration is more or less stable with 49,172 compared to 50,582 in 2004. Thus, in both years the net migration was considerably higher than in the previous years 2002 and 2003. Since 2003, recorded emigration has declined (-11%). Lebhart/Marik-Lebeck (2007:146) emphasise that the trend of increased net migration since 2001 is essentially due to the growing immigration of EEA nationals as well as third country nationals under preferential treatment, mainly family dependants of naturalised persons.

According to Statistik Austria (2007: 22-23), the years 2004 and 2005 marked a new peak of international immigration to Austria. As it was stated in the previous report for 2004, the population growth in Austria is to a large extent caused by net migration (see also Lebhart/Marik-Lebeck 2007).

As stated in the previous reports for 2003 (NCP 2006b) and 2004 (NCP 2008a)<sup>2</sup>, the observed migration trends do not reflect the official immigration policy (rising immigration since 2001 with the exemption of a slight decline in 2005). The guiding principle of Austria's immigration policy since the 1990s has been "Integration vor Neuzuzug" ("Integration before new immigration"), meaning that Austria aims at restricting the admission of new immigrants while focussing on the integration of resident immigrants.

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<sup>1</sup> As of 2002, the migration statistics compiled by Statistics Austria are based on the definitions recommended by the UN (e.g. short-term and long-term migration). Consequently, the change of place of residence with a stay of less than three months in Austria is not counted as a migration event and therefore not included in the migration statistics (Lebhart/Marik-Lebeck 2007; see also Kytir/Lebhart/Neustätter 2003).

<sup>2</sup> National Contact Point Austria to the European Migration Network (IOM): Migration and Asylum in Europe 2003. Austria. Vienna 2006b, accessible at: [http://ec.europa.eu/justice\\_home/doc\\_centre/asylum/statistics/doc\\_annual\\_report\\_2003\\_en.htm](http://ec.europa.eu/justice_home/doc_centre/asylum/statistics/doc_annual_report_2003_en.htm)

National Contact Point Austria to the European Migration Network (IOM): Migration and Asylum in Europe 2004. Austria. Vienna 2008a

Of the inflows in 2005 (117,822), 14% (16,367) are Austrian nationals returning to Austria, another 33% (38,950) are EU-nationals (EU-24) and the majority at 53% (62,505) are third country nationals. Compared to the year 2004, the share of EU-24 nationals in the total number of recorded inflows has increased (2004: 28%) and the share of third country nationals has declined (2004: 57%).

The inflows of “new” EU-10 nationals remain stable when comparing migration statistics of 2005 to 2004 (+2%; recorded inflows: 16,673), while their number rose by 60% when comparing 2003 to 2004, which could be related to the EU enlargement in 2004. In contrast, the inflows of “old” EU-14 nationals increased by 12% when comparing 2005 to the previous year (total inflows 2005: 22,277, 68% of which are German nationals) and the inflows of third country nationals declined (-14%, total inflows: 62,505). To summarise, the trend of increasing inflows of EU-nationals continues while the inflows of third country nationals are declining (although they account for the majority of inflows).

The main countries of origin of third country nationals in 2005 are Serbia and Montenegro (11,609 inflows), Turkey (7,798), Romania (5,261), Bosnia (4,608) and the Russian Federation (3,909). As highlighted in the 2004 report, it is a recent trend that Russian nationals are among the main countries of citizenship. This is due to the inflows of asylum seekers from the Russian Federation (mainly Chechnya) to Austria. It is important to take into consideration that asylum seekers are included into official migration statistics.<sup>3</sup> Hand-in-hand with the general decline of inflows of third country nationals is the decline of inflows of nationals of some of the “traditional” countries of citizenship with the exception of Serbia and Montenegro (+2%).

Regarding outflows in 2005, third country nationals account for 42% of the outflows, followed by Austrian nationals (31%; their migration balance is continuously negative) and EU-nationals (27%). In 2005 the overall net migration amounted to 49,172: the net migration of Austrian nationals was negative (-4,803) compared to a positive migration balance of non-nationals (53,975). The largest share falls upon third country nationals (33,544), while the net migration of EU-24 nationals is 20,431. Comparing these figures to the year 2004, net migration of third country nationals declined significantly (-8,701), while net migration of Austrian (+5,236) and EU-24 nationals (+2,055) increased.

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<sup>3</sup> With the amendment of the Asylum Act in 2003 (in force as of 1 May 2004) the exemption of asylum seekers, who are in a federal care facility, from the obligation to register in Austria, was abolished (§2 Meldegesetz (Registration Act)). Consequently, asylum seekers are included the Central Registration Register (Zentrales Melderegister, ZMR) as of October 2004 and are therefore (implicitly) covered by the official migration and population statistics (see also Statistik Austria 2007:23).

Besides immigration from “traditional” countries of origin of former so-called “guestworkers” which is still predominant (in particular from Serbia and Montenegro and Turkey), the countries of origin have diversified in the past decade, including countries such as the Russian Federation, China, India, Ukraine and Nigeria. This is especially evident when looking at net migration rates. The net migration of third country nationals is 33,544, the main country of citizenship being Serbia and Montenegro with a net migration of 7,324. When taking into consideration the new diversification of the countries of origin, the Russian Federation (3,066), China (756), India (686) and Ukraine (658), rank higher than even Croatia (643). Admittedly, some of these countries are among the main countries of origin of asylum seekers, who are included in these statistics.

Concerning the admission of third country nationals to Austria, their immigration is regulated by a quota which is fixed annually by decree. The Settlement Decree (Niederlassungsverordnung, NLV) of 2005<sup>4</sup> stipulated a total number of 7,500 settlement permits, somewhat fewer than in 2004, when the quota was fixed at 8,050 settlement permits. In effect, other means of entry into Austria are quantitatively more important as an explanation for the total number of inflows of third country nationals, which is much higher than the yearly quota.

A large group of third country nationals who are granted a (quota-free) settlement permit are family dependants of Austrian or other EEA nationals. The total number of settlement permits which were issued to family dependants of Austrian nationals in 2005 was 23,444 (2004: 23,308). In addition, 655 settlement permits were issued to (third country national) family dependants of EEA nationals. The rising number of naturalisations in the past decade presumably had an impact on the increasing significance of this type of family reunification (see Lebhart/Marik-Lebeck 2007: 146 and for naturalisation trends see Chapter D).

Moreover, certain groups of foreigners such as students, pupils, artists, persons exempt from the scope of the Aliens’ Employment Act and others, whose stay is not considered as permanent, are granted a residence permit which is not subject to quota restrictions (see Chapter 1c).

