



IOM International Organization for Migration



AUSTRIA ANNUAL STATISTICS REPORT

2009

The EMN was established via Council Decision 2008/381/EC and is financially supported by the European Union. The EMN National Contact Point Austria is co-financed by the Austrian Federal Ministry of the Interior.



BM.I



REPUBLIC OF AUSTRIA
FEDERAL MINISTRY OF THE INTERIOR

**Annual Report on
Migration and International Protection
Statistics 2009**

National Report for Austria

Editorial team:

Elisabeth Petzl, research associate at the National EMN Contact Point, IOM Vienna
Mária Temesvári, legal adviser at the National EMN Contact Point, IOM Vienna

The opinions presented in the national study are those of the authors and do not necessarily represent the position of the Austrian Federal Ministry of the Interior, the European Commission or the International Organization for Migration.

Editor: International Organization for Migration in Vienna
National Contact Point Austria in the European Migration Network
Nibelungengasse 13/4
1010 Vienna
ncpaustria@iom.int
<http://www.emn.at>

© January 2012 International Organization for Migration in Vienna

EMN Information

The EMN was launched in 2003 as a pilot project and was formally established by Council Decision 2008/381/EC¹ in May 2008. “As stipulated in Council Decision 2008/381/EC, the objective of the [...] EMN is to meet the information needs of Union institutions and of Member States’ authorities and institutions on migration and international protection, by providing up-to-date, objective, reliable and comparable information on migration and international protection, with a view to supporting policymaking in the European Union in these areas. The EMN will also serve to provide the wider public with such information.”²

The EMN is co-ordinated by the European Commission (under the direct responsibility of the Directorate General Home Affairs) with the assistance of two service providers³, and is overseen by the EMN Steering Board. At present the EMN consists of the European Commission and National Contact Points (NCPs), which are established in 27 EU Member States and Norway. The EMN NCPs have been designated by the government of their Member State.⁴ In Austria the EMN NCP is based at the International Organization for Migration (IOM) in Vienna.⁵

The core activities of the EMN NCPs include the preparation of Annual Policy Reports and Annual Reports on Asylum and Migration Statistics, undertaking research and draft studies addressing policy developments, issuing ad-hoc queries and responding promptly to such requests from other EMN NCPs. Last but not least, the NCPs are establishing a national network composed of national organisations, institutions and individuals active in the area of migration and international protection.

The EMN NCPs do not engage in primary research, but rather collect, gather and evaluate pre-existing data. EMN Studies such as “Satisfying labour demand through migration” are developed according to a common methodology in order to have comparable findings. To increase the comparability of the outputs, a Glossary has been launched by the EMN in order to ensure that similar terminology is used in the national reports.

Specifications for studies and reports are developed by the EMN NCPs in co-operation with the European Commission and its service providers. Using these, each EMN NCP produces a national report (whenever possible in co-operation with their national network members). A synthesis report is then prepared by the European Commission with the service provider GHK-COWI giving the key findings from each national report, highlighting the most important aspects and placing them within an EU perspective. All national and synthesis reports are available on the EMN website.⁶

¹ Council Decision establishing a European Migration Network, 2008/381/EC, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0381:EN:NOT> (accessed on 13 September 2010).

² European Commission: EMN Status Report 2009, Version 1, April 2010, p. 6.

³ In 2009, the European Commission appointed GHK-COWI and iLiCONN as Service Providers. GHK-COWI's priorities are to increase the coordination capacity of the network and to produce the Synthesis Reports, whilst iLiCONN is responsible for developing an online Information Exchange System and a Website.

⁴ Denmark is not formally required to designate an EMN NCP but participates in the EMN as observer.

⁵ For more information on the EMN NCP AT visit <http://www.emn.at> and for more information on the IOM Vienna visit <http://www.iomvienna.at>.

⁶ For more information on the EMN visit <http://emn.sarenet.es/html/index.html> (consulted on 04 June 2010).

