



IOM International Organization for Migration
IOM Internationale Organisation für Migration

European Migration Network

Annual Report on

Asylum and Migration Statistics 2006

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.

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

The fourth edition of the Annual Report on Asylum and Migration Statistics in Austria 2006 reviews the trends and changes in Austrian asylum and migration statistics of that year. The Report provides detailed statistical background information for the National Policy Report 2006, which was edited by the National Contact Point of Austria in 2007. Both the Annual Report and the National Policy Report are closely interrelated.

The Annual Report was composed by the National Contact Point (NCP) Austria to the European Migration Network (EMN) based at IOM Vienna: contributors were Ms Maria Temesvari, Assistant legal adviser, and Ms Elisabeth Petzl, Researcher. Compilation of the Annual Report was overseen by Dr. Heike Wagner, Head of Research, in consultation with Dr. David Reizenzein, Coordinator of the NCP Austria.

We trust that this Report proves to be useful to readers and thank all contributors for their input and efforts to compile a well-balanced and comprehensive account of the recent migration and asylum statistics in Austria.

David Reizenzein, IOM Vienna
Head of Development, Policy and Media Unit
Coordinator of the NCP Austria
IOM Vienna

TABLE OF CONTENTS

FOREWORD	2
TABLE OF CONTENTS	3
LIST OF ABBREVIATIONS	5
1. INTRODUCTION	7
1.1 Methodology	8
2. ASYLUM	9
2.1 Analysis and interpretation of asylum statistics	9
2.2 Contextual interpretations (legal, political and international factors).....	12
2.2.1 New or amended laws <i>effective in 2006</i>	12
2.2.2 <i>Procedural changes effective in 2006</i>	13
2.2.3 <i>European / international factors</i>	13
3. MIGRATION	15
3.1 Analysis and interpretation of migration statistics	15
3.1.1 <i>Migration Flows</i>	15
3.1.3 <i>Residence Permits</i>	21
3.2 Contextual interpretations (legal, political and international factors).....	23
3.2.1 <i>Main trends and developments in migration policy</i>	23
3.2.2 <i>Categories of admission and non-admission</i>	24
3.2.3 <i>European / international factors</i>	25
4. REFUSALS, APPREHENSIONS AND REMOVALS	27
4.1 Analysis and interpretation of statistics	27
4.2 Contextual interpretations (legal, political and international factors).....	31
4.2.1 <i>New or amended laws influencing illegal immigration in 2006</i>	31
4.2.2 <i>Procedural changes influencing illegal immigration in 2006</i>	32
4.2.3 <i>European / international factors</i>	32
5. OTHER DATA AVAILABLE.....	33
5.1 Labour market and employment	33
5.2 Naturalisations.....	33
5.3 Voluntary return	34
REFERENCES.....	35
Annex	38

TABLE OF FIGURES

Chart 1: Asylum applications, 1997-2006..... 10

Chart 2: Asylum applicants by countries of citizenship, 2005 and 2006..... 10

Chart 3: Positive decisions by country of citizenship, comparison 2005 and 2006..... 12

Chart 4: Inflows, Outflows and Net Migration in Austria, 1999 - 2006..... 15

Chart 5: Inflows by country of citizenship, 2005 and 2006..... 16

Chart 6: Net migration by country of citizenship, 2005 and 2006..... 18

Chart 7: Net migration 1996- 2006 19

Chart 8: Foreign population in Austria by country of citizenship, 2005 and 2006..... 21

Chart 9: Aliens refused entry by country of citizenship, 2005 and 2006..... 27

Chart 10: Apprehensions of irregular-resident third-country national, 2005 and 2006..... 29

Chart 11: Removals of third-country nationals, 2005 and 2006. 30

LIST OF ABBREVIATIONS

AMS	Arbeitsmarktservice	Public Employment Service
AsylG	Asylgesetz	Asylum Act
AuslBG	Ausländerbeschäftigungsgesetz	Aliens' Employment Act
BAA	Bundesasylamt	Federal Asylum Office
BGBI	Bundesgesetzblatt	Federal Law Gazette
BKA	Bundeskanzleramt	Federal Chancellery of Austria
BmeiA	Bundesministerium für europäische und internationale Angelegenheiten	Ministry for European and International Affairs
EC	Europäische Kommission	European Commission
EU 8	Estland, Lettland, Litauen, Polen, Slowakei, Slowenien, Tschechische Republik, Ungarn	Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia
EU 10	Estland, Lettland, Litauen, Malta, Polen, Slowakei, Slowenien, Tschechische Republik, Ungarn, Zypern	Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia
EU 14	Belgien, Dänemark, Deutschland, Finnland, Frankreich, Griechenland, Irland, Italien, Luxemburg, Niederlande, Österreich, Portugal, Schweden, Spanien, Vereinigtes Königreich	Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Spain, Sweden, United Kingdom
EEA	Europäischer Wirtschaftsraum	European Economic Area
EMN	Europäisches Migrationsnetzwerk	European Migration Network
EURODAC	Europäisches Fingerabdruck-	European Dactyloscope

Identifizierungssystem

FPG	Fremdenpolizeigesetz	Aliens' Police Act
FrG 1997	Fremdengesetz 1997	Aliens' Act 1997
IOM	Internationale Organisation für Migration	International Organization for Migration
IV	Integrationsvereinbarung	Integration Agreement
MoI	Bundesministerium für Inneres	Ministry of the Interior
NAG	Niederlassungs- und Aufenthaltsgesetz	Settlement and Residence Act
NCP	Nationaler Kontaktpunkt	National Contact Point
NLV	Niederlassungsverordnung	Settlement Decree
OECD	Organisation für wirtschaftliche Zusammenarbeit und Entwicklung	Organisation for Economic Co-operation and Development
SIS	Schengener Informationssystem	Schengen Information System
StbG	Staatsbürgerschaftsgesetz	Citizenship Act
UBAS	Unabhängiger Bundesasylsenat	Independent Federal Asylum Review Board
UVS	Unabhängiger Verwaltungssenat	Independent Administrative Senate
UNHCR	Flüchtlingshochkommissariat	United Nations High Commission for Refugees

1. INTRODUCTION

This report reviews the trends and changes in Austrian asylum and migration statistics for the year 2006. Austria has a long tradition as an asylum and migration country and relative to the population in 2006, Austria remained the OECD country with the highest number of asylum requests. However, following a European trend, asylum requests have continued to decrease since a peak in 2002.

Despite the simultaneous decrease in immigration inflows to Austria, which were their lowest level since 2004, and net migration dropping to its lowest level since 2002, immigration continued to represent the main factor for population growth.

With regards to irregular migration, irregular residence and employment, such as undeclared care work in the household sector, these trends have become increasingly contentious issues in Austria.

In terms of legal developments, 2006 can be seen as a turning point: the Aliens' Act Package 2005 entered into force, which significantly restructured the Austrian legal system in the field of migration and asylum. The previous system of migration-related Acts has been restructured and divided into an Asylum Act, a Settlement and Residence Act and an Aliens' Police Act. In general, the new system bears the advantage of being less complicated, and easier to read and understand than the previous system.

However, the new Aliens' Package tends to lean towards the introduction of a tighter migration regime, especially with regard to family reunification and naturalisation. Since 2005, it has become more difficult to obtain Austrian citizenship. Keeping track of the underlying principle "*ius sanguinis*" of the Austrian Citizenship Act this becomes particularly important as descendants of immigrants do not obtain Austrian citizenship automatically.

This report is separated into three sections: asylum statistics, migration statistics and statistics on refusals, apprehensions and removals of irregular immigrants in Austria. In each chapter, firstly, detailed statistics and developments on will be presented. Secondly, an explanation for asylum/migration statistics in this special legal context will be given. Lastly, developments in the field of asylum/migration policies and statistics in Austria will be contrasted with European and international trends and changes.

1.1 Methodology

Outline methodology followed in the production of your National Report, including in the verification of your data (e.g. sources used for data), their reliability, any changes in definitions compared to previous years, what (if any) caveats should be applied and any difficulties encountered. If possible, include also whether it was (yet) possible to provide data consistent with the Migration Statistics Regulation.

The following report is based on the national statistical data of Austria provided by Eurostat. Before the elaboration of the report, the data was verified against statistics provided by the official national data suppliers (data on migration published by *Statistics Austria* and asylum statistics published by the *Austrian Ministry of the Interior (MoI)*) and therefore guarantee utmost reliability.

Furthermore, for the statistics on apprehensions, data published by the *Criminal Intelligence Service* (Bundeskriminalamt) in its “Annual Report 2006 – Organised Human Smuggling” (Schlepperbericht) are presented in order to provide additional information.

2. ASYLUM

Within Europe, Austria is recognized as one of the most important receiving countries for refugees. After Cyprus, and followed closely by Sweden and Malta, Austria ranks second among 50 industrialized European and non-European countries regarding the number of submitted asylum applications per 1000 inhabitants¹. In a global context, Austria held the 48th position for refugee-receiving countries, with a proportion of 0,25% of the total refugee stock (25.550 refugees)².

If the quantitative developments in Austrian asylum statistics and the distribution of the most important countries of citizenship of asylum applicants reflect political changes, crises or warlike circumstances in the countries of primary citizenship, these statistics reveal, at the same time, the readiness of Austria to welcome and support persons in need of subsidiary protection.

2.1 Analysis and interpretation of asylum statistics

2.1.1 Please describe trends in first-time asylum applications (on the basis of persons, e.g. dependant children³ should be included, but counted separately) in 2006 compared to the previous year. Are these trends related to legislative or administrative developments/ changes?

In 2006, 13.349 first-time asylum applications were registered in Austria, representing a drop of -41% compared to the number of applications lodged in 2005 (22.461). This decrease followed a trend which has been on-going since 2003, following a period of steady increase in asylum applications since 2000, with a peak of 39.354 asylum application requests in Austria in 2002.