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<sup>4</sup> Settlement Decree (Niederlassungsverordnung, NLV) 2005, BGBl.II 496/2004

## **b) Population by Citizenship in 2005**

*What were the largest groups (by citizenship) of third country nationals in 2005? If significant changes occurred in reference to the size of particular groups of third country nationals in 2004, what were the underlying causes of these changes (e.g. legal, political, economical, other)?*

By the 1<sup>st</sup> of January 2005, 581,894 third country nationals were residing in Austria. As in previous years people from Serbia and Montenegro marked the majority with 137,662 (24%) residents, followed by Turkish nationals (116,882; 20%), nationals from Bosnia and Herzegovina (90,988; 16%), Croatia (58,719; 10%) and Romania (21,871; 4%). Before the accession of Poland to the EU, Polish nationals ranked fifth among third country nationals with 22,537 persons residing in Austria as indicated by the statistics of 2004. Following the EU enlargement in 2004, the share of third country nationals among the total number of foreigners is smaller and amounts to 74% (2004: 83% when it included EU-10 nationals). Among the EU-nationals (EU-24; 206,715) German nationals are the largest group (94,672; 46% of EU-24 nationals) followed by Polish nationals (27,056; 13%).

Overall the number of third country nationals slightly increased by 0.7% between 2004 and 2005 (excluding EU-10 nationals from the comparison). The trends for some nationalities vary: while the number of Serbian and Croatian nationals remained stable, the number of Turkish nationals (-5%) and Bosnian nationals (-3%) somewhat decreased. This decrease can be explained by the high numbers of naturalisations in recent years, taking into consideration that the migration balance of these groups is still positive.

When taking into account EU nationals, their number increased by 10% between 2004 and 2005. The number of “new” EU-10 nationals increased more significantly (+14%) than that of “old” EU-14 nationals (+8%), which is the reverse trend compared to the change in the period 2003/2004. It can be assumed that the EU enlargement had an impact on the growing number of EU-10 nationals residing in Austria.<sup>5</sup>

As stated in the 2004 report (NCP 2008a), the countries of origin of former so-called “guestworkers” such as the successor states of the Former Yugoslavia and Turkey are still the main countries of citizenship. In contrast, the group of third country nationals has become more diversified in the last decades. Thus, the number of Russian nationals continues to

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<sup>5</sup> As the reference date for population statistics is 1st January of the respective year, the population statistics of 2004 were compiled before the accession of the 10 new Member States in May 2004.

increase (+ 78% compared to 2004) and amounts to 14,272 at the beginning of 2005, ranking seventh among third country nationals. An explanation for this development is the inflows of asylum seekers coming from the Russian Federation to Austria (many of them being Chechens) of which many obtained refugee status. As explained above, Austrian migration and population statistics include asylum seekers as of 2004. In addition China (+10% compared to 2004), USA (+4%) and Switzerland (+3%) are also among the Top-10 nations in 2005.

In general the total number of residents (including Austrian nationals) increased between 2004 and 2005 by 0.8%. As mentioned above, the growth of the Austrian resident population is mainly due to net migration.

### **c) Residence Permits: annual total positive decisions 2005**

*How did the total number of positive decisions for residence permits (or other authorisations to reside) change in comparison to the previous year? Please explain the reasons for this (legal, political, administrative changes, etc.).*

In this section we focus on more detailed statistics regarding issued permits which are published by the Austrian Ministry of the Interior (in addition to those presented in the European Commission's Statistical Report on Migration and Asylum).<sup>6</sup> These statistical reports contain data on issued first permits as well as extensions of permits. Data on negative decisions are not available. The competent authorities for issuing residence titles are the provinces and consequently, the respective district commissions.

Indeed, the variety of permits issued in Austria hardly complies with the categorisation used in the EC Statistical Report, which distinguishes between family reunification, study, employment and other permits. In general, the Aliens' Act 1997, which was the legal basis during the reference period of this report, distinguishes between residence permits (Aufenthaltserlaubnis) and settlement permit (Niederlassungsbewilligung). Residence permits are granted for temporary stay in Austria (e.g. students, pupils, temporary employees). Although residence permits are renewable, they do not allow for permanent settlement. On the contrary, settlement permits are issued for the purpose of permanent settlement in Austria, but the validity is limited during the first years (the first settlement permit is usually valid for one year).

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<sup>6</sup> These reports are available at: <http://www.bmi.gv.at/publikationen>.

In 2005, 32,166 first settlement permits were issued. Compared to 2004, when it was 31,835, the number mainly remained stable. Admission for the purpose of settlement is regulated by a quota regime, which distinguishes between key professionals and their dependants, family reunification, and settlement for persons who do not have access to the labour market. In 2005, 6,258 settlement permits were issued according to this quota regime. Although the quota was reduced again in 2005 (from 8,050 in 2004 to 7,500 in 2005) it is still not exempted.<sup>7</sup>

In addition, 25,908 quota-free settlement permits were issued, particularly to (third country national) dependants of Austrian, EEA, and Swiss nationals, for humanitarian reasons, in addition to other groups (e.g. artists, employment exempt from the scope of the Aliens' Employment Act etc.). The majority of these permits, as in previous years, is issued to dependants of Austrian nationals and amount to 23,444 first settlement permits in 2005 (2004: 23,308 settlement permits). Another 655 settlement permits were issued to (third country national) family dependants of EEA nationals (2004: 559 permits). While the number of settlement permits issued within the quota increased (+22%; 2004: 5,138 settlement permits), the number of quota-free settlement permits somewhat decreased (-3%; 2004: 26,697).

As concerns the renewals of settlement permits, their number is also stable. Additionally a total of 48,009 "proofs of settlement" (Niederlassungsnachweis) were granted to third country nationals with at least five years of settlement in Austria, somewhat less than in the previous year when 51,137 proofs of settlement were issued. In 2003 when this permit was introduced, a total of 70,918 proofs of settlement were issued. The proof of settlement is granted to foreigners who have settled in Austria for at least five years, and who have the ability to maintain themselves through a lawful activity, and have fulfilled the Integration Agreement (for preferentially treated third country nationals a residence of at least two years is required). It combines an unlimited settlement permit and unlimited access to the labour market.<sup>8</sup>

Besides settlement permits another 21,200 first residence permits were issued. Thus, the number of residence permits considerably decreased by 34% compared to 2004 when 32,209 residence permits were issued. This decrease is a continuous trend since 2003. The most important subcategories are residence permits for temporary employment (9,973), permits for study purposes (4,375) and residence permits for employment exempt from the scope of the

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<sup>7</sup> Like in 2004 and 2003 it is the quota for key professionals in particular which is by far not exempted.

<sup>8</sup> With the adoption of the new Settlement and Residence Act in 2005 (entry into force on 1 January 2006), the proof of settlement was abolished and replaced by the residence title "permanent residence – EC". The already issued proofs of settlement are still valid after the adoption of the new law. The main difference between these two permits is that the proof of settlement does not allow for settlement in another EU member state.

Aliens' Employment Act (2,064). Other groups who are granted residence permits are self-employed persons, artists, commuters, intra-corporate transferees etc. The general decrease in residence permits (-34%, -11,009 permits) is inter alia caused by the strong decrease in residence permits for temporary employment (-37%, -5,745 residence permits). Provisions for the admission for temporary employment were eased by an amendment of the Aliens' Act and the Aliens' Employment Act in 2002 (see Chapter 2 below). To be taken into account is that nationals of the new EU-8 Member States are treated preferentially when it comes to admission for temporary employment. For this group, access to the Austrian labour market is restricted compared to EU-14 nationals. This might have had an impact on the number of residence permits for temporary employment issued to third country nationals. In addition to first permits, 22,502 residence permits were renewed, somewhat less than in 2004 (23,488 renewals), a continuing trend. Detailed figures on issued permits which go beyond the EC Annual Report for 2005 are included in the Annex of this report.