Table of Contents

EMN Information	3
Table of Contents	4
List of Abbreviations	5
List of Tables	6
List of Figures.....	6
1. INTRODUCTION.....	7
2. METHODOLOGY	8
3. LEGAL IMMIGRATION AND INTEGRATION	9
3.1 International Migration, Usually Resident Population and Acquisition of Citizenship	9
3.1.1 International Migration Flows	9
3.1.2 Usual Residence.....	12
3.1.3 Acquisition of citizenship	15
3.2 Residence Permits and Residence of Third-Country Nationals.....	17
3.2.1 First residence permits.....	18
3.2.2 Changes to immigration status permits	19
3.2.3 All valid residence permits	19
3.2.4 Long term residents	20
4. IRREGULAR IMMIGRATION AND RETURN	22
4.1 Prevention of illegal entry and stay – Apprehensions.....	22
4.2 Returns.....	23
5. BORDER CONTROL.....	25
5.1 Prevention of illegal entry and stay – Refusals.....	25
5.2 Relationship between refusals, apprehensions and returns	26
6. ASYLUM: INTERNATIONAL PROTECTION	28
6.1 Applications for International Protection.....	28
6.1.1. <i>Applications for international protection</i>	28
6.1.2. <i>Applications for international protection under consideration</i>	29
6.1.3. <i>Withdrawn applications</i>	30
6.2 Decisions on International Protection.....	31
6.2.1. <i>First Instance Decisions</i>	31
6.2.2. <i>Decisions Withdrawing Status Granted at First Instance</i>	32
6.2.3. <i>Final Instance Decisions</i>	33
6.2.4. <i>Decisions Withdrawing Status Granted as Final Decision</i>	34
6.2.5 <i>Resettlement</i>	34
6.3 Dublin Transfers	34
6.3.1. <i>Incoming take charge and take back requests and respective transfers</i>	34
6.3.2. <i>Outgoing take charge and take back requests and respective transfers</i>	36
6.3.3. <i>Requests for information</i>	37
6.4 Unaccompanied minors	38
References.....	40

List of Abbreviations

BGBI	Bundesgesetzblatt	Federal Law Gazette
EC	Europäische Kommission	European Commission
EEA	Europäischer Wirtschaftsraum	European Economic Area
EMN	Europäisches Migrationsnetzwerk	European Migration Network
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	Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Spain, Sweden, United Kingdom
IOM	Internationale Organisation für Migration	International Organization for Migration
FMI	Bundesministerium für Inneres	Ministry of the Interior
NCP	Nationaler Kontaktpunkt	National Contact Point
UNHCR	Flüchtlingshochkommissariat	United Nations High Commission for Refugees

List of Tables

Table 1: Change in migration flows 2008-2009.....	11
Table 2: Inflows disaggregated by country of citizenship and sex, 2009	11
Table 3: Inflows disaggregated by country of citizenship and age group, 2009.....	12
Table 4: Outflows disaggregated by country of citizenship and sex, 2009	12
Table 5: Outflows disaggregated by country of citizenship and age group, 2009	12
Table 6: Stock of foreign population by groups of citizenship, 1st January 2004-2009.....	13
Table 7: Stock of foreign population by groups of citizenship, 1st January 2009.....	14
Table 8: Stock of foreign population by groups of citizenship and sex, 1st January 2009	14
Table 9: Acquisitions of citizenship by groups of countries of previous citizenship, 2009	17
Table 10: Acquisitions of citizenship by main countries of previous citizenship, 2009.....	17
Table 11: First residence permits, by main countries of citizenship and reason, 2009	19
Table 12: Changes to immigration status permits, 2009	19
Table 13: All valid residence permits by duration of validity, 2009	20
Table 14: Apprehensions by main countries of citizenship, 2009	23
Table 15: Apprehensions by sex and age, 2009	23
Table 16: Third country nationals ordered to leave by country of citizenship, 2009.....	23
Table 17: Third country nationals returned following an order to leave*, 2009	24
Table 18: Third country nationals refused entry, by ground and external border, 2009	26
Table 19: Refusals by main countries of citizenship and border, 2009.....	26
Table 20: Refusals, apprehensions, ordered to leave and returns by citizenship, 2009	27
Table 21: Asylum applications under consideration by main countries of citizenship, 2009 ..	30
Table 22: Asylum applications under consideration by age and sex, 2009	30
Table 23: Withdrawn applications by main countries of citizenship, 2009	30
Table 24: Withdrawn applications by age and sex, 2009	31
Table 25: First instance decisions by type of decision / status, 2009	31
Table 26: First instance decisions by main country of citizenship, 2009	32
Table 27: Decisions withdrawing Status granted at First Instance by type of decision, 2009	32
Table 28: Decisions withdrawing status granted at first instance by citizenship, 2009	32
Table 29: Final Decisions by type of decision / status, 2009	33
Table 30: Final Decisions by type of decision/status and main countries of citizenship.....	33
Table 31: Incoming requests - Dublin transfers by reason for request and decision, 2009....	35
Table 32: Outgoing requests - Dublin transfers by reason for request and decision, 2009....	36
Table 33: Unaccompanied minors by age and sex, 2009	38