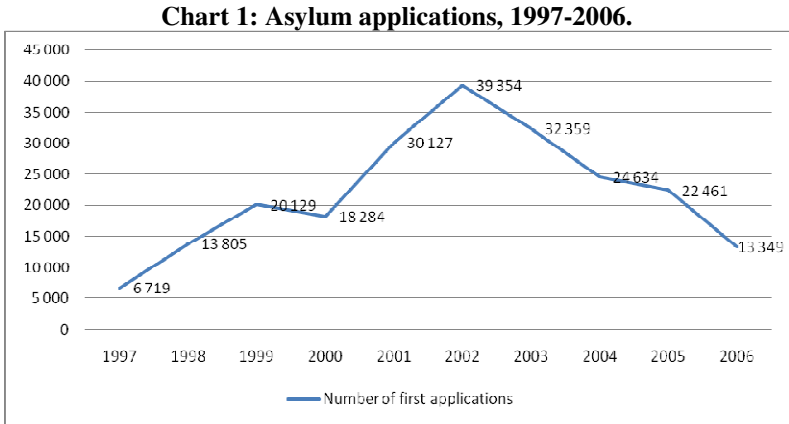
Although their proportion has been decreasing (-5%), almost two thirds (66%) of all applications were issued by male asylum applicants. With regards to age, the Austrian Ministry of the Interior does not publish statistics displaying precise age groups of asylum applicants, however the categorisation 'below 14 years and below 18 years' is applied. An analysis of these categories for 2006 shows that the total number of unaccompanied minors

¹ UNHCR (2006): Asylum Level and Trends in Industrial Countries 2005. Geneva.

² UNHCR (2007): 2006 Global Trends: Refugees, Asylum-applicants, Returnees, Internally Displaced and Stateless Persons. Geneva.

³ A *dependant child* refers to a person below the age of 18 years who claims asylum with their dependants (e.g. parents, guardians) and would then be counted as an individual person. In addition, their dependant(s) would also be counted as separate person(s).

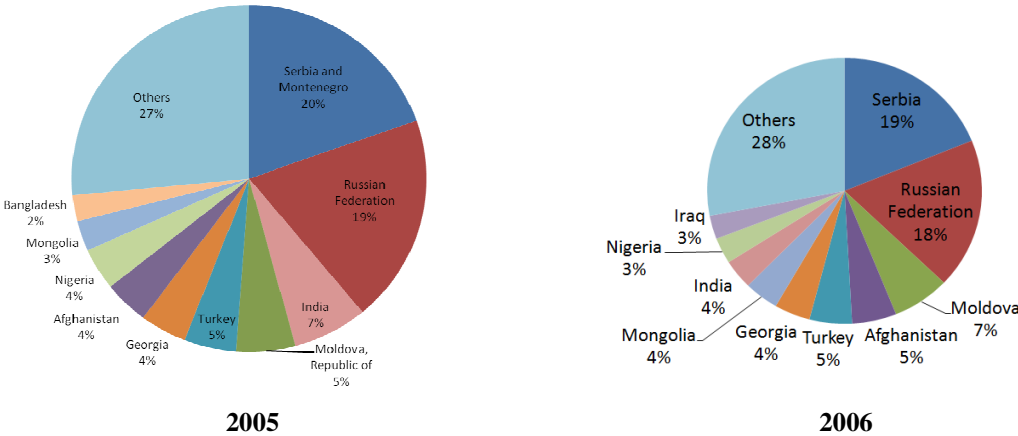
decreased by -45%: when 881 unaccompanied minors' applications were registered in 2005, their number had decreased to 488 in 2006. Fifty-three applicants among them (11%) have been under 14.



(Source: Austrian Ministry of the Interior (2007): Asylstatistik 2006. Vienna.)

In proportion, as in 2005, the same countries of citizenship with regards to asylum applications prevailed: after the separation of Serbia and Montenegro, applicants from Serbia (2.515; -43%) still represented the largest group, followed closely by applicants from the Russian Federation (2.441; -44%), primarily from Chechnya, and to a lesser extent by applicants from Moldova (902; -25%), Afghanistan (699; -24%), Turkey (668, -37%) and Georgia (564; -41%). The number of Indian asylum applicants, which ranked third in 2005, dropped by -69% to 479.

Chart 2: Asylum applicants by countries of citizenship, 2005 and 2006.⁴



Others: asylum applicants from more than 90 other countries of citizenship.
 (Source: Austrian Ministry of the Interior (2007): Asylstatistik 2006. Vienna.)

⁴ The difference in size between the two figures represents the proportion of decrease from 2005 to 2006.

2.1.2 What is the total number of first and final positive decisions (again on the basis of persons) in 2006, disaggregated by the citizenship of the person concerned? Please explain changes in the total number of positive decisions in comparison to the previous year.

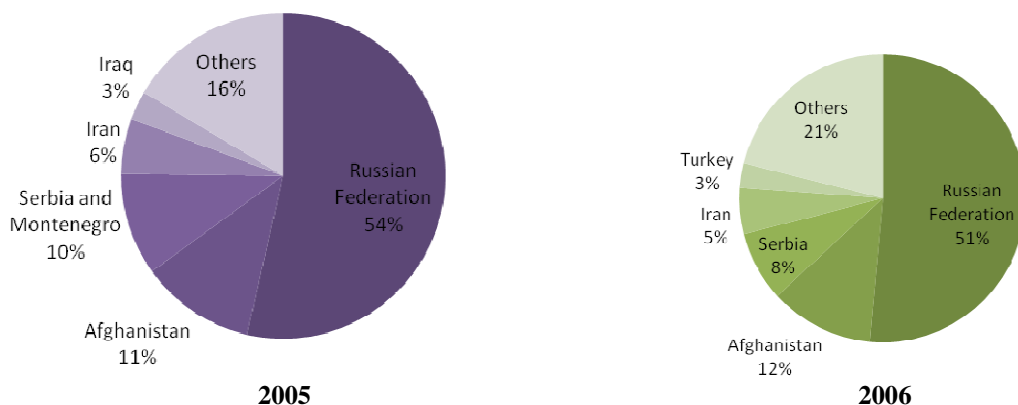
The total number of decisions (first instance and appeal) declined from 18.585 (2005) to 15.488 (-17%). Of these decisions, 4.063 have been positive, 5.867 negative and 5.558 so-called “non-status decisions”, indicating a cessation of asylum proceedings in cases of absence of the asylum applicant, unknown place of residence or withdrawal of asylum application. In general, 60% of all first appeals were negative. In 2006, slightly more positive decisions (26% compared to 24%) but also more negative (38% compared to 29%) were issued, reducing the number of “non-status” decisions (36% compared to 46% in 2005). In addition to the total number of 4.063 positive decisions, in which refugee status according to the Geneva Convention was granted, 1.312 positive decisions on subsidiary protection status were taken.

Disaggregated by instance, 2.314 positive and 3.216 negative final decisions were taken by the first instance, *Federal Asylum Office* (Bundesasylamt, BAA), and 1.749 positive and 2.651 negative decisions were taken by the first appeal instance, *Independent Federal Asylum Review Board* (Unabhängiger Bundesasylsenat, UBAS), which indicates that more than 43% of all positive decisions were made at the second instance.

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

The distribution of positive decisions in terms of citizenship groups remained the same. Ahead of other national groups, 51% (2.090) of all positive decisions were granted to Russian nationals (predominately applicants from Chechnya), 12% (475) to Afghan nationals, 8% (318) to nationals of Serbia, 5% (211) to Iranians, 3% (113) to Turkish nationals and less than 21% (856) to others. Compared to 2005, these percentages have only changed slightly.

Chart 3: Positive decisions by country of citizenship, comparison 2005 and 2006.⁵



(Source: Austrian Ministry of the Interior (2007): Asylstatistik 2006. Vienna.)

Even though the recognition rate⁶ of Russian nationals (foremost from Chechnya) were at a lower level in 2006 compared to 2005, when the rate had been 91%, with 71% the rate of recognition for Russian nationals still ranks the highest. Applications of Afghan nationals have been recognised by 64% (79% in 2005), nationals from Iraq by 35%, those of Serbian nationals by 12% (compared to 29% for nationals of Serbia-Montenegro in 2005) and Turkish applications by 14%. Similar to the trend in previous years, the recognition rates of Georgian (4%), Nigerian (2%) and Moldovan (1%) nationals were very low.

2.2 Contextual interpretations (legal, political and international factors)

2.2.1 New or amended laws effective in 2006

Please describe briefly any new or amended laws on asylum and relevant case law effective in 2006. Have there been important changes in comparison with the previous year?

In 2005, the Austrian legal system in the field of migration and asylum was significantly restructured by the Aliens' Act Package 2005. These laws entered into force in 2006 and the Asylum Act (Asylgesetz, AsylG) was amended, though mainly in terms of procedural changes described in the following section.

⁵ The difference in size between the two figures represents the proportion of decrease from 2005 to 2006.

⁶ For the calculation of recognition rates, only positive and negative decisions (first and appeal instance) are taken into consideration.

2.2.2 Procedural changes effective in 2006

Please explain briefly 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?

The procedural changes in the asylum legislation are addressed in detail in the EMN Policy Report 2006⁷, therefore only the most important changes are summarised here.

The new Asylum Act contains several provisions that aim at the acceleration of the asylum process: thus, the suspension effect of appeals based on certain grounds can be lifted (§§ 36 and 37 AsylG). Amendments include, for instance, the prerequisite that the asylum applicant must meet certain obligations of cooperation during the asylum procedure (§ 15 AsylG). Moreover, the second instance, *Independent Federal Asylum Review Board* (Unabhängige Bundesasylsenat, UBAS), now has the power to set precedents in order to accelerate similar cases in the future (§ 42 AsylG). Furthermore, a country of origin documentation centre has been set up in order to meet the growing demand for information from the asylum authorities (§ 60 AsylG).

On the other hand, the amended Asylum Act no longer allows the dismissal of asylum applications as “obviously unfounded”. Consequently, all asylum applications under the 2005 Act have to be examined content-wise.

However, interpreting changes in asylum applications and asylum decisions remains difficult as asylum decisions do not necessarily relate to applications registered in the same year. Although the new asylum law limits the delay of the procedure, in practice, the final decision is not necessarily passed in the same year.

2.2.3 European / international factors

Can you identify European / international factors explaining certain changes regarding asylum trends in 2006 in your Member State? Has the situation changed in comparison with the previous year?

The decline of the total number of asylum applications lodged in Austria in 2006, which reduces the number of asylum applications to its lowest level since 1998, can be seen and reflected in the European context: In all 25 EU member states, the number of asylum applicants in 2006 was the lowest in the past 20 years. For the fifth consecutive year, the

⁷ Download under: http://www.emn.at/modules/typetool/pnincludes/uploads/PolicyReport%20Austria-2006_final_2008.pdf

number of asylum applications in 50 European and non-European industrialized countries continued to decline in 2006. Over the last five years, applications in Europe have more than halved (-53%), along with other industrialized countries such as the USA, Canada, Australia and New Zealand.