## **2) CONTEXTUAL INTERPRETATIONS (LEGAL, POLITICAL AND INTERNATIONAL FACTORS)**

### **a) Main trends in migration policy**

*What have been the main trends and most important developments in the area of migration policy in your country since 2004 until 2005 (political stance; new or amended laws, procedural changes, etc.?)*

In 2005, the Austrian migration legislation did not change: there were neither new laws nor amendments coming into effect during the reference period of this report. In general there are two major laws in Austria<sup>9</sup> which control immigration and the employment of foreigners: the Aliens' Act 1997 (Fremdengesetz, FrG) and the Aliens' Employment Act 1975 (Ausländerbeschäftigungsgesetz, AuslBG). The most recent change of the Aliens Act and the Aliens Employment Act in 2002 entered into force in 2003 with considerable effects for the subsequent years. Previous reports written by the Austrian National Contact Point (NCP) to the EMN already addressed these issues in more detail (NCP 2006b; NCP 2008b; NCP 2004).

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<sup>9</sup> In 2005, the Aliens' Police Act (Fremdenpolizeigesetz, FPG) and the Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz, NAG) were adopted, entering into force as of 1 January 2006. These legal amendments are not considered in this report as they do not fall into the reference period.

A crucial amendment was that settlement permits for the purpose of work were restricted to key professionals<sup>10</sup> and their dependants (§2 (5) AuslBG; § 12 AuslBG; § 89 (1a) FrG)<sup>11 12</sup>. Before the amendment entered into force, a general quota for “employment” existed. Thus, permanent immigration for working purposes was also possible for groups other than key professionals. As mentioned above, the quota for settlement permits granted to key professionals was not exhausted in 2005, nor the year before. However, the exhaustion of the quota varies when comparing the figures in the nine Austrian provinces. Provisions for temporary employment and commuting were extended by the 2002 amendment (§9 FrG; § 5 AuslBG) in order to cope with temporary shortages of labour force.<sup>13</sup> As mentioned above, the Aliens’ Act Amendment in 2002 also introduced the so-called proof of settlement (Niederlassungsnachweis) (§ 24 FrG) for long-term residents as of 2003.

#### **b) Categories of admission and non-admission in 2005**

The existing categories of admission were the same as in the previous years of 2003 and 2004. In general, a distinction is made between (short-term) residence and (long-term) settlement. General categories of admission are work (e.g. key professionals, temporary employment and other categories of employment), family reunification, study, persons with no access to the labour market (“private”), and other. Indeed, the most important category of admission is family reunification.

In 2005, a total number of 29,844 first settlement permits and a total number of 382 first residence permits were issued to family dependants (summarising all categories of family reunification), which accounts for 57% of the total number of issued first permits. Looking exclusively at settlement permits, 93% of the total number of first settlement permits is issued to family dependants. In 2004, the share of permits for family dependants in the total number of issued first permits was lower than in 2005 at 45%. Although the overall number of issued first permits is decreasing (mainly due to the decrease in first residence permits), the number of first permits issued to family dependants has slightly grown compared to 2004. For a

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<sup>10</sup> Key professionals are defined by several criteria such as income, qualification and special needs of the labour market (according to § 2 (5) AuslBG).

<sup>11</sup> Key professionals are entitled to a combined settlement and work permit. This is contrary to the normal procedure: in general, foreigners are subject to the Aliens’ Act and the Aliens Employment Act and thus require two different types of permits (residence/settlement permit and work permit).

<sup>12</sup> A separate quota for key professionals exists already since 1998. However key professionals were not as strictly defined as by the amendment of 2002.

<sup>13</sup> The concept of seasonal employment was extended, replacing the term “seasonal worker” by “temporary employed alien”. As a consequence, temporary employment is possible in all economic branches for which the Minister of Labour and Economy fixes contingents by degree (see Schuhmacher 2003: 59). In addition, the duration of employment can be extended up to one year (before, the employment was limited to seasonal periods).

general analysis on issued permits see Chapter 1c, and the Annex of this report contains a detailed table on the number of issued residence and settlement permits.

**c) European and international factors**

*Could you identify European / international factors explaining certain changes/continuity regarding migration in your country in 2005 in comparison with the previous years?*

An important event in recent years was the accession of the then ten new Member States to the EU as of May 2004. The effects can be observed in a comparison of population statistics (reference date 1<sup>st</sup> of January of the respective year) between the years 2004 and 2005 and migration statistics for 2003 and 2005 respectively. As highlighted above, the number of EU-10 nationals in the total resident population has grown considerably when comparing 2004 to 2005 (and significantly stronger than a comparison between 2003 and 2004). The same trend is observed when looking at inflows during 2003 and 2004 as well as net migration of EU-10 nationals. However, it has to be taken into consideration that Poland in particular was among the main countries of origin of third country nationals in Austria before the EU enlargement. Yet, the recent years were also marked by an increase in the number of nationals from “old” EU-14 Member States, especially from Germany.

## **B) ASYLUM ISSUES**

### **1) ANALYSIS AND INTERPRETATION OF ASYLUM STATISTICS**

*a). Please describe trends in first-time asylum applications in 2005 compared to the previous year. Are these trends related to legislative or administrative developments/ changes?*

In 2005, a total number of 22,461 asylum applications were filed in Austria. Compared to 2004 the number of first asylum applications declined by 2,173 (-9%). A decline in asylum applications is recorded since 2003, after a peak was reached with 39,354 applications in 2002. 6,504 applications were filed by women, constituting 29% of the applications. In 2005, 881 applications were made by unaccompanied minors (-27%). The Austrian Ministry of the Interior does not publish statistics on asylum seekers broken down by age categories.

Regarding the countries of origin, most applicants in 2005 are citizens of Serbia and Montenegro (4,403). The second country of citizenship is the Russian Federation (applicants mainly originate from Chechnya) with 4,355 applicants, followed by India (1,530 applicants), Moldova (1,210 applicants) and Turkey (1,064 applicants).

These developments are related to European factors (e.g. the EU enlargement in 2004) as well as to external factors in countries of origin. In addition, the Austrian Asylum Act was amended considerably in 2003, coming into effect in May 2004 (see Chapter 2). This amendment mainly stipulated changes of the asylum procedure (see Chapter 2). Asylum applications fell sharply for the third year in a row in 2005. According to UNHCR, in the 25 Member States of the European Union as well as in Europe as a whole, the number of asylum seekers last year was the lowest since 1988. An explicit reason for this development is difficult to determine as it can be attributed to a combination of factors that may result in a decline of asylum applications (UNHCR 2006).