List of Figures

Figure 1: Overall migration from and to Austria 2002-2009.....	10
Figure 2: Acquisitions of citizenship and naturalisation rate, 1991-2009	15
Figure 3: Acquisitions of citizenship by main countries of citizenship, 1981-2009.....	16
Figure 4: First residence permits by reason of issuance, 2009	18
Figure 5: Valid residence permits by main countries of citizenship, 2009.....	20
Figure 6: Long-term residents by main countries of citizenship, 2009.....	21
Figure 7: Annual totals of apprehended persons illegally present, 2009	22
Figure 8: Annual totals of refused persons, 1998-2009.....	25
Figure 9: Asylum applications, 1996-2009.....	28
Figure 10: Asylum applications by country of citizenship, 2009	29
Figure 11: Dublin transfers to Austria by country, 2009	35
Figure 12: Dublin transfers from Austria by country, 2009	36
Figure 13: Asylum applications by unaccompanied minors, 2004-2009.....	38
Figure 14: Unaccompanied minors by citizenship, 2009.....	39

1. INTRODUCTION

This 'Annual Report on Migration and International Protection Statistics 2009 for Austria' is the Austrian contribution to the EMN Synthesis Report 'Annual Report on Migration and International Protection Statistics 2009 for the European Union Member States' which will be published in early 2012 and aims to facilitate comparisons and interpretations pertaining to migratory trends on the European level, as well as in the international context. The opinions presented in the report are those of the authors and do not necessarily represent the position of the Austrian Federal Ministry of the Interior or the International Organization for Migration (IOM).

The National Report describes the statistical trends of migration, international protection, refusals, apprehensions, residence permits and return for the reference year 2009 in Austria. The report follows the categories of data of the Migratory Statistics Regulation 862/2007, but with some broader thematic restructuring into four main headings:

1. Legal immigration and Integration;
2. Irregular immigration and Return;
3. Border Control;
4. Asylum: International protection.

If not indicated differently, terms and definitions used follow those applied by Eurostat, in accordance with the Regulation EC 862/2007.

Beyond statistical trends and developments, each chapter includes contextual interpretation (legal, political and international factors) of the data.

For in depth information on policy and legal developments in 2009 in Austria and European Union Member States the reader is referred to the National Report⁷ and the Synthesis Report⁸ of the EMN Annual Policy Report 2009.

The main body of the report was written by Elisabeth Petzl, researcher, and Mária Temesvári, legal adviser, both from the National EMN Contact Point Austria. Thanks go to Theresa Bittmann for the editing of the report. The national data providers on international protection and migration statistics, the Federal Ministry of the Interior, the Asylum Court and Statistics Austria were involved by responding to specific questions that arose during the report and in the verification process of Eurostat data. We would like to thank Peter Zimmermann and Evelyn Schadelbauer of the Federal Ministry of the Interior, and Stephan Marik-Lebeck, Statistics Austria, for the undertaking in this exercise and their support.