However, in 2006, along with Cyprus (-41%) and France (-38%), Austria reported the most significant decline (-41%). On average, the 25 EU member states registered a decrease (-17%) in asylum applications from 2005 to 2006, reflecting a strong divide between the 15 “old” (-15%) and 10 “new” member states (-30%)⁸.

Although it is impossible to give one explicit reason for this development, the overall decrease in the number of asylum applications is believed to be a result of the more recent introduction of restrictive asylum policies in combination with improved conditions in some source countries. Moreover, several developments on the European level might have contributed to the overall decrease in asylum applications in Austria such as EU enlargement and the implementation of the Dublin II and EURODAC Regulations.

Asylum trends are influenced on the international level by a variety of factors, both in the region of origin and destination. In terms of the countries of origin, once more Iraq represented the main source country of asylum applicants in 2006, having been the main source country for asylum applicants in industrialized countries in 2000 and 2002,. Iraq was followed by China as second largest source country, then Serbia and Montenegro, the Russian Federation, Turkey and Afghanistan. With the exception of China, each of these countries was ranked among the most important source countries of asylum applicants in Austria in 2006.

⁸ UNHCR (2007): Asylum Levels and Trends in Industrialized Countries, 2006. Overview of Asylum Applications lodged in European and Non-European Industrialized Countries in 2006. Geneva: UNHCR.

3. MIGRATION

3.1 Analysis and interpretation of migration statistics

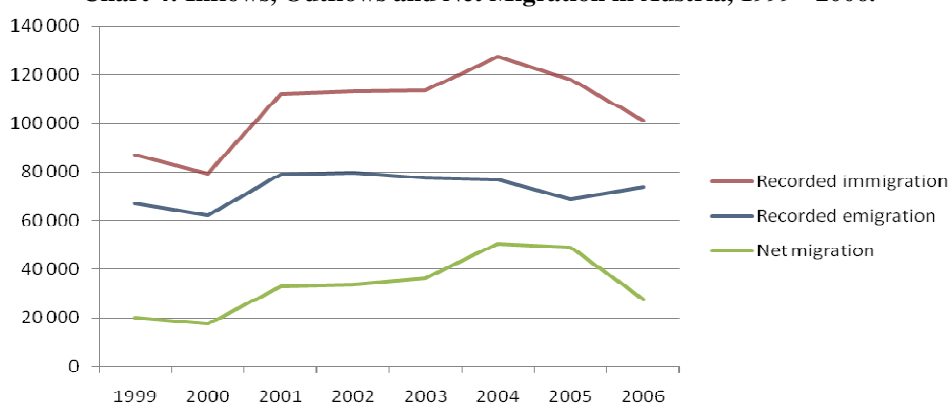
Note that asylum applicants should not be counted, as far as possible, as new migrants. However, once they have received a status and settle in the country, they can be counted in the stock of legal migrants. The immigration flow (for family, work, study) should not include the asylum-applicants flow.

3.1.1 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?

After a constant rise over the last ten years, Austria experienced a decrease (-14%) in immigration flows in 2006 (2005: 117.822; 2006: 100.972). In the same period, the rate of recorded emigration increased from 68.650 to 73.495 but still lay behind the recorded emigration flows of the period 2000-2004 (where about 77.000 annual emigration flows were recorded). The combination of the recorded immigration and the recorded emigration resulted in a net migration of 27.477. This constitutes a major decrease (-44%) compared to the net migration of 2005 (49.172). In general, the recorded migration volume of 2006 (174.467) lay below the level of 2005 (186.472).

Chart 4: Inflows, Outflows and Net Migration in Austria, 1999 - 2006.



(Source: Eurostat, Statistics Austria)

With regards to countries of citizenship of the inflows, already in 2005 the share of recorded inflows of the 24 EU-Nationals had increased (2005: 33%, 2006: 39%). Paired with a stagnation of Austrian inflows at almost the same level (2005: 14%; 2006: 15%), the

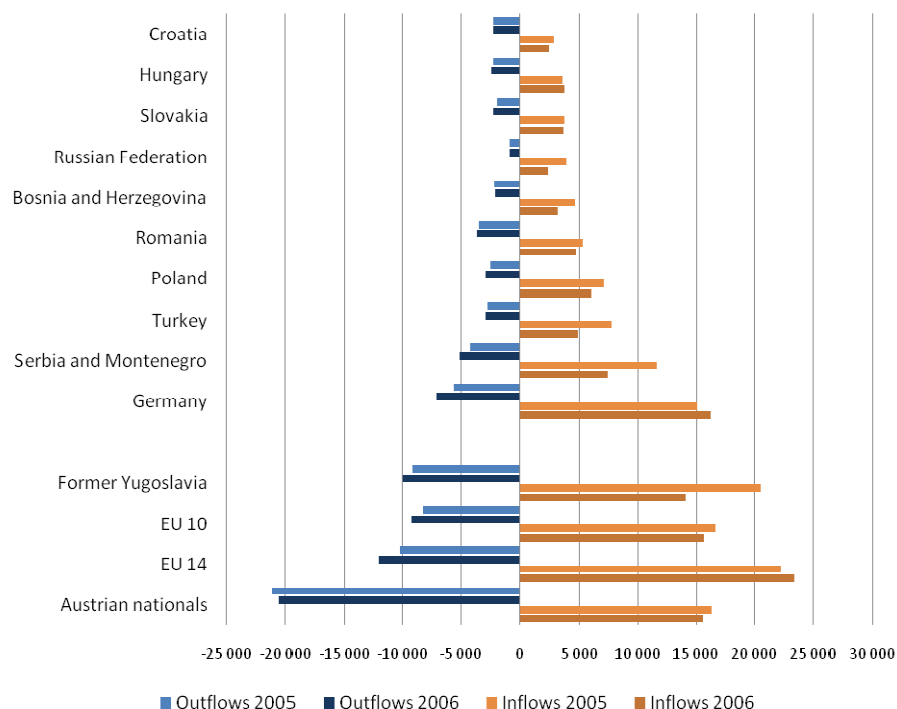
proportion of inflows of third-country nationals had further decreased (2005: 53%; 2006: 46%).

Taking a closer look at EU 24 nationals, the inflows of EU 10⁹ nationals (15.711) have slightly decreased (-6%). This rate contrasts with the first year after their accession to the European Union in 2004, when their number of inflows rose by +60%¹⁰.

Of the EU-14 nationals, inflows (23.387) slightly increased (+5%) and following a continuous trend of previous years, the inflows of German nationals increased and constituted 70% of all EU 14¹¹ in 2006 (in 2005: 68%).¹²

In 2006, as in 2005, the main immigration flows were inflows of nationals of Germany (+16.223; +8%), followed by inflows of nationals of Serbia and Montenegro (+7.423; -36%), Poland (+6.035; -15%), Turkey (+4.897; -37%), Romania (+4.757; -10%), Hungary (+3.734; 5%), Slovakia (+3.669; -1%), Bosnia & Herzegovina (+3.235, -30%), Croatia (+2.535, 12%) and the Russian Federation (+2.438; -38%).

Chart 5: Inflows by country of citizenship, 2005 and 2006.



⁹ EU Member States that joined the EU in 2004: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia.

¹⁰ For further information see National Contact Point Austria to the European Migration Network (IOM): Migration and Asylum in Europe 2005. Austria. Vienna 2008a.

¹¹ Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Spain, Sweden, United Kingdom.

¹² Please note that with the implementation of the Alien's Act Package 2005, EEA nationals have the obligation to register after three months. This might explain the increasing numbers of EU 14 nationals. (see also 3.1.1)

(Source: Eurostat, Statistics Austria)

Several developments can be observed regarding these inflows: While immigration from “traditional source countries” of the so-called guest-worker immigration of the 1960/70s continued and was important (especially from Serbia and Montenegro and Turkey), it is observed that their actual numbers of inflows has decreased significantly in 2006 (Serbia and Montenegro: -36%, Turkey: -37%; Bosnia & Herzegovina: -30%).

On the other hand, the significant increase of German immigrants, who accounted for 70% of the inflows of EU 14 nationals, persisted.

Furthermore, the trend of diversification of countries of citizenship still continued e.g. immigrants from China (1.244), Ukraine (1.017), India (726) and Nigeria (723), which have been continuous for a decade. However, their actual numbers of inflows decreased compared to 2005: China (-27%), India (-44%), Ukraine (-23%) and Nigeria (-46%).

Finally, as already highlighted in the Annual Statistic Reports of 2004 and 2005, it is a recent trend that Russian nationals were among the main countries of citizenship. This was mainly due to the inflows of asylum applicants from the Russian Federation (mainly Chechnya) to Austria.¹³

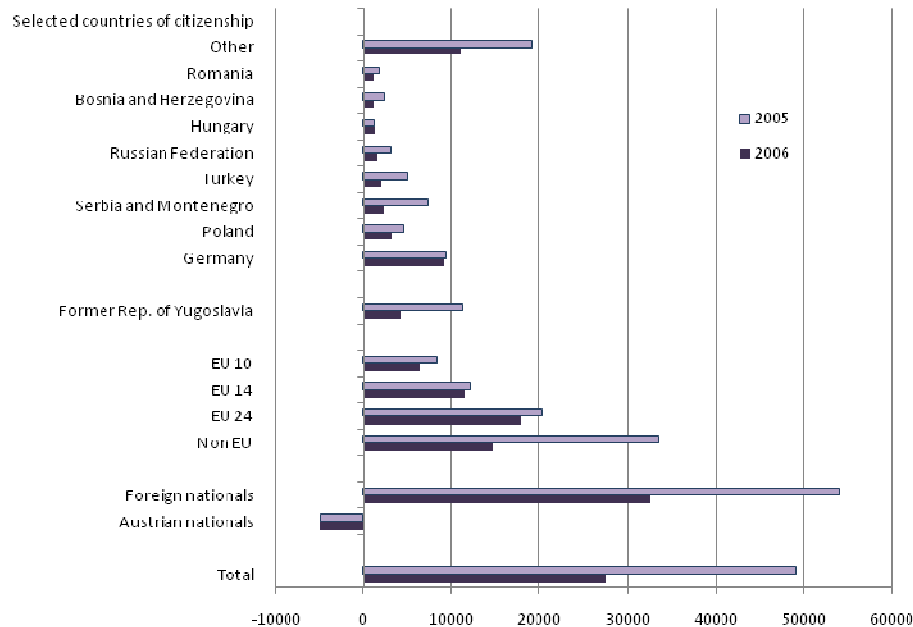
With regards to outflows, in 2006 third-country nationals accounted for 43% (2005: 42%) of the outflows, followed by EU 24 nationals (29%) (2005: 27%), and Austrian nationals (28%) (2005: 31%), whose migration balance is continuously negative. In general, outflows of all groups but Austrian nationals have increased: third-country citizens (+9%), EU 24 (+15%), Austrian nationals (-3%).