Besides the general decline, the trends for the main countries of citizenship alter extensively: while the number of asylum applicants from Serbia and Montenegro increased considerably compared to 2004 (+55%; +1,568 applicants), the number of Russian asylum applicants declined by 29% (-1,817 applications). A decline is also recorded for applicants from Nigeria (-52%; -948), Georgia (-45%; -777), India (-17%; -309), Moldova (-10%; -136) and Turkey (-4%; -50). In contrast, a rise in applications by citizens of Bangladesh (+66%; +218), Mongolia (+25%; +129) and Afghanistan (+22%; +166) was registered.

*b) What is the total number of first and final positive decisions in 2005, disaggregated by the citizenship of the person concerned? Please explain changes in the total number of positive decisions in comparison to previous year.*

The total number of decisions<sup>14</sup> (first instance and appeal) in 2005 was 18,585. Of these decisions, 4,528 were positive and 5,427 negative. 8,630 decisions were non-status decisions, such as cessations of asylum proceedings, which is when the asylum seeker is absent and the place of residence is unknown to the authorities, or when there are withdrawals of asylum applications. Compared to the year 2004, less positive decisions (-12%, -608 decisions), but more negative decisions (+7%; + 358 decisions) were taken. In addition to the total number of 4,528 positive decisions, where refugee status was granted according to the Geneva Convention, an additional 1,660 positive decisions on subsidiary protection status were taken. Differentiated by instance, 2,972 positive and 4,223 negative final decisions were taken by the first instance (Federal Asylum Office (Bundesasylamt)) and 1,556 positive and 1,204 negative decisions were taken by the first appeal instance (Independent Federal Asylum Review Board (Unabhängiger Bundesasylsenat, UBAS)). Compared to the previous year, less positive decisions were taken in the first (-6%; -379 decisions) and the appeal instance (-21%; -423 decisions). With regard to negative decisions, their number remained quite stable in the first instance (+1%; +46 decisions), while a rise of negative decisions taken by the appeal instance was recorded (+35%; +312 decisions). This is a different trend compared to the development between 2003/2004, when an increase of positive decisions in both instances was registered as well as an increase in negative decisions taken by the first instance and a decrease in negative decisions taken by the appeal instance (UBAS) (see NCP 2008a and Annex for detailed statistics). The authority for subsequent appeal is the Administrative Court (Verwaltungsgerichtshof); statistics on these decisions are not published by the Ministry of the Interior in its annual and monthly publications.

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<sup>14</sup> These are decisions taken during one calendar year, independent of the fact, when the asylum application was filed.

*c) When compared with the previous year, can you observe changes in the statuses regularly granted to particular citizenship groups in 2005? How do you explain these changes or continuity?*

Differentiating by country of origin, 2,427 positive decisions (first and appeal instance) were issued to Russian nationals (54% of total positive decisions), 517 (11%) to Afghan nationals, 462 (10%) to nationals of Serbia and Montenegro, 247 (5%) to nationals of Iran and 130 (3%) to Iraqi nationals. This ranking of issued positive decisions was identical in the year 2004, with slight changes in absolute numbers.

The recognition rate<sup>15</sup> for Russian nationals remained very high in 2005 at 91% (77% in 2003, 94% in 2004). Afghan citizens also had a high recognition rate (79%), although it was lower than in 2004 when it amounted to 87%. Citizens of Serbia and Montenegro had a recognition rate of 31% in 2005 (2004: 32%; 2003: 13%). Similar to the trend in previous years, Indian (0%), Moldovan (3%) and Nigerian nationals (1%) had very low recognition rates (all three countries being among the main countries of citizenship of asylum applicants).

Interpreting these changes is difficult, as an asylum decision does not necessarily relate to an application filed in the same year. In practice, it might take a long time until asylum seekers are issued a final decision on their application.

## **2) CONTEXTUAL INTERPRETATIONS (LEGAL, POLITICAL AND INTERNATIONAL FACTORS)**

### **a) New or amended laws effective in 2005**

*Please describe briefly any new or amended laws on asylum and relevant case law effective in 2004. Have there been important changes in comparison with the previous year?*

In 2005, a new Asylum Act was adopted in the context of the so-called Aliens' Law Package (including the new Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz, NAG) and the new Aliens' Police Act (Fremdenpolizeigesetz, FPG)). As these laws entered into force as of 1 January 2006, this report will not elaborate on these legal developments.<sup>16</sup> Further attention must also be drawn to the amendment of the Asylum Act, which entered into force in May 2004 and which was highlighted in the Country Report to the Statistical Report

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<sup>15</sup> For the calculation of recognition rates, only positive and negative decisions (first and appeal instance) are taken into consideration.

<sup>16</sup> For more information on these new laws, consult the Policy Report for 2005 (NCP 2006a), available at: [www.emn.at](http://www.emn.at)

2004 (NCP 2008a). Some provisions of this amendment were declared as partially unconstitutional by the Federal Constitutional Court after a claim was lodged by the Independent Federal Asylum Review Board (UBAS) and the province of Upper Austria (see also NCP 2006a).

#### **b) Procedural changes effective in 2005**

*Please explain administrative or legal changes in the application, decision, or appeals process contributing to any numerical changes. Have there been important changes in comparison with the previous year?*

As stated above, neither legal nor administrative changes came into force in 2005. For earlier developments, see previous reports of the Austrian National Contact Point (NCP) to the European Migration Network (EMN) (NCP 2006a, NCP 2006b, NCP 2008a).

The main trends in 2005 were an ongoing decrease of the number of asylum applications and a more or less stable total number of asylum decisions (after a considerable increase in 2004). While compared to the year 2004 the number of positive decisions decreased, the number of negative decisions has grown. Indeed, European and international factors seem to be the main reasons for the decrease in asylum applications. The higher number of asylum decisions in 2004 and 2005 (compared to previous years) can be interpreted against the background of a strongly increasing number of asylum applicants until 2002.

Regarding the decrease of positive decisions in 2005 (in both instances) and the increase of negative decisions, it is hardly possible to assess the impact of the Asylum Act amendment in 2003 (which entered into force in May 2004). In 2005, 9,955 asylum decisions (positive and negative, excluding non-status decisions) were taken. Meanwhile, about half of the total number of decisions was taken according to the Asylum Act amendment. In 2004, the share of decisions taken according to the new legislation was only 13%. For asylum applications, which were filed before the 1<sup>st</sup> of May 2004, the legal basis for decisions is still the previous version of the Asylum Act. Of the total number of decisions taken on the basis of the Asylum Act amendment, 46% were positive (2,272 positive decisions of a total number of 4,957 positive and negative decisions). The share of positive decisions in the total number of decisions taken in 2005 on the basis of the old Asylum Act is more or less equal with 45%.

### **c) European and international factors**

*Can you identify European / international factors explaining certain changes regarding asylum trends in 2005 in your Member State? Has the situation changed in comparison with the previous year?*

Asylum applications filed in Austria reached a peak in 2002 with 39,354 applications. Since then, the number significantly declined to 22,461 in 2005. UNHCR reports a similar trend for industrialised countries in recent years, stating that the number of asylum requests which were lodged in EU Member States fell by 14% in 2005 (UNHCR 2007: 11).