⁷ IOM Vienna, Annual Policy Report 2009. National EMN Report Austria, Vienna 2010, available at http://www.emn.at/images/stories/APR_2009_AT.pdf (accessed on 15 December 2011)

⁸ EMN, Synthesis Report to the EMN Annual Policy Report 2009, Brussels 2010, available at <http://emn.intrasoft-intl.com/Downloads/download.do;jsessionid=1D0565BA092252F4EBC786554D61A40F?fileID=1064> (accessed on 15 December 2011)

2. METHODOLOGY

This National Report follows common specifications that have been developed by the EMN based on previous experience with annual reports. Because the editing of this report was subject to Regulation (EC) 862/2007⁹ for the first time, the reporting year 2008 constitutes a break with previous years. In accordance with this Regulation, from reference year 2008 onwards, the national data suppliers of the EU Member States have an obligation to supply statistics on migration and international protection to Eurostat. This method of working has considerably improved the uniformity of definitions. It should be noted however, that for the reference year 2008, the statistics supplied to Eurostat under this Regulation may be based on alternative (national) definitions. Wherever data employed in this report refer to national definitions, this is indicated in the respective chapters. Another result of the Regulation is that data for a number of elements has been collected in this specific way for the first time, which means that a comparison with reports from previous years is not always possible. In contrast to previous years, a breakdown has been made in most categories by age and sex. In addition, data relating to the application of Regulation (EC) 343/2003 (Dublin Regulation) is included in this report for the first time.

Most data used in this report have been extracted from the Database of Eurostat, the statistical office of the European Union. As part of the verification process used for the editing of the EMN Annual Statistics Reports, Eurostat data was verified with data on international migration published by Statistics Austria, international protection and residence permit statistics transferred to Eurostat by the Austrian Federal Ministry of the Interior and data on Dublin transfers submitted by the Federal Asylum Office. Furthermore, additional data published by Statistics Austria was included. In order to put national statistics into a European and international context, additional sources (e.g. UNHCR data, data collected by CIREFI, Eurostat publications) were used.

As agreed in the common specifications, the report and data provided focus primarily on third country nationals, which are defined as persons who are not citizens of the European Union within the meaning of Article 17(1) of the Treaty, including stateless persons. This also means, following accession on 1st January 2007 that nationals of Bulgaria and Romania are considered to be EU nationals.

Nonetheless, when deemed especially relevant, information and data on intra-EU mobility (i.e. movement of EU nationals from one Member State to another) were included (especially in data on international migration flows).

⁹ Regulation (EC) No 862/2007 of the European Parliament and the Council of 11 July 2007 concerning Community statistics on migration and international protection, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:199:0023:0029:EN:PDF> (accessed on 30 September 2010)

3. LEGAL IMMIGRATION AND INTEGRATION

This chapter illustrates main developments in the field of international migration flows, usually resident population and acquisition of citizenship in Austria for the reference period 2009.

3.1 International Migration, Usually Resident Population and Acquisition of Citizenship

3.1.1 International Migration Flows

Since the reporting year 2002 (internal and international) migration statistics in Austria are based on administrative registrations and de-registrations derived from the Central Register of Residence (Zentrales Melderegister, ZMR).¹⁰ As such, information reflects administrative procedures, but probably not always actual migration events.¹¹ Please note that there is a series break in 2009 as definitions stated in Article 2.1 of Regulation (EC) 862/2007 (i.e. one year criteria for minimum time of residence) were applied for the inflow and outflow data for the reference period 2009 for the first time. This definition differs from the national definition of international migration flows which consistent with the UNECE Recommendations on Statistics of International Migration of 1998¹² describes a “migrant” as a person whose stay or absence, respectively, exceeds 90 days, which is applied to both internal and international migrants.¹³

As data from the population register according to the definition stated in Article 2.1 of Regulation (EC) 862/2007 was not yet available at the requested time of delivery to Eurostat, the data for 2009 was calculated by an estimation which is based upon the share of immigrants registered for more than 12 months in the total number of immigrants according to national data for 2004-2008. Estimated figures are provided for all breakdowns required by Regulation 862/2007 according to the 12 months concept.¹⁴

Data according to the national definition (referring to a three months of minimum duration of stay; for further information see chapter 3.1.2) show that, from 2001 to 2005, net migration to Austria increased again considerably (+41,000 persons on average annually), a trend which was mainly a consequence of an increased immigration due to family reunifications of third country nationals as well as immigration of EU nationals.¹⁵

¹⁰ In 2009, a revision of population statistics, carried out by Statistics Austria to take into account the results of a test census in 2006, made necessary the revision of migration statistics for the period 2002-2007. In the following report, these revised statistics have been used.