In terms of net migration, EU nationals formed, with a share of 65%, the biggest group of foreign nationals. However, the migration gain of EU nationals (17.745) has been below (-13%) that of 2005 (20.431). Differentiated into net migration of “old” and “new” EU member states, the net migration of EU 14 nationals (11.320) has been higher than the one of nationals of the EU 10 (6.425). In comparison with 2005, the actual net migration of both groups has decreased but the rate of decline in the EU 10 was to a greater extent (EU 10: -23%; EU 14: -7%). Within the group of EU 14 nationals, and as in the years before, German nationals represented by far the biggest part with 9.076: their group alone amounted for more than half

¹³ It is important to take into consideration that asylum applicants are included into official migration statistics. With amendment of the Asylum Act in 2003 (in force as of 1 May 2004) the exemption of asylum applicants,

(51%) of the net migration gain of the EU 24. Based on the net migration of EU 14 nationals, the share of German nationals was up to 80%.

Chart 6: Net migration by country of citizenship, 2005 and 2006



(Source: Eurostat, Statistics Austria)

The strongest immigration group of EU 10 nationals in terms of net migration came from Poland (49%), Slovakia (22%) and Hungary (21%). However, the net migration of other nationals of the other “new” EU member states was again as in 2005 very low.

Citizens from the countries of the Former Republic of Yugoslavia (without Slovenia) recorded a strong decline of -61% in migration gains: their net migration was 11.299 in 2005 and 4.100 in 2006. The largest share (55%) in 2005 was citizens of Serbia and Montenegro, followed by 1.155 (28%) citizens of Bosnia & Herzegovina.

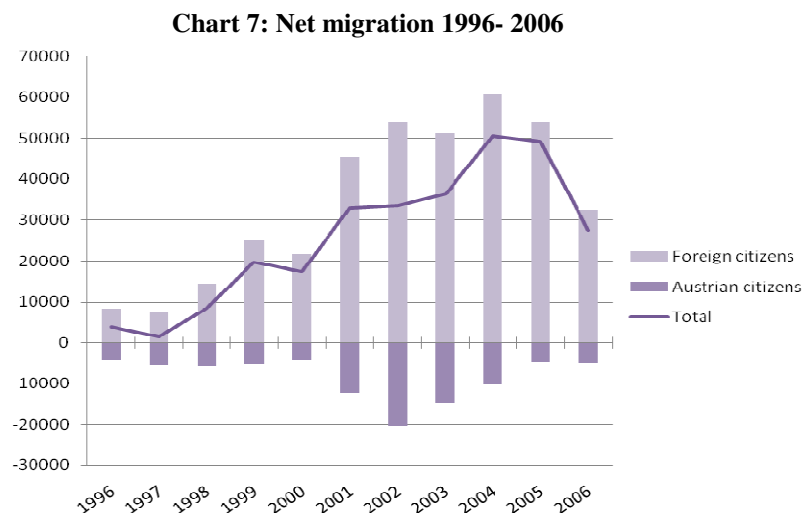
The net migration of Turkish nationals has been falling for several years and in 2006 recorded a further decline of -61% to 1.947 (2005: 5.004).

Outside the EU and the former Republic of Yugoslavia, 3.705 persons from other European countries contributed to considerable migration gains, with 1.567 from the Russian

who are in a federal care facility, from the obligation to register in Austria, was abolished (§ 2 Meldegesetz, (Austrian Registration Act)).

Federation. However, the net migration of this group has declined by -49% (2006: 1.566; 2005: 3.066).

The net migration gains of non-European countries declined to a large degree in 2006: net migration of African countries declined by -71% (2005: 2.221; 2006: 642), net migration of Asia declined by -38% (2005: 5.316; 2006: 3.279). Furthermore the net immigration of migrants from America, especially Latin America, lay significantly below (-38%) the level of former years (2005: 5.316; 2006: 3.279).



(Source: Eurostat, Statistics Austria)

As a conclusion, the decline of the migration balance resulted predominantly from the reduced net migration gain of foreign nationals (2005: 53.975; 2006: 32.480) which has decreased by -40%. This decrease is almost exclusively a result of the significant lower (-56%) immigration gains of non-EU nationals (2005: 33.544; 2006: 14.735). At the same time, the net migration for Austrian nationals (2005: -4.805) stayed at the same negative level (2006: -5.003)¹⁴.

As also underlined in the previous Annual Statistics Reports published since 2003, the observed migration trends from 2000 to 2004 did not reflect the official immigration policy of Austria; the increase in immigration flows during this period stood in contrast to Austria's main immigration policy since the 1990s which called for "Integration before new immigration"¹⁵, demanding restrictions in admission of new immigrants while focussing on

¹⁴ Statistik Austria, Bevölkerungsstand 2007, Vienna 2008.

¹⁵ "Integration vor Neuzuzug"

the integration of resident immigrants. On the contrary, the decrease of immigration flows in 2005 and 2006, according to *Statistics Austria*, results from the stricter legal regulations for the immigration of third-country nationals¹⁶.

3.1.2 Population by Citizenship in 2006

What were the largest groups¹⁷ (by citizenship) of third country nationals in 2006? If significant changes occurred in reference to the size of particular groups of third country nationals in 2006, what were the underlying causes of these changes (e.g. legal, political, economical, other)?

On 1 January 2007¹⁸, 826.013 foreign nationals resided in Austria, accounting for 10% of the total population. Since December 2005, their number increased by 11.948 (+1%). The largest group of foreign nationals in Austria, accounting for more than a third (36%; 297.141) of the total foreign population, constituted nationals of countries of the Former Republic of Yugoslavia¹⁹, which has been traditionally the source country of former “guest-worker” recruitment in the 1960s and 1970s.

Another 30% (245.926) of the foreign population were EU 24-nationals, of which two thirds (66%; 161.803) were from the EU 14 and one third (33%; 84.123) from the EU 10.

However, proportions have shifted: as the total stock of EU 24 residing in Austria increased (+8%; +18.521), the total numbers of nationals from the Former Republic of Yugoslavia has decreased (-2%; -5.081). Also the number of Turkish residents has decreased (-4%; -4.827) which indicates a general trend of decline in third-country nationals. These results, according to *Statistics Austria*²⁰, indicate a lower level of immigration combined with continued naturalisations of third-country nationals.

¹⁶ Ibid.

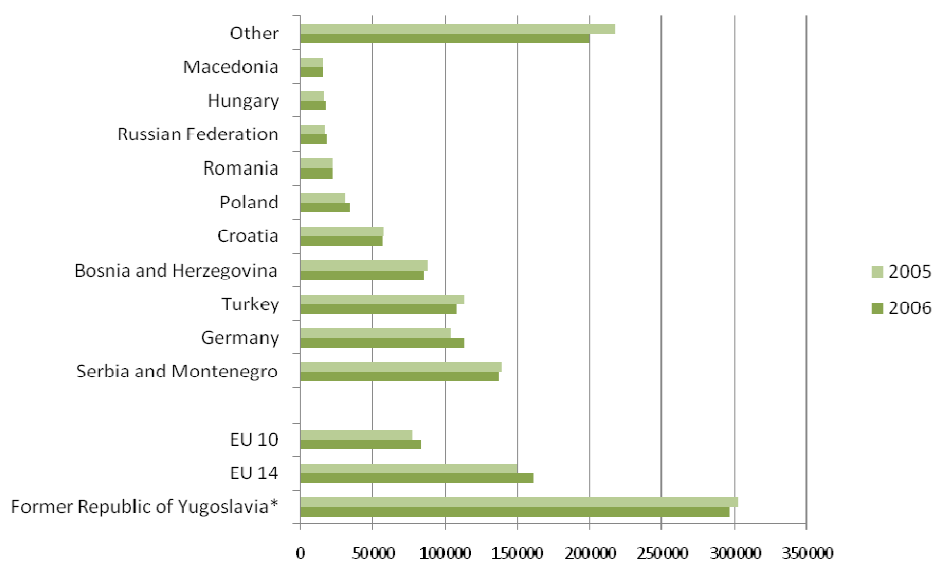
¹⁷ Normally up to and including at least the 10 largest groups is sufficient. More can be provided if you consider relevant, e.g. a particular interest in a specific group at EU-level.

¹⁸ Statistics are taken from Statistics Austria, Statistik des Bevölkerungsstandes. Erstellt am: 23.05.2007.

¹⁹ Excluding Slovenia which is an EU member country since 2004.

²⁰ Statistik Austria, Bevölkerungsstand 2007, Vienna 2008.

Chart 8: Foreign population in Austria by country of citizenship, 2005 and 2006.



* Former Republic of Yugoslavia without Slovenia.
(Source: Eurostat, Statistics Austria)

Differentiated by countries of citizenship, citizens from Serbia and Montenegro represented the largest group of foreign nationals residing in Austria (17%; 137.289). German citizens (14%; 113.668) have displaced Turkish nationals from the second place. Turkish nationals (13%; 108.808) were followed by nationals of Bosnia-Herzegovina (10%; 86,427) and Croatia (7%; 57.103). Non-European third country nationals residing in Austria have been mainly nationals of the Russian Federation (2%; 18.897) and China (1%; 9.153).

3.1.3 Residence Permits

*Residence Permits:*²¹ annual total of first issuing in 2006

How did the total number of residence permits issued for the first time in 2006 change in comparison to the previous year? Please explain the reasons for this (legal, political, administrative changes, etc.). Note that this section should refer only to the first issuing of residence permits and not any subsequent extensions to a residence permit issued in previous years.

This section refers to statistics published by the *Austrian Ministry of the Interior* which contains data on issued first permits as well as extensions of permits. The competence for issuing residence titles is at province level and is administered by the respective district commissions. Furthermore, it is important to take into account that the range of permits issued

²¹ Owing to the different definitions and practices between the Member States, prior to the entry into force of Regulation 862/2007, there are limited comparable data. You are, therefore, requested to provide the data you have, according to the manner in which data are recorded in your Member State, noting that it should be only for the first issuing of such permits.

in Austria does not align with the specifications in this report which distinguishes between residence permits for the categories of family reunification, study and employment. In general, legislation in Austria distinguishes between *residence permits* (Aufenthaltserlaubnis) which are granted for temporary stay in Austria (e.g. students, pupils, temporary employees) and *settlement permits* (Niederlassungsbewilligung) which are issued for the purpose of permanent settlement in Austria to third country nationals. In this context, hereafter these two categories are referred to in their differentiated national meaning.