It can be assumed that “European Factors” in particular have had a strong influence on asylum trends in Austria, in particular the Dublin-II-Regulation and the implementation of the Eurodac-System, in place since 2003. Another important factor was the accession of Austria’s neighbouring countries to the European Union in May 2004. As Austria is no longer a country at the external borders of the EU, the consequence is a declining number of asylum seekers. The number of so-called Dublin proceedings increased considerably in 2005, amounting to 6,207 (2004: 2,336 Dublin proceedings). In addition, a higher number of asylum applications were found inadmissible: according to § 5 AsylG, asylum applications are inadmissible if another state is responsible for its examination according to Council Regulation 343/2003 (Dublin II Regulation) or another convention<sup>17</sup>. In 2005, 1,160 negative decisions were taken according to § 5 AsylG, compared to 926 in 2004, and 228 in 2003. The apparent reason behind this development is the EU enlargement combined with the implementation of the Dublin II regulation and Eurodac.

Contrary to the general trend of a decline in asylum applications, the number of applicants from countries such as Serbia and Montenegro, Bangladesh, Mongolia and Afghanistan increased considerably in 2005 (see above). Factors and developments in these particular countries play a decisive role regarding the development of the number of asylum applicants (see e.g. Human Rights Watch 2005; 2006).

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<sup>17</sup> With the Asylum Act amendment (in force since May 2004), a direct reference to the Dublin II Regulation was added to § 5 AsylG.

## **C) ILLEGAL ENTRY**

The figures, which are presented in the following chapters (as published by the EC Annual Report for 2005), slightly diverge from the statistics, which are published by the Austrian Ministry of Interior. Contrary to the statistics of the Ministry of the Interior, the statistics from Eurostat on removals and refusals are broken down by main countries of citizenship. With regard to apprehensions, additional statistics which are published by the Criminal Intelligence Service (Bundeskriminalamt) in its annual report are presented in order to provide some additional information.

### **1) ANALYSIS AND INTERPRETATION OF STATISTICS**

*a) Please describe developments/trends pertaining to the number of refused aliens<sup>18</sup> in 2005 in comparison to the previous year. Have there been changes in the main countries of citizenship of refused aliens since 2004? If possible, give reasons for these changes/continuity.*

In 2005, 23,295 aliens were refused at Austrian borders, a decrease of 6% compared to the year 2004 when 24,803 refusals were recorded. The most important reasons for refusals according to the Ministry of the Interior (MoI) were attempts to enter Austria without a passport or a valid visa, alerts from the Schengen Information System (SIS), and threats to public security<sup>19</sup>. The main countries of citizenship of refused aliens in 2005 are Romania (55%), followed by Bulgaria (19%), Switzerland (7%), Serbia and Montenegro (3%) and Croatia (3%). Comparing these numbers to the year 2004, the number of refused aliens increased from Romania (+35%), Switzerland (the number more than tripled comparing 2005 to 2004) and Serbia and Montenegro (+93%), while the number of refused aliens from Bulgaria (-16%), Croatia (-5%), Ukraine (-14%), Moldova (-59%) and the Russian Federation (no longer among the main countries of origin; 2005: 1,808 refusals) declined. Poland and the Slovak Republic, which were among the main countries of origin in 2004, disappeared from the statistics (presumably as a consequence of the EU enlargement in 2004).

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<sup>18</sup> Defined as "Persons not covered by Community law who are refused entry at the border owing to (a) a lack of, or counterfeit/falsified, border documents; (b) an existing entry or residence prohibition; (c) other grounds for refusal." The 'other grounds for refusal' must have a link with the immigration status of the person. Thus, a refusal because a car is not roadworthy should not be counted here.

<sup>19</sup> See annual report on asylum and migration statistics published by the MoI for 2005: <http://www.bmi.gv.at/publikationen>

*b) Please describe developments/trends pertaining to the number of apprehended aliens in 2004 in comparison to the previous year. Have there been changes in the main countries of citizenship of apprehended aliens in 2005? If possible, give reasons for these changes/continuity.*

In 2005, 37,934 aliens who were illegally present in Austrian territory were apprehended, which is a slight increase of 3% compared to 2004 when 36,879 aliens were apprehended. The main countries of citizenship of apprehended persons were Romania (32%), Serbia and Montenegro (11%), Russian Federation (10%), Bulgaria (5%) and Moldova (5%). Comparing the years 2005 and 2004, the ten main countries of origin of apprehended persons were more or less the same, while their ranking somewhat changed. It is interesting to see that the number of apprehended persons from Serbia more than doubled compared to the preceding year and amounts to 4,105 in 2005. In addition, the number of apprehended persons from Romania (+27%) and Turkey (+43%) increased. On the contrary, the number of apprehended persons originating from the Russian Federation (-33%), Bulgaria (-31%), Moldova (-13%), India (-9%), Ukraine (-18%) and Georgia (-44%) significantly dropped. According to the Criminal Intelligence Service (Bundeskriminalamt), a strong increase of (apprehended) smuggled persons from Mongolia was registered, although this group does not fall under the ten main countries of citizenship of apprehended persons (+180%; 627 smuggled persons, in total 687 apprehended persons in 2005) (Bundeskriminalamt 2006: 8).

It is important to mention that the statistics on apprehended persons and asylum seekers are interrelated. Hence, asylum seekers are included in the number of apprehended persons when they enter Austria illegally and file an asylum application at/after their apprehension. As a result, the trends for certain nationalities are consistent when comparing asylum applications and apprehensions: the number of either asylum seekers or apprehended persons from Serbia and Montenegro increased, with regard to nationals of the Russian Federation, Georgia, India and Moldova, both numbers declined (see also Chapter Asylum Issues). However, it has to be taken into consideration that asylum trends (declining numbers) and apprehension trends (increasing number) are not consistent in general – it is merely the case for certain nationalities that a high number of apprehended persons also applied for asylum (e.g. Russian Federation, Serbia and Montenegro).

The Criminal Intelligence Service (Bundeskriminalamt) reports in the annual “Smuggling Report” (Schlepperbericht) that the number of smuggled persons considerably increased during 2005 (Bundeskriminalamt 2006: 7). As reported for the previous years, apprehended

Romanians and Bulgarians are mainly “overstayers”, staying longer than the allowed period of 90 days in the Schengen area.

*c) Please describe developments/trends pertaining to the number of aliens removed in 2005 in comparison to the previous year. Have there been changes in the main countries of citizenship of removed aliens? If possible, explain the underlying factors for these changes/continuity.*

Compared to the year 2004 when 9,408 aliens were removed, the number decreased further to 5,239 in 2005 (-44%). Looking at the main countries of citizenship, most of the removed aliens are from Romania (20%), followed by Serbia and Montenegro (12%), citizens of Moldova (10%), Ukraine (10%) and Bulgaria (7%). In general, this statistic is somewhat consistent to the distribution of refusals as well as apprehended aliens by country of citizenship. The main countries of origin are more or less similar to those in 2004 with few exceptions: India and Poland are no longer among the main countries of citizenship of removed persons in 2005. For most of the nationalities a decrease was recorded in 2005, while for the remaining ones (Turkey, Nigeria and Albania) a comparison was impossible due to lacking data for 2004 (because these countries were not included in the main countries of citizenship in 2004).