¹¹ Migration Metadata and Quality Report, based on the data collection for the reference year 2009, International Immigration, available at:

http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_flow_esms_an5.pdf (accessed on 24 September 2011)

¹² UN Department of Economic and Social Affairs Statistics Division, Recommendations on Statistics of International Migration, 1998, p.31., available at http://unstats.un.org/unsd/publication/SeriesM/SeriesM_58rev1E.pdf (accessed on 23 September 2011)

¹³ For further information see Statistics Austria, Standard-Dokumentation Metainformationen (Definitionen, Erläuterungen, Methoden, Qualität) zur Wanderungsstatistik, available at http://www.statistik.at/web_de/wcmsprod/groups/gd/documents/stdok/029352.pdf#pagemode=bookmarks (accessed on 12 September 2011)

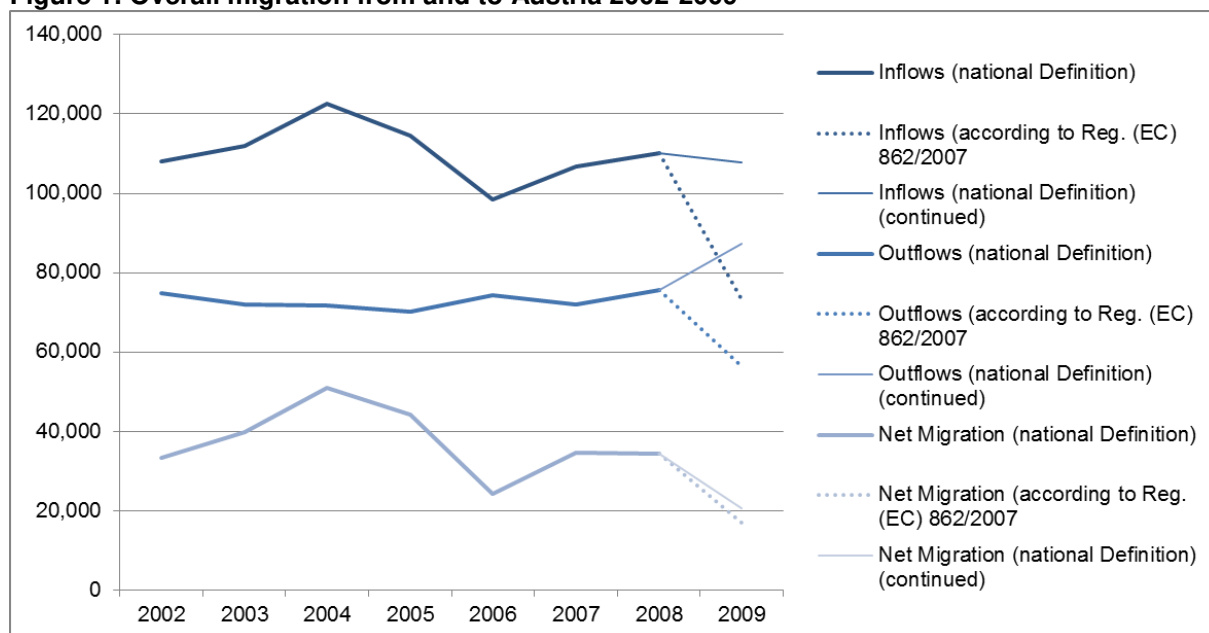
¹⁴ Migration Metadata and Quality Report, based on the data collection for the reference year 2009, International Immigration, available at:

http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_flow_esms_an5.pdf (accessed on 24 September 2011)

¹⁵ Statistics Austria, Wanderungsstatistik 2008, available at http://www.statistik.at/dynamic/wcmsprod/idcplg?IdcService=GET_NATIVE_FILE&dID=58601&dDocName=042300 (accessed on 15 October 2011)

More restrictive laws were introduced for third country nationals in 2006 based on these developments.¹⁶ These have caused a decline in inflow figures (inflows in 2006 were at a level of 98,535 persons, the lowest recorded annual numbers of inflows since the year 2000) and at the same time shifted the weight of inflows to EU nationals as shown in Figure 1. Then, immigration to Austria in 2007 and 2008 rose again. In 2008 the level of inflows lay above the level of 2002 (108,125) but yet below the inflows of 2003 (111,869), 2004 (122,547) and 2005 (114,465). This new upswing of immigration has to be seen in the wake of the accession of Romania and Bulgaria of the European Union in 2007.¹⁷

Figure 1: Overall migration from and to Austria 2002-2009



Source: Statistics Austria for data according to national definition compiled on 19 May 2011. Eurostat Database for data according to Reg. (EC) 862/2007 as of 15 June 2011.