In 2006, a total of 22.966 *residence* and *settlement permits* were issued. Compared to 2005 (53.366) this number has decreased by more than -57%.

Of this sum, 16.353 first *settlement permits* were issued in 2006. Their number has almost halved (-49%) compared to 2005 when 32.166 were issued. Admission for the purpose of settlement is regulated by both a *quota regime* (Quotenpflichtige Erstniederlassungsbewilligungen) and a *quota-free regime* (Quotenfreie Erstniederlassungsbewilligungen und Erstaufenthaltstitel- Familienangehöriger). The majority of these settlement permits have been issued for reasons of family reunification (88%; 14.395). This decrease in the amount of permits granted will be explained in their legal context later in this chapter.

Besides settlement permits, 6.613 *residence permits* were issued, representing a significant drop (2005: 21.200) by more than two thirds (-69%). Most residence permits have been issued in 2006 for the subcategories “purpose of studies” (39%; 2.596) and “specific cases of employment” (30%; 1.988). This decrease in issued residence permits is a continuous trend since 2003.

3.2 Contextual interpretations (legal, political and international factors)

3.2.1 Main trends and developments in migration policy

What have been the main trends and most important developments in the area of migration policy in your Member State since the previous year (political stance; new or amended laws²²; procedural changes²³; etc.? Please give a short overview.

As mentioned above, a new Aliens' Act Package 2005 was introduced in 2006 which also includes a new Settlement and Residence Act (Niederlassungs- und Aufenthaltsgesetz, NAG) and a new Aliens' Police Act (Fremdenpolizeigesetz, FPG). Moreover, revised versions of the Staatsbürgerschaftsgesetz (Citizenship Act, StbG) and of the Ausländerbeschäftigungsgesetz (Aliens' Employment Act, AuslBG) entered into force at the beginning of 2006.

The new Settlement and Residence Act codifies the rules for immigration into Austria and applies the differentiation of the old Aliens' Act 1997 (Fremdengesetz, FrG 1997) between short-term residence and long term settlement. However, it has restructured the system of different residence and settlement permits for third country nationals. The number and form of residence titles has been reduced and adapted to the EU standards.

Particular attention must be paid to the new provisions concerning family reunifications: while third country national family dependents of EEA nationals need to submit a valid passport and an official documentation of their family connections, family dependants of Austrian citizens, who have not made use of their freedom of movement, have to fulfil the general requirements for granting a settlement/residence permit to third country nationals (provide proof of appropriate accommodation in Austria, health insurance according to Austrian standards and proof of sufficient financial means) and are not allowed to enter Austria before the decision is taken (§ 47 NAG). According to Schumacher and Peyrl, the proof of sufficient financial resources constitutes a particularly harsh burden for dependents of Austrian nationals.²⁴ Until 2005, family dependents of Austrian nationals constituted the largest group of third country national immigrants; this number has significantly decreased in 2005. This new provision explains the diminished migration flows in comparison to 2005.

²² Please explain briefly new or amended immigration laws, and the areas they cover.

²³ Please describe modifications to immigration procedure, including changes in application stages and agencies responsible. Include changes that are the result of both administrative and legal developments.

²⁴ Schumacher, Sebastian/Peyrl Johannes: Fremdenrecht. Asyl – Ausländerbeschäftigung – Einbürgerung – Einwanderung – Verwaltungsverfahren, p. 97, Vienna 2007.

The Integrationsvereinbarung (Integration Agreement, IV),²⁵ which was introduced in 2002, has now been extended (Modul 1 and 2), the list of exceptions shortened and non-compliance will be sanctioned (§§ 14, 77 NAG and § 54 FPG). Moreover, the rules regarding adoptions of third country nationals and marriages with third country nationals have been tightened (§ 109 FPG).

The new Aliens' Police Act also introduced a new category of visa, "D+C", that allows for a temporary limited period of self-employment or certain employed activity for a duration of 3 months maximum for third country nationals (§ 20 FPG). The D+C visa replaces the former "residence permit - seasonal workers" of the § 9 FrG 1997. This amendment also explains the drop in the issued residence permits in 2006. The number of issued D+C visas in 2006 corresponds to the number of issued residence permits for seasonal workers in 2005.

Also new is the obligation of EEA nationals benefiting from the free movement provisions by registering after 3 months. This registration requirement might explain the increasing numbers of EU-14 nationals in data from 2006, as EEA nationals were not previously registered specifically.

For more information on these new laws, consult the Policy Report for 2005 and 2006 (NCP 2006a), available at: www.emn.at.

Table: Accorded settlement permits, 2005-2006

	2005	2006
Settlement permits subject to quotas	6.258	4.069
Quota-free settlement permits	25.908	12.664
Thereof family dependants of Austrian citizens	23.444	8.595

3.2.2 Categories of admission and non-admission

What were the existing categories of admission or non-admission²⁶ in 2006?

As mentioned above the system of different residence and settlement permits has been restructured, however the categories of admission have not changed significantly. The

²⁵ The Integration Agreement sets out that a third country national who plans to stay in Austria for a period of more than 24 months within two years and needs a residence title, has to learn German at a level, which enables him/her to participate in the social and cultural life.

²⁶ This refers to the categories which might be used in your Member State for the admission or non-admission of migrants. Examples for admission are family reunification, work, study; and, for non-admission, examples are false documents, known criminal activities, potential threat to national security. Please list the categories used in your Member State (or, if none, state this also) and breakdown any data provided using these categories.

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, artists, persons with no access to the labour market (“private”), and other. In 2006, a total number of 6.613 first residence permits and a total number of 16.353 first settlement permits were issued. In terms of residence permits the most significant category is study 39 % (2.596), which were issued to students, while only 10% (661) of the first residence permits were issued to family members. For settlement permits, 88 % (14.395) of the total number issued were to family members. Although family reunification has been legally restricted, it continues to be the most important category of admission.

In 2006, a total number of 4.468 negative decisions were issued. This includes dismissals regarding content, dismissals for formal reasons, abatements and withdrawals. However there is no data available concerning the categories of non-admission.

3.2.3 European / international factors

Could you identify European / international factors explaining certain changes/continuity regarding migration in your Member State in comparison to the previous year?

The decrease of immigration flows to Austria is against the general trend followed by OECD countries, in which the numbers of immigrants have risen by 18%²⁷. This is among other factors linked to the reformed national immigration law (NAG 2005) implemented in Austria at the beginning of 2006. These laws have aimed particularly at the restrictions of family reunification of third-country dependants of Austrian nationals. These restrictions especially affected inflows from the Former Republic of Yugoslavia and Turkey, which were mostly motivated by family reunification of naturalized immigrants from these countries.

Regarding the inflows from the EU 14, the increasing number of German immigrants could be seen in context of the growth of tensions on the German labour market. Similar linguistic and cultural environments, close proximity and open labour segments such as in service and gastronomy, presents Austria as an attractive place for migration of German nationals. In addition, a growing attraction over several years of German students to Austrian universities could be observed.

²⁷ OECD (2008): International Migration Outlook 2008. Paris.

As for immigration from the EU 10, inflows from these countries have further decreased after having grown by +60% in the year 2004. The transitional restrictions for the EU 828 to the Austrian labour market have been continued and limit the access of the “new” EU citizens to the Austrian labour market. Nevertheless, new EU citizens work in different forms of irregular employment, e.g. undeclared care work in the household sector, which is often undertaken by persons from the new EU member states, in particular from the neighbouring Slovak Republic.

²⁸ Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia.

4. REFUSALS, APPREHENSIONS AND REMOVALS

The figures presented in the following chapters are provided by *Eurostat* and slightly diverge from the statistics published by the *Austrian Ministry of Interior*.

4.1 Analysis and interpretation of statistics

4.1.1 Please describe developments/trends²⁹ pertaining to the number of refusals³⁰ in 2006 in comparison to the previous year.³¹ Have there been changes in the main countries of citizenship of refused migrants since the previous year? If possible, give reasons for these changes/continuity.

In 2006, 29.128 refusals at Austrian borders were recorded, representing an increase of 25% compared to 2005 when 23.295 were recorded. Among the most important reasons for refusals, according to the *Austrian Ministry of the Interior*, and to the same extent as in 2005, were alerts from the Schengen Information System (SIS), attempts to enter without a passport or a valid visa and threats to public security. The main countries of citizenship of those refused entry were Romania (17.774; 61%), Bulgaria (3.610; 12,4%), Switzerland (1.307; 4,5%), Serbia and Montenegro (1.095; 3,8%), Croatia (550; 1,9%), Turkey (408; 1,4%) and Ukraine (401; 1,4%), the FYR of Macedonia (390; 1,3%) and Bosnia and Herzegovina (320; 1,1%).

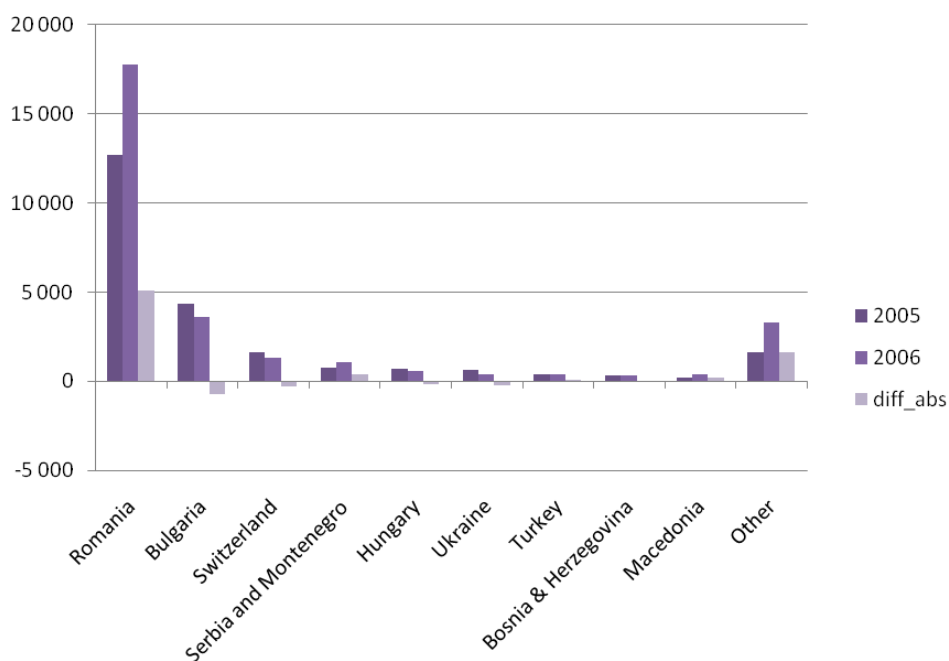
Comparing these figures with those of 2005, the number of refused aliens increased from FYR of Macedonia (+81%), Serbia and Montenegro (+48%), Romania (+40%), Turkey (+12%), Bosnia and Herzegovina (+8%), while the number of refused persons from Ukraine (-39%), Croatia (-23%), Switzerland (-20%) and Bulgaria (-16%) decreased. A decrease also occurred for nationals of Moldova who were no longer represented among the main ten countries of citizenship in 2006.