*d) In cases of refused, apprehended, and removed aliens in 2005, are these from the same countries in all categories, or are particular citizenship groups more common in a particular category? If possible, explain the underlying causes.*

The main countries of citizenship are similar in all three categories, with only minor differences. As in 2004, Romania ranks first in the main countries of citizenship in all three categories. There are also consistencies with the main countries of origin of asylum seekers.

To give an example, nationals of Serbia and Montenegro were the largest group of asylum seekers, ranking second among the removed and the apprehended persons and fourth in the group of refused aliens. As stated above, the statistics on apprehended persons and asylum applicants are considered to be interrelated, because asylum applicants who enter Austria illegally are also registered as apprehended persons, and vice versa in that the tendency is to enter illegally and then file an asylum application at/after their apprehension.

## **2) CONTEXTUAL INTERPRETATIONS (LEGAL, POLITICAL AND INTERNATIONAL FACTORS)**

### **a) New or amended laws influencing irregular immigration in 2005**

*Please explain the most important changes in policies regarding refusal of entry or return from the previous year. Please explain the most important changes in policies regarding refusal of entry or return from the previous year .*

As in 2004, there were no changes in laws or policies regarding refusal of entry, apprehensions or removals. In a nutshell, the trends in refusals (declining), apprehensions (increasing) and removals (considerably decreasing) vary when compared to 2004. Additional statistics of the Ministry of the Interior for the years 2004 and 2005<sup>20</sup> show that the number of expulsions and residence bans also declines, the same for the number of refusals and removals. As regards the number of removals, it is difficult to determine the exact factors responsible; however, it has to be taken into account that the number of positive asylum decisions increased in recent years.

### **b) Procedural changes influencing irregular immigration in 2005**

*Please describe modifications to the procedure in cases of identified illegal entry, illegal residence and return since the previous year. Include changes that are the result of both administrative and legal developments.*

No procedural changes can be reported for the reference period.

### **c) European and International factors**

*Can you identify European / international factors explaining certain changes/continuity regarding illegal entry in 2005 in your Member State?*

As emphasised in the 2004 report, the main event in this regard was the EU enlargement as well as the implementation of EU policies with regard to asylum which had an impact on the (declining) figures. Concerning the increase of apprehensions (+1,055 amounting to 37,934 apprehensions in 2005), it can be traced back to certain nationalities, e.g. nationals of Serbia and Montenegro (+ 2,905 apprehended persons), for whom an increase of asylum applications was registered in 2005, or Romanian nationals (+2,642), who can enter the Schengen area

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<sup>20</sup> The statistical reports are available at: [www.bmi.gv.at/publikationen](http://www.bmi.gv.at/publikationen)

without a visa and are often apprehended after overstaying the 90-days period of residence (see Bundeskriminalamt 2006).

## **D) OTHER DATA AND INFORMATION AVAILABLE**

### **Labour market and employment**

In 2005, the average of employed foreign nationals was 373,692 persons, which is a share of 12% of the total number of employees in this period.<sup>21</sup> 44,302 foreign nationals were registered as unemployed by the Public Employment Service (Arbeitsmarktservice, AMS). The unemployment rate of foreign nationals amounts to 11% compared to 7% among Austrian nationals.<sup>22</sup> In general, recent years were characterised by an increase in the number of unemployed persons, while non-nationals are more affected by unemployment than Austrian nationals.

### **Naturalisations**

In 2005, 35,417 foreigners were naturalised in Austria, which is a decline of 16% compared to 2004. Thus, the decline of the number of naturalisations continued in 2005, after a peak was reached in 2003 with 45,112 naturalisations.<sup>23</sup> This development is not connected to legal changes, as the Citizenship Act has not been recently amended, the last amendment dating back to 1998.<sup>24</sup> According to Statistik Austria (2006), the number of naturalisations due to a period of residence of at least ten years has decreased since 2003, a parallel development to the declining inflows of immigrants since 1993 (which changed again since the year 2000). As a general rule, foreigners can be naturalised after a period of settlement of ten years (with several exceptions). As the provinces are responsible for granting the Austrian citizenship, practices might vary between the provinces.

The main groups of naturalised persons originate from Turkey (27%), followed by Bosnia and Herzegovina (20%), Serbia and Montenegro (19%), Croatia (6%) and Romania (3%). In this context it must be mentioned that the Former Yugoslavian Republic and Turkey were the main countries of origin of the so-called “guestworkers”, who immigrated to Austria since the early 1960s.

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<sup>21</sup> Data source: Federation of Austrian Social Insurance Institutions (Hauptverband der Sozialversicherungsträger, HV) and Public Employment Service (Arbeitsmarktservice, AMS).

<sup>22</sup> National method of calculation: Percentage of registered unemployed persons in the total labour force (defined as the sum of registered employed and registered unemployed persons).

<sup>23</sup> Figures are taken from Statistik Austria, available online:  
[http://www.statistik.at/web\\_de/statistiken/bevoelkerung/einbuengerungen/index.html](http://www.statistik.at/web_de/statistiken/bevoelkerung/einbuengerungen/index.html)

<sup>24</sup> An amendment of the Citizenship Act (Staatsbürgerschaftsgesetz) was adopted in December 2005, coming into effect in March 2006. For more details see Policy Report 2006 (NCP 2008b)

## **Voluntary Return**

Compared to the previous year, the statistics compiled by the International Organization for Migration (IOM) in Vienna for 2005 display an increase in voluntary return from Austria via the Assisted Humanitarian Voluntary Return Programme (AHVR) as in 2004.<sup>25</sup> While in 2004, a total of 1,158 individuals were assisted in their return to their country of origin, the number increased to 1,406 returnees in 2005 (+21%). As in the previous year, Serbia and Montenegro (most of these persons returning to Kosovo) was the main destination with 306 returnees (22% of the total). Other main countries of return in 2005 were Georgia (131; 9%), Turkey (99; 7%), Belarus (92; 7%) and Moldova (92; 7%).

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<sup>25</sup> Data source: International Organization for Migration (IOM) Vienna; available at: [www.iomvienna.at](http://www.iomvienna.at)

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## ANNEX

Table 1: Overview of population and migration flows 1999-2005

	1999	2000	2001	2002	2003	2004	2005
<b>Legally resident population (1st January)</b>	7.982.461	8.002.186	8.020.946	8.065.146	8.102.175	8.140.122	8.206.524
<b>Recorded immigration</b>	86.710	79.278	111.998	113.165	113.554	127.399	117.822
<b>Recorded emigration</b>	66.923	62.006	79.034	79.658	77.257	76.817	68.650

Source: Statistics Austria, Eurostat

Table 2: Inflows and outflows by citizenship 2004

Citizenship	IMMIGRATION	EMIGRATION	NET MIGRATION
<b>Nationals and foreign nationals</b>	<b>127.399</b>	<b>76.817</b>	<b>50.582</b>
Austrian nationals	18.452	28.491	-10.039
Foreign nationals	108.947	48.326	60.621
<b>EU-14</b>	<b>19.888</b>	<b>10.354</b>	<b>9.534</b>
Belgium	300	161	139
Denmark	198	161	37
Germany	13.179	5.581	7.598
Finland	277	261	16
France	849	506	343
Greece	431	344	87
Ireland	142	96	46
Italy	1.431	1.010	421
Luxemburg	56	40	16
Netherlands	727	453	274
Portugal	273	219	54
Sweden	443	406	37
Spain	439	299	140
United Kingdom	1.143	817	326
<b>EU-10 (since 1 May 2004)</b>	<b>16.310</b>	<b>7.468</b>	<b>8.842</b>
Estonia	63	28	35
Latvia	127	47	80
Lithuania	182	98	84
Malta	5	3	2
Poland	7.170	2.173	4.997
Slovakia	3.588	1.691	1.897
Slovenia	595	378	217
Czech Republic	1.399	951	448
Hungary	3.171	2.093	1.078
Cyprus	10	6	4
<b>Third country nationals</b>	<b>72.749</b>	<b>30.504</b>	<b>42.245</b>
Serbia and Montenegro	11.375	4.618	6.757
Turkey	8.261	2.991	5.270
Russian Federation	6.500	905	5.595
Romania	5.501	3.528	1.973
Bosnia-Herzegovina	5.211	2.731	2.480
Croatia	3.311	2.507	804
Nigeria	2.372	819	1.553
China (People's Republic)	1.990	865	1.125
Bulgaria	1.725	1.045	680
Macedonia, FYROM	1.557	509	1.048
Others	24.946	9.986	14.960

Source: Statistics Austria

Table 3: Inflows and outflows by citizenship 2005

Citizenship	IMMIGRATION	EMIGRATION	NET MIGRATION
<b>Nationals and foreign nationals</b>	<b>117.822</b>	<b>68.650</b>	<b>49.172</b>
Austrian nationals	16.367	21.170	-4.803
Foreign nationals	101.455	47.480	53.975
<b>EU-14</b>	<b>22.277</b>	<b>10.244</b>	<b>12.033</b>
Belgium	270	187	83
Denmark	215	150	65
Germany	15.060	5.658	9.402
Finland	274	254	20
France	928	548	380
Greece	389	315	74
Ireland	150	80	70
Italy	1.486	990	496
Luxemburg	51	35	16
Netherlands	925	438	487
Portugal	327	228	99
Sweden	496	355	141
Spain	511	283	228
United Kingdom	1.195	723	472
<b>EU-10 (since 1 May 2004)</b>	<b>16.673</b>	<b>8.275</b>	<b>8.398</b>
Estonia	49	20	29
Latvia	86	58	28
Lithuania	254	147	107
Malta	6	1	5
EU-10 Poland	7.108	2.546	4.562
Slovakia	3.724	1.935	1.789
Slovenia	563	439	124
Czech Republic	1.317	876	441
Hungary	3.549	2.245	1.304
Cyprus	17	8	9
<b>Third country nationals</b>	<b>62.505</b>	<b>28.961</b>	<b>33.544</b>
Serbia and Montenegro	11.609	4.285	7.324
Turkey	7.798	2.794	5.004
Romania	5.261	3.496	1.765
Bosnia and Herzegovina	4.608	2.208	2.400
Russian Federation	3.909	843	3.066
Croatia	2.884	2.241	643
China (People's Republic)	1.696	940	756
USA	1.481	1.164	317
Bulgaria	1.467	1.035	432
Macedonia, FYROM	1.394	462	932
Others	20.398	9.493	10.905

Source: Statistics Austria

Table 4: Resident population by citizenship (on the 1<sup>st</sup> of January 2005)

Citizenship	Resident Population 1st January 2005
<b>Total</b>	<b>8.206.524</b>
<b>Austrian nationals</b>	<b>7.417.915</b>
<b>Foreign nationals</b>	<b>788.609</b>
<b>EU-24 nationals</b>	<b>206.715</b>
Belgium	1.287
Denmark	1.023
Germany	94.672
Estonia	133
Finland	1.153
France	5.249
Greece	2.451
Ireland	751
Italy	12.206
Latvia	358
Lithuania	414
Luxembourg	476
Malta	45
The Netherlands	5.077
Poland	27.056
Portugal	1.191
Sweden	3.053
Slovakia	11.479
Slovenia	6.540
Spain	2.204
Czech Republic	7.498
Hungary	15.455
United Kingdom	6.870
Cyprus	74
<b>Third country nationals</b>	<b>581.894</b>
Serbia and Montenegro	137.662
Turkey	116.882
Bosnia-Herzegovina	90.988
Croatia	58.719
Romania	21.871
Macedonia	15.986
Russian Federation	14.272
China	8.401
USA	6.854
Switzerland	6.692
Other	103.567

Source: Statistics Austria

Table 5: Settlement decrees (quotas) 1998-2005

Purpose of settlement permit	1998	1999	2000	2001	2002	2003	2004	2005
<b>Key professionals (employees) and family</b>	1.860	1.130	1.010	1.613	1.905	2.185	2.030	1.440
<b>Key professionals (self-employed)</b>	-	-	-	-	-	220	170	160
<b>Employment</b>	950	1.120	1.000	815	495	-	-	-
<b>Family reunification</b>	4.550	5.210	5.000	5.490	5.490	5.490	5.490	5.460
<b>Private</b>	630	660	490	420	390	175	360	440
<b>Others*</b>	550	1.445	878	-	-	-	-	-
<b>TOTAL</b>	<b>8.540</b>	<b>9.565</b>	<b>8.378</b>	<b>8.338</b>	<b>8.280</b>	<b>8.070</b>	<b>8.050</b>	<b>7.500</b>

**Source:**

Settlement decree 1998 (Niederlassungsverordnung (NLV) 1998), BGBl. II Nr. 371/1997  
 Settlement decree 1999 (Niederlassungsverordnung (NLV) 1999), BGBl. II Nr. 424/1998  
 Settlement decree 2000 (Niederlassungsverordnung (NLV) 2000), BGBl. II Nr. 460/1999  
 Settlement decree 2001 (Niederlassungsverordnung (NLV) 2001), BGBl. II Nr. 96/2001  
 Settlement decree 2002 (Niederlassungsverordnung (NLV) 2002), BGBl. II Nr. 2/2002  
 Settlement decree 2003 (Niederlassungsverordnung (NLV) 2003), BGBl. II Nr. 236/2003  
 Settlement decree 2004 (Niederlassungsverordnung (NLV) 2004), BGBl. II Nr. 616/2003  
 Settlement decree 2005 (Niederlassungsverordnung (NLV) 2005), BGBl. II Nr. 496/2004

**Comments:**

With the amendment of the Aliens Act in 2002 (entry into force: 01/01/2003), categories of purposes for settlement permits have changed: the category "employment" was completely replaced by two new categories of key professionals (employed and self-employed). Spouses and children of self-employed key professionals are included in the first category "key professionals (employees) and family".