Chart 9: Aliens refused entry by country of citizenship, 2005 and 2006.

²⁹ This includes, for letters a) to c): information on the *number* of refusals; their *citizenship*; the difficulties in return of migrants; and special arrangements with certain countries of origin or transit regarding return and deportation.

³⁰ A "Third-country national refused entry" means a third-country national who is refused entry at the external border because they do not fulfil all the entry conditions laid down in Article 5(1) of Regulation (EC) No 562/2006 and do not belong to the categories of persons referred to in Article 5(4) of that Regulation.

³¹ In case your Member State does not collect data on refused aliens, we kindly ask you to send us your enforcement statistics, even if they are not directly comparable.



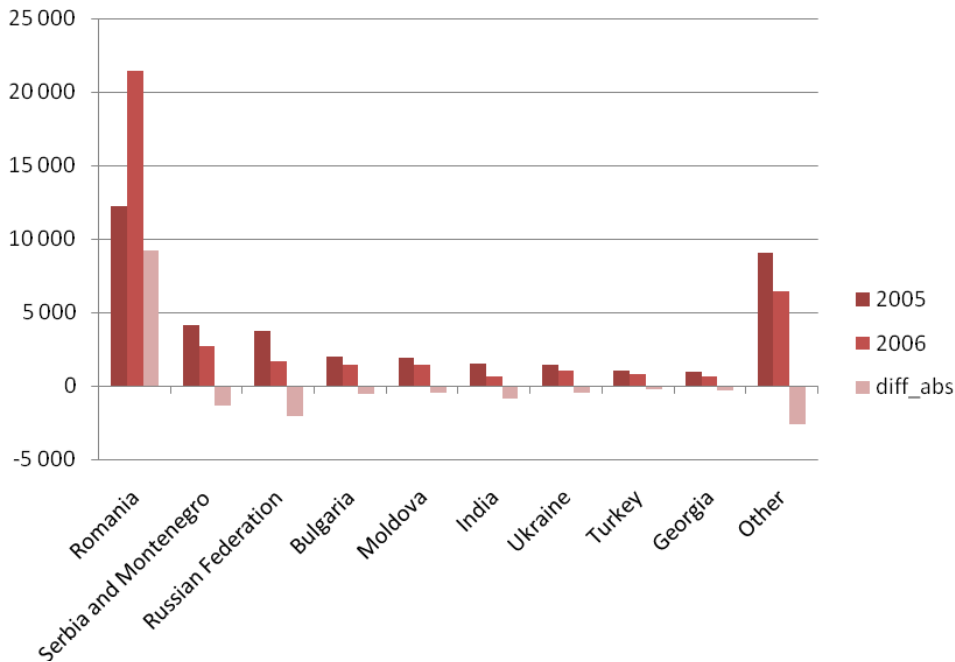
(Source: Austrian Ministry of the Interior)

4.1.2 Please describe developments/trends pertaining to the number of apprehensions of illegally-resident third-country nationals in 2006 in comparison to the previous year.³² Have there been changes in the main countries of citizenship of those apprehended in 2006? If possible, give reasons for these changes/continuity.

In 2006, 38.162 aliens who were present on Austrian territory irregularly were apprehended. This amount has slightly increased (+1%) compared to 2005, when 37.934 apprehensions were recorded. The main countries of citizenship of apprehended persons were Romania (56%), Serbia and Montenegro (7%) followed by the Russian Federation (4%), Moldova (4%), Bulgaria (4%), Ukraine (3%) and Turkey, Georgia, and India which each represented 2%. With only slight changes in their order, the ten main countries of citizenship remained the same as in 2005. However, taking into account the change of actual numbers of apprehensions from 2005 to 2006, only the numbers of apprehended persons from Romania increased at a significantly high percentage (+76%). Moreover, the general increase of apprehended persons in 2006 was affected only by the increase of apprehended Romanian nationals.

³² In case your country does not collect data on apprehensions, please provide your Enforcement Statistics, even if they are not directly comparable.

Chart 10: Apprehensions of irregular-resident third-country national, 2005 and 2006.



(Source: Austrian Ministry of the Interior)

The increase in these numbers compensates for the decrease of apprehension numbers of other foreign nationals. The numbers of apprehended aliens from India have decreased by -59%, by -55% for nationals of the Russian Federation, -34% for nationals of Georgia and -32% by the nationals of Ukraine. Apprehensions of nationals of Mongolia, which underwent a strong increase in 2005 (+180%), as of 2004 their actual number has gone down (-27%). Due to the general decrease of apprehensions of other nationals, with the exception of Romania, they now rank tenth place, replacing apprehensions of Nigerian nationals.

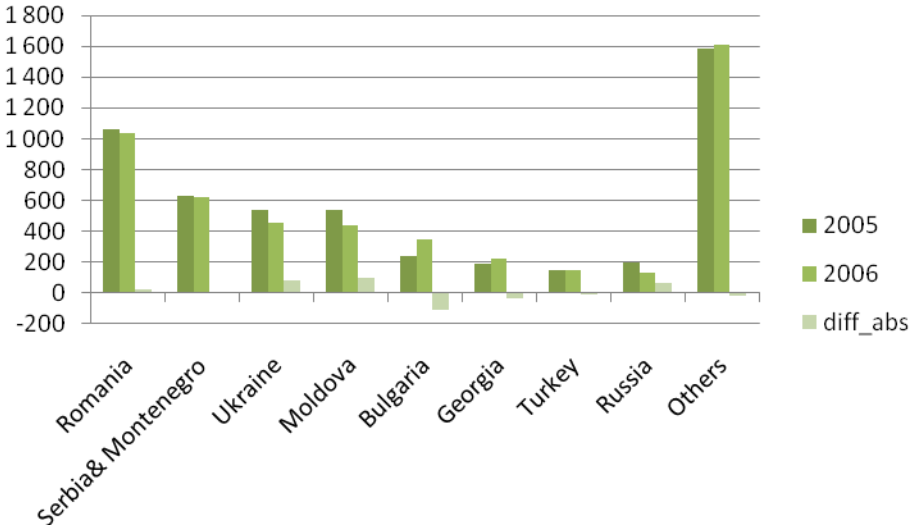
In Austria, statistics on apprehended persons and asylum applicants are considered to be interrelated as asylum applicants who enter Austria illegally are also registered as apprehended persons and vice versa. This interrelation is due to the tendency of asylum applicants to enter illegally and then file an asylum application at/after their apprehension. As a consequence, the trends for certain nationalities are consistent when comparing asylum applications and apprehensions, whereby the number of either asylum applicants or apprehended persons from Serbia and Montenegro increased, while for nationals of Russia, Georgia, India and Moldova, both numbers declined (from Annual Synthesis Report 2004 & 2005). However, it must be underlined that asylum trends (declining numbers) and apprehension trends (increasing numbers) 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).

4.1.3 Please describe developments/trends pertaining to the number of removals in 2006 in comparison to the previous year. Have there been changes in the main countries of citizenship of removed migrants? If possible, explain the underlying factors for these changes/continuity.

Trends in the number of removals have shown a further decrease: whereas 5.239 aliens have been removed from Austrian territory in 2005, in 2006, the number was 4.904, reflecting a slight decrease of -6%. In terms of the country of citizenship, most of the removed aliens were from Romania (21%; 1.038), followed by nationals of Serbia and Montenegro (13%; 623), Ukraine (9%; 455); Moldova (9%; 438) and Bulgaria (5%; 239). Compared to 2005, there has been a decrease of effective numbers (with the exception of removals of Georgian nationals): Romania (-3%, 1.038), Serbia and Montenegro (-1%; 623), Ukraine (-16%; 455), Moldova (-19%; 438); Bulgaria (-31%; 239), Georgia (226; +18%), Turkey (147;-2%) and Russia (133; -31%). The ten countries of citizenship with the most removals remained the same, with the exception of Nigeria and Albania which have been replaced by Iraq (129) and China (122).

Chart 11: Removals of third-country nationals, 2005 and 2006.



(Source: Austrian Ministry of the Interior)

4.1.4 In cases of refused, apprehended, and removed migrants in 2006, 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 in the ranking of the respective categories. As in previous years, Romania ranks first in all three categories and by a great extent in actual numbers.

Consistencies in the citizenship of apprehended aliens and asylum applicants are a fact that has been acknowledged in Austria in former years. In this regard, nationals of Serbia and Montenegro, who represented the largest asylum seeking group in 2006, rank second concerning the citizenships of apprehended and removed aliens. In the category of refused aliens, they still rank fourth. As indicated above, the statistics on apprehended persons and asylum applicants are considered to be interrelated due to two reasons: on the one hand, asylum applicants who enter Austria irregularly are automatically registered as apprehended persons and on the other hand, there are tendencies to enter irregularly and then file an asylum application upon their apprehension, which is legally possible.

4.2 Contextual interpretations (legal, political and international factors)

4.2.1 New or amended laws influencing illegal immigration in 2006

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

The main changes regarding return policy that have been introduced in the Aliens' Police Act (FPG) are the procedures for detention-pending-deportation and expulsion. Structurally, rules pertaining to return and detention-pending-deportation are included in the FPG, while the provisions concerning expulsion are included in the AsylG. Detention-pending-deportation can be imposed for different reasons and for a longer period than in previous years: maximum up to 10 months. (§ 80 FPG) The most relevant stages are the securing of the expulsion procedure, the implementation of a residence ban, or securing the transit through Austrian territories. In cases of continuous detention for more than six months, the *Independent Administrative Senate* (Unabhängiger Verwaltungssenat, UVS) must review the decision every eight weeks and decide whether the reasons for detention are still valid. If this is not the case, the alien has to be released (§§ 80 and 81 FPG).

Other provisions aim at the acceleration of the expulsion procedure: for instance the expulsion procedure must be instituted *ex lege* if the asylum seeker does not cooperate with the asylum authorities. These authorities can further institute an expulsion procedure if the asylum seeker has been sentenced for certain crimes. Furthermore, an asylum procedure, where an expulsion procedure has already been instituted, has to be dealt with as a priority (§ 27 AsylG).

According to the Annual Report 2006 – Organised Human Smuggling (Schlepperbericht 2006) from the Austrian *Criminal Intelligence Service* (Bundeskriminalamt), the significant decrease of apprehended smuggled persons in 2006 is mainly the result of the implementation of the Aliens' Package 2005, particularly with regard to asylum and expulsion procedures. The implementation of the Dublin II Regulation has further contributed to the decrease of apprehensions of smuggled persons. Mainly because until 2006 the *Austrian Refugee Care Centres* (Flüchtlingsbetreuungsstellen Traiskirchen and St.Georgen) were deliberately included in the smuggling route to other EU member states as "interim accommodations", and asylum applications were used to legalise the migrant's stay.

4.2.2 *Procedural changes influencing illegal immigration in 2006*

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.

There are no major procedural changes to report for this period.

4.2.3 *European / international factors*

Can you identify European / international factors explaining certain changes/continuity regarding illegal entry in 2006 in your Member State?

As emphasised in previous reports, the main event in this regard was the EU enlargement as well as the implementation of EU policies with regard to asylum; both had an impact on the figures. Austria no longer forms part of the external frontier of the EU, consequently a large number of asylum applicants reach Austria through another EU member states. In accordance with the Dublin II Regulation (343/2003/EC), Austria can reject an asylum application on grounds of lack of jurisdiction.

5. OTHER DATA AVAILABLE

5.1 Labour market and employment

In 2006, the average numbers for employed foreign nationals was 390.695 persons, which amounted to a share of 12% of the total number of employees in this period (3.280.878)³³. Compared to 2005 (374.187), the number of employed foreigners has increased by +4% whereas the number of employed Austrians had decreased by -5%.

Regarding unemployment rates, 42.191 foreign nationals were registered as unemployed by the *Public Employment Service* (Arbeitsmarktservice, AMS), representing an unemployment rate of almost 9,7%³⁴. Although this rate has decreased (2005: 10,6%), it was still above the rate of Austrian nationals which was recorded at 6,4% (2005: 6,8%). As in former years, it can be concluded that non-nationals are more affected by unemployment than Austrian nationals.

5.2 Naturalisations

After the peak of naturalisation (45.112) in 2003, the decline of the number of naturalisations continued. In 2006, 25.746 foreigners were naturalised in Austria, which represents a decline of -26% compared to 2005.

In terms of countries of citizenship, most naturalised persons came from Turkey (29%; 7.542), Bosnia & Herzegovina (18%; 4.597), Serbia and Montenegro (16%; 4.294) and Romania (4%; 986). In this context, it should be recalled that the Former Yugoslavian Republic and Turkey were the main recruiting countries of the so-called “guestworker-scheme”; this immigration scheme started in the early 1960s when the Austrian labour market was in great need of labour force.

With the new immigration law, access to Austrian citizenship was also made more restrictive, with the minimum duration of settlement prior to naturalization Citizenship Act

³³ Data source: Public Employment Service (Arbeitsmarktservice, AMS)

³⁴ 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).

(Staatsbürgerschaftsgesetz, StbG) (§ 10 StbG) being raised to 10 years. Other conditions for citizenship such as knowledge of the German language and an exam on applied geography have been introduced (§ 10a StbG). This legal development contributes to the declining number of naturalisations.

It has to be stressed that the principle of “*ius sanguinis*” continues to be the underlying principle of the Austrian Citizenship Act. The consequence of this principle is that descendants of immigrants, even the second generation do not obtain Austrian citizenship automatically.

5.3 Voluntary return

Compared to 2005, the statistics compiled by the International Organization for Migration (IOM) in Vienna for 2006 present an increase in voluntary return from Austria via the Assisted Humanitarian Voluntary Return Programme (AHVR), the same as in 2005.³⁵ While in 2005, a total of 1.406 individuals were assisted in their return to their country of origin, the number increased to 1.939 returnees in 2006 (+27%). As in the previous year, Serbia and Montenegro (most of these persons returning to Kosovo) was the main destination with 551 returnees (28% of the total). Other main countries of return in 2005 were Moldova (161; 8%), Turkey (125; 6%), Romania (112; 6%) and Mongolia (105; 5%).

³⁵ Data source: International Organization for Migration (IOM) Vienna; available at: www.iomvienna.at

REFERENCES

- Bundeskriminalamt: Schlepperbericht 2006, Vienna, 2007.
- Cinar, Dilek/Waldrauch, Harald: Staatsbürgerschaft und Einbürgerungspraxis in Österreich. In: Fassmann, Heinz/Stacher, Irene (eds.), Österreichischer Migrations- und Integrationsbericht. Demographische Entwicklungen – Sozioökonomische Strukturen – Rechtliche Rahmenbedingungen. Klagenfurt 2003, 261-283.
- Fassmann, Heinz (2007):2. Österreichischer Migrations- und Integrationsbericht 2001-2006. Klagenfurt: Drava Verlag.
- Hauer, Andreas/Keplinger, Rudolf: Fremdenrechtspaket 2005. Vienna, 2008.
- Human Rights Watch. Human Rights Overview. Serbia and Montenegro. 2006. available online at: <http://www.hrw.org/english/docs/2006/01/18/serbia12242.htm> (accessed in March 2008).
- Kutscher, Norber/Poschalko, Nora/Schmalzl, Christian: Niederlassungs- und Aufenthaltsrecht. Vienna 2006.
- Kytir, Josef/Lebhart, Gustav/Neustätter, Christian: Von der Bevölkerungsfortschreibung zum Bevölkerungsregister. Datengrundlagen, Konzepte und methodische Ansätze des neuen bevölkerungsstatistischen Systems, in: Statistische Nachrichten 3/2005, Statistik Austria, Vienna 2005.
- Lebhart, Gustav/Marik-Lebek, Stephan: Zuwanderung nach Österreich. Aktuelle Trends. In: Fassmann, Heinz (ed.): 2. Österreichischer Migrations- und Integrationsbericht. Rechtliche Rahmenbedingungen – demographische Entwicklungen – sozioökonomische Strukturen, Klagenfurt 2007, 145-162.
- Lebhart, Gustav/Kytir, Josef: Die Migrationsstatistik Österreichs im neuen Bevölkerungsregister. Datengrundlagen, Konzepte und methodische Ansätze des neuen bevölkerungsstatistischen Systems der Statistik Austria, Vienna.
- National Contact Point Austria to the European Migration Network (IOM): Migration and Asylum in Europe 2004. Austria. Vienna 2008a.
- National Contact Point Austria to the European Migration Network (IOM): Migration and Asylum in Europe 2005. Austria. Vienna 2008a, available at: www.emn.at.
- National Contact Point Austria to the European Migration Network (IOM): Policy Report. Immigration and Integration in Austria 2005. Vienna 2008b, available at: www.emn.at.
- National Contact Point Austria to the European Migration Network (IOM): Policy Report. Immigration and Integration in Austria 2006. Vienna 2008b, available at: www.emn.at.
- National Contact Point (NCP) Austria within the European Migration Network (EMN): Migration and Asylum in Europe 2003. Country Report to the EC Annual Report on Statistics on Migration and Asylum, Vienna 2006b, http://ec.europa.eu/justice_home/doc_centre/asylum/statistics/doc_annual_report_2003_en.htm (accessed in November 2007).
- National Contact Point (NCP) Austria to the European Migration Network (EMN): Policy Report. Immigration and Integration in Austria. Reference Period 1 January 2003 to 31 July 2004, Vienna 2004, available online at: <http://www.emn.at/modules/typetool/pnincludes/uploads/Policy%20Report%20Austria.pdf> (accessed in November 2007).

OECD (2008): International Migration Outlook 2008. Paris.

Putzer, Judith/Rohrböck Joseph, Asylrecht – Leitfaden zur neuen Rechtslagen nach dem AsylG. Vienna 2005.

Schrefler-König, Alexandra/Gruber, Thomas: Asylrecht. Vienna 2008.

Schumacher, Sebastian/Peyrl Johannes: Fremdenrecht. Asyl – Ausländerbeschäftigung – Einbürgerung – Einwanderung – Verwaltungsverfahren, Vienna 2007.

Statistik Austria, Bevölkerungsstand 2007, Vienna 2008.

Statistik Austria, Rückgang der Einbürgerungen im Jahr 2006 um ca. ein Viertel. Fast ein Drittel der Eingebürgerten bereits in Österreich geboren, Press release 14 March 2006, available online at: http://www.statistik.at/web_de/dynamic/statistiken/bevoelkerung/einbuengerungen/020141 (accessed in November 2007).

United Nations High Commission on Refugees (UNHCR) (2006): Asylum Level and Trends in Industrial Countries 2005. Geneva: UNHCR. Available online at: <http://www.unhcr.org/cgi-bin/txis/vtx/events/opendoc.pdf?tbl=STATISTICS&id=44153f592>

United Nations High Commission on Refugees (UNHCR) (2007): Statistical Yearbook 2005. Trends in Displacement, Protection and Solution. Geneva. Available at: <http://www.unhcr.org/statistics/STATISTICS/464478a72.html> (accessed in March 2008)

United Nations High Commission on Refugees (UNHCR) (2007): Asylum Levels and Trends in Industrialized Countries, 2006. Overview of Asylum Applications lodged in European and Non-European Industrialized Countries in 2006. Geneva: UNHCR.

United Nations High Commission on Refugees (UNHCR) (2007): Global Trends 2006. Geneva: UNHCR.

Additional Data Sources

Public Employment Service (Arbeitsmarktservice, AMS) www.ams.at

Additional statistics were taken from publications of the Austrian Ministry of the Interior, partly available at: www.bmi.gv.at/publikationen

Bundesministerium für Inneres, Sektion III: Statistik Dezember 1997, Vienna 1998

Bundesministerium für Inneres, Sektion III: Statistik Dezember 1998, Vienna 1999.

Bundesministerium für Inneres, Sektion III: Statistik Dezember 1999, Vienna 2000.

Bundesministerium für Inneres, Sektion III: Statistik Dezember 2000, Vienna 2001.