Private: this kind of settlement permit excludes the access to the labour market

\*Others: In 2000, there was an exceptional quota for minor unmarried children of third country nationals, who have legally settled down in Austria before 01/01/1998. Furthermore, a special quota for refugees from Kosovo (which was introduced in 1999) was extended to the year 2000.

Table 6: Issued first permits 2005

Type of permit	Male	Female	Total
<b>First settlement permit (quota)</b>			
Self-employed key professionals	37	8	45
Employed key professional	461	157	618
Family dependants of self-employed key professionals	10	20	30
Family dependants of employed key professionals	106	203	309
Private (no access to the labour market)	145	194	339
Family reunification	1.524	3.378	4.902
Extensions of settlement permits within quota	4	11	15
<b>Total</b>	<b>2.287</b>	<b>3.971</b>	<b>6.258</b>
<b>First settlement permit (quota-free)</b>			
Family dependants of Austrian nationals	11.009	12.435	23.444
Family dependants of EEA nationals	272	383	655
Family dependants of Swiss nationals	4	9	13
Private (no access to the labour market) - quota-free	121	234	355
Self-employed	18	12	30
Employee of media enterprise	11	1	12
Artists	66	46	112
Employees - exempt from Aliens' Employment Act	434	263	697
Humanitarian reasons	57	55	112
Humanitarian reasons - family dependants	229	249	478
<b>Total</b>	<b>12.221</b>	<b>13.687</b>	<b>25.908</b>
<b>First residence permits</b>			
Education	2.225	2.150	4.375
Education - family dependants	88	135	223
Intra-company transfers	103	50	153
Intra-company transfers - family dependants	54	105	159
Trainees (Volontär)	258	129	387
Interns (Praktikant)	53	48	101
Cross-border commuters	9	5	14
Commuters - Convention	1		1
Temporary employment	5.979	3.994	9.973
Business delegates (Betriebsentsandte)	1.246	140	1.386
Persons exempt from obligation to hold a work permit	192	38	230
Employment exempt from Aliens' Employment Act	540	1.524	2.064
Selfemployed	40	847	887
Humanitarian reasons	118	136	254
Temporary self-employed artists	314	427	741
Temporary employed artists	154	98	252
<b>Total</b>	<b>11.374</b>	<b>9.826</b>	<b>21.200</b>
<b>Proof of settlement</b>	<b>n/a</b>	<b>n/a</b>	<b>48.009</b>
<b>Renewals of permits</b>			
Renewals of settlement permits	36.484	41.883	78.367
Renewals of residence permits	9.994	12.508	22.502
<b>Total</b>	<b>46.478</b>	<b>54.391</b>	<b>100.869</b>
<b>TOTAL</b>			<b>202.244</b>

Source: Ministry of the Interior

**Comments:**

The "Proof of Settlement" was introduced as of 2003 as new settlement permit for long-term residents. It is a combined unlimited settlement work permit. As of 2006, it was replaced by the new settlement permit "Permanent Residence - EC" according to Directive 2003/109/EC on the status long-term residents. For 2005, data on proofs of settlement broken down by gender is not available.

Table 7: Asylum applications by gender 1997-2005

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

Source: Ministry of the Interior

Table 8: Asylum applications and decisions - main countries of origin 2004

<b>Citizenship</b>	<b>Asylum applications</b>	<b>Positive decisions</b>	<b>Negative decisions</b>	<b>Recognition rate</b>
<b>Russian Federation</b>	6.172	2.987	202	93,7%
<b>Serbia and Montenegro</b>	2.835	433	936	31,6%
<b>India</b>	1.839	0	548	0,0%
<b>Nigeria</b>	1.828	3	460	0,6%
<b>Georgia</b>	1.731	54	410	11,6%
<b>Moldova</b>	1.346	9	225	3,8%
<b>Turkey</b>	1.114	103	647	13,7%
<b>Afghanistan</b>	757	766	116	86,8%
<b>Pakistan</b>	575	4	125	3,1%
<b>China (People's Republic)</b>	571	4	83	4,6%

Table 9: Asylum applications and decisions – main countries of origin 2005

<b>Citizenship</b>	<b>Asylum applications</b>	<b>Positive decisions</b>	<b>Negative decisions</b>	<b>Recognition rate</b>
<b>Serbia and Montenegro</b>	4.403	470	1.056	30,8%
<b>Russian Federation</b>	4.355	2.467	256	90,6%
<b>India</b>	1.530	1	381	0,3%
<b>Moldova</b>	1.210	7	220	3,1%
<b>Turkey</b>	1.064	71	602	10,5%
<b>Georgia</b>	954	59	497	10,6%
<b>Afghanistan</b>	923	538	139	79,5%
<b>Nigeria</b>	880	7	652	1,1%
<b>Mongolia</b>	640	3	56	5,1%
<b>Bangladesh</b>	548	0	114	0,0%

Source: Ministry of the Interior

Table 10: Positive and negative asylum decisions by instance 1998-2005

	1998		1999		2000		2001		2002		2003		2004		2005	
	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.
First instance	422	1.700	1.789	2.211	708	2.362	741	2.104	N/A	N/A	1.339	3.351	3.157	4.177	2.972	4.223
Appeal instance	78	1.791	1.604	1.089	294	2.425	411	1.736	N/A	N/A	745	1.600	1.979	892	1.556	1.204
<b>Total</b>	500	3.491	3.393	3.300	1.002	4.787	1.152	3.840	1.073	4.285	2.084	4.951	5.136	5.069	4.528	5.427

Source: Ministry of the Interior

**Comments:**

Detailed statistics broken down by instance were not published in 2002. As of 1 May 2004, the amended Asylum Act entered into force.

Table 11: Naturalisations 1995-2005

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

Source: Statistics Austria

**Comments:**

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

Table 12: Naturalisations 2005

<b>Former Citizenship</b>	<b>Number of naturalisations</b>
<b>Total</b>	<b>35.417</b>
Turkey	9.562
Bosnia and Herzegovina	7.033
Serbia and Montenegro	6.694
Croatia	2.277
Romania	1.130
Macedonia (FYROM)	997
Egypt	588
Afghanistan	454
India	452
Poland	443
Iran	439
Nigeria	361
Ghana	312
China (People's Republic)	302
Pakistan	291
Philippines	249
Russian Federation	246
Bulgaria	224
Ukraine	183
Slovakia	171
Others	3.009

Source: Statistics Austria

Table 13: Voluntary Return 2005 - returnees by country of destination

<b>Destination Country</b>	<b>TOTAL</b>
Serbia & Montenegro	306
Georgia	131
Turkey	99
Belarus	92
Moldova	92
Romania	85
Ukraine	81
Bulgaria	55
Nigeria	55
Mongolia	52
Other	358
<b>Total</b>	<b>1.406</b>

Source: International Organization for Migration (IOM) Vienna

Table 14: Employed persons in Austria 2005

	<b>Average 2005</b>
<b>Employed persons</b>	3.234.636
<b>Male</b>	1.740.816
<b>Female</b>	1.493.820
thereof:	
<b>Employed foreign nationals</b>	373.692
<b>Male</b>	225.139
<b>Female</b>	148.553

Source: Federation of Austrian Social Insurance Institutions