Bundesministerium für Inneres, Sektion III: Statistik 2001, Vienna 2002.

Bundesministerium für Inneres, Sektion III: Statistik 2002, Vienna 2003.

Bundesministerium für Inneres, Sektion III: Asyl- und Fremdenstatistik 2003, Vienna 2004.

Bundesministerium für Inneres, Sektion III: Asyl- und Fremdenstatistik 2004, Vienna 2005.

Bundesministerium für Inneres, Sektion III: Asyl- und Fremdenstatistik 2005, Vienna 2006.

Bundesministerium für Inneres, Sektion III: Asylstatistik 2006, Vienna 2007.

Bundesministerium für Inneres, Sektion III: Fremdenstatistik 2006, Vienna 2006⁷

Bundeskriminalamt/Bundesministerium für Inneres: Organisierte Schlepperkriminalität. Jahresbericht 2004. Lageberichte, Statistiken, operative Analysen. Vienna 2005.

Bundeskriminalamt/Bundesministerium für Inneres: Organisierte Schlepperkriminalität. Jahresbericht 2005. Lageberichte, Statistiken, operative Analysen. Vienna 2006.

Websites

Website of Statistics Austria: www.statistik.at

Website of Public Employment Service (Arbeitsmarktservice, AMS): www.ams.or.at

Legislation

Asylgesetz 2005, AsylG, BGBl I 100/2005.

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

Fremdenpolizeigesetz 2005, FPG, BGBl I 100/2005.

Niederlassungs- und Aufenthaltsgesetz 2005, NAG, BGBl I 100/2005.

Staatsbürgerschaftsgesetz 1985, StbG, BGBl I 311/2005, amended version BGBl I 37/2006.

Grundversorgungsvereinbarung 2004, Art. 15a B-VG, BGBl. I 80/2004.

ANNEX

Table 1: 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: Austrian Ministry of the Interior

Table 2: Positive and negative asylum decisions by instance 1998-2006

	1998		1999		2000		2001		2002		2003		2004		2005		2006	
	pos.	neg.	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	2.314	3.216
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	1.749	2.651
Total	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	4.063	5.867

Source: Austrian Ministry of the Interior

Comments: Detailed statistics broken down by instance were not published in 2002

Table 3: Asylum applications - main countries of origin 2005

Country	Total
TOTAL	22.461
Serbia and Montenegro	4.403
Russian Federation	4.355
India	1.530
Moldova	1.210
Turkey	1.064
Georgia	954
Afghanistan	923
Nigeria	880
Mongolia	640
Bangladesh	548
Others	5.954

Source: Austrian Ministry of the Interior

Table 4: Asylum applications and decisions – main countries of origin 2006

Country	Total
TOTAL	13.349
Serbia	2.515
Russian Federation	2.441
Moldova	902
Afghanistan	699
Turkey	668
Georgia	564
Mongolia	541
India	479
Nigeria	421
Iraq	380
Others	3.739

Source: Austrian Ministry of the Interior

Table 5: Overview of population and migration flows 1999-2006.

	1999	2000	2001	2002	2003	2004	2005	2006	2007
Legally resident population	7.982.461	8.002.186	8.020.946	8.065.146	8.102.175	8.140.122	8.206.524	8.265.925	8.298.923
Recorded immigration	86.710	79.278	111.998	113.165	113.554	127.399	117.822	100.972	106.905
Recorded emigration	66.923	62.006	79.034	79.658	77.257	76.817	68.650	73.495	74.191

Source: Statistics Austria, Eurostat

Table 6: Inflows and outflows by citizenship 2005 and 2006

Nationality	Inflows		Outflows		Net migration	
	2005	2006	2005	2006	2005	2006
Total	117.822	100.972	68.650	73.495	49.172	27.477
Austrian nationals	16.367	15.588	21.170	20.591	-4.803	-5.003
Foreign nationals	101.455	85.384	47.480	52.904	53.975	32.480
Europe	80.963	69.151	37.606	41.652	43.357	27.499
<i>EU 14</i>	<i>22.277</i>	<i>23.387</i>	<i>10.244</i>	<i>12.067</i>	<i>12.033</i>	<i>11.320</i>
Germany	15.060	16.223	5.658	7.147	9.402	9.076
<i>EU 10</i>	<i>16.673</i>	<i>15.711</i>	<i>8.275</i>	<i>9.286</i>	<i>8.398</i>	<i>6.425</i>
Poland	7.108	6.035	2.546	2.899	4.562	3.136
Slovakia	3.724	3.669	1.935	2.285	1.789	1.384
Hungary	3.549	3.734	2.245	2.401	1.304	1.333
<i>FRY (without Slovenia)</i>	<i>20.495</i>	<i>14.141</i>	<i>9.196</i>	<i>10.041</i>	<i>11.299</i>	<i>4.100</i>
Bosnia and Herzegovina	4.608	3.235	2.208	2.080	2.400	1.155
Croatia	2.884	2.535	2.241	2.237	643	298
Mazedonia	1.394	948	462	562	932	386
Serbia and Montenegro	11.609	7.423	4.285	5.162	7.324	2.261
Bulgaria	1.467	1.315	1.035	1.020	432	295
Romania	5.261	4.757	3.496	3.656	1.765	1.101
Turkey	7.798	4.897	2.794	2.950	5.004	1.947
Russian Federation	3.909	2.438	843	872	3.066	1.566
Ukraine	1.314	1.017	656	684	658	333
Africa	4.365	3.089	2.144	2.449	2.221	640
America	3.366	3.096	2.056	2.269	1.310	827
Asia	10.418	9.225	5.102	5.946	5.316	3.279
Ozeania	261	286	187	200	74	86
stateless	143	118	71	82	72	36
unknown	1.939	419	314	321	1.625	98

Source: Statistics Austria

Table 7: Resident population by citizenship (on the 31st of December 2005 and 2006)

Citizenship	Resident Population by 1st January 2006	
	2005	2006
Total	8.265.925	8.298.923
<i>Austrian Nationals</i>	<i>7.451.860</i>	<i>7.472.910</i>
<i>Non nationals</i>	<i>814.065</i>	<i>826.013</i>
EU-24 countries	227.405	245.926
Belgium	1.376	1.370
Cyprus	86	93
Czech Republic	7.941	8.277
Denmark	1.082	1.087
Estonia	167	185
Finland	1.172	1.210
France	5.683	6.123
Germany	104.410	113.668
Greece	2.529	2.544
Hungary	16.763	18.135
Ireland	841	891
Italy	12.769	13.441
Latvia	383	401
Lithuania	528	596
Luxembourg	499	545
Malta	49	52
Netherlands	5.607	6.027
Poland	31.456	34.676
Portugal	1.315	1.377
Slovakia	13.334	14.850
Slovenia	6.692	6.858
Spain	2.454	2.629
Sweden	2.900	3.092
United Kingdom	7.369	7.799
Selected non-EU countries	586.660	580.087
Bosnia-Herzegovina	88.490	86.427
Bulgaria	6.797	6.910
Croatia	58.351	57.103
Macedonia	16.305	16.322
Russian Federation	17.267	18.897
Romania	22.776	23.048
Switzerland	6.868	7.083
Serbia Montenegro	139.076	137.289
Turkey	113.635	108.808
Ukraine	4.590	4.799
Others	134.362	113.401

Source: Statistics Austria

Table 8: Issued first permits 2005-2006³⁶

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: Austrian Ministry of the Interior

³⁶ Comments: 2006: The number of "first settlement permits (quota-free)" includes the "Erstaufenthaltsstiel - 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 (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 9: Naturalisations 1998-2006

Characteristics	1998	1999	2000	2001	2002	2003	2004	2005	2006
Naturalisations (total)	17.786	24.678	24.320	31.731	36.011	44.694	41.645	34.876	25.746
Naturalisationrate	2,6	3,6	3,5	4,4	4,8	5,9	5,4	4,4	3,1
Citizenship									
Former Republic of Yugoslavia*	4.142	6.728	7.557	10.737	13.990	21.574	18.917	16.974	12.631
Turkey	5.664	10.324	6.720	10.046	12.623	13.665	13.004	9.545	7.542
Countries of the European Union	219	133	138	157	131	147	1.537	1.075	711
Other european countries	3.895	3.598	4.943	5.172	4.222	4.283	2.358	2.031	1.831
Non-european OECD-countries	151	112	119	106	87	93	167	151	86
Other countries	3.715	3.783	4.843	5.513	4.958	4.932	5.662	5.100	2.945
Country of birth									
Austria	5.101	8.178	7.312	9.647	11.121	13.680	12.278	10.024	7.710
Outside Austria	12.685	16.500	17.008	22.084	24.890	31.014	29.367	24.852	18.036
Age groups									
0 to 18 years	6.293	9.210	8.953	12.323	14.404	18.112	17.090	13.941	9.808
18 to 59 years	11.316	15.279	15.198	19.239	21.424	26.231	24.138	20.406	15.549
60 years and over	177	189	169	169	183	351	417	529	389
Sex									
Men	8.526	12.187	12.070	16.035	18.290	22.337	20.913	17.560	12.577
Women	9.260	12.491	12.250	15.696	17.721	22.357	20.732	17.316	13.169

* without Slovenia

Source: Statistics Austria

Table 10: Naturalisations 2006

Former Citizenship	2006
Total	26.259
Europe	22.714
Austrian neighbour countries (includ. Former Republic of Yugoslavia), Turkey	20.673
Former Yugoslavia	12.644
Turkey	7.549
Bosnia and Herzegovina	4.597
Serbia and Montenegro	4.294
Croatia	2.497
Romania	983
Macedonia	716
Serbia and Montenegro	534
Egypt	410
Nigeria	364
Afghanistan	261
Iran	260
Bulgaria	248
Poland	237
Russian Federation	237
Pakistan	182
Ghana	176
China, Republik (Taiwan)	169
India	164
Ukraine	146
Other	2.235

Source: Statistics Austria

Table 11: Employed persons in Austria 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

Table 12: Voluntary Return 2006 - returnees by country of destination

Destination country	Total
Serbia and Montenegro	551
Moldova	161
Turkey	125
Romania	112
Mongoliai	105
Ukraine	103
Georgia	96
Bulgaria	72
Russian Federation	71
Macedonia (former Rep. of Yugoslavia)	67
Belarus	62
Nigeria	58
India	45
Armenia	36
Bosnia and Herzegovina	29
Other	246
Total	1.939

Source: International Organization for Migration (IOM) Vienna