For the reference year 2009, for reasons of comparison, migration numbers according to both definitions (three months and one year criteria for minimum time of residence) have been indicated. According to the three months definition, in 2009 Austria recorded and international net-migration gain of 20,596 people, about 40% less than in the previous year (+34,436). This reduction is mainly resulting from a significant increase of outflows (+11,551; +15%). Immigration to Austria stayed almost at the same level as in 2008 with a slight decrease of (-2,289; -2%). According to estimations based on the six months definition, there was an inflow of 73,278 persons and an outflow of 56,397 persons in 2009. While this numbers derive from the numbers based on the national definition of three months, figures for net migration were almost at the same level (16,881 vs 20,596).

¹⁶ For further information see IOM Vienna 2009a: Annual Report on Migration and Asylum Statistics 2007, National EMN Report, Vienna 2009, available at http://www.emn.at/images/stories/ASR_2007_AT.pdf (accessed on 23 September 2011)

¹⁷ Statistics Austria, Wanderungsstatistik 2008. Vienna 2009: available at http://www.statistik.at/dynamic/wcmsprod/idcplg?IdcService=GET_NATIVE_FILE&dID=58601&dDocName=042300 (accessed on 15 October 2011)

Table 1: Change in migration flows 2008-2009

Migration flows	2008	2009	Change 2008-2009
Inflows (national Definition)	110,074	107,785	-2,289; (-2%)
Inflows (according to Reg. (EC) 862/2007)	n.a.	73,278	n.a.
Outflows (national Definition)	75,638	87,189	+11,551 (+15%)
Outflows (according to Reg. (EC) 862/2007)	n.a.	56,397	n.a.
Net Migration (national Definition)	34,436	20,596	-13,840 (-40%)
Net Migration (according to Reg. (EC) 862/2007)	n.a.	16,881	n.a.

Source: Statistics Austria for data according to national definition compiled on 19 May 2011. Eurostat Database for data according to Reg. (EC) 862/2007 as of 15 June 2011.

According to estimations for the three months definition, more than half (39,068; 53%) of immigrants coming to Austria in 2009 were citizens from other EU Member States. About a further third (24,576; 34%) were from third countries, especially countries other than EU-27, EFTA and candidate countries (19,382) and highly developed countries (8,765). Data by single nationality are not available.

The gender distribution was balanced. Overall, about half of all immigrants were male (38,412; 52%) and half female (34,866; 48%). Looking at the relations by country of citizenship, the same proportions are prevailing, with the exception of immigrants from less developed countries where almost three quarters of all immigrants (2,805; 74%) were male.

Table 2: Inflows disaggregated by country of citizenship and sex, 2009

Country of citizenship	Total		Male		Female	
Declaring country	9,521	13%	5,521	58%	4,000	42%
EU27-countries except declaring country	39,068	53%	19,575	50%	19,493	50%
Non EU27-countries nor declaring country	24,576	34%	13,237	54%	11,339	46%
European Free Trade Association	674	1%	326	48%	348	52%
Candidate countries in 2007 (3 countries)	4,520	6%	2,539	56%	1,981	44%
Countries other than EU-27, EFTA and Candidate countries	19,382	26%	10,372	54%	9,010	46%
Highly developed countries	8,765	12%	4,162	47%	4,603	53%
Medium developed countries	6,802	9%	3,405	50%	3,397	50%
Less developed countries	3,815	5%	2,805	74%	1,010	26%
Stateless	:	:	:	:	:	:
Others	:	:	:	:	:	:
Unknown	113	0%	79	70%	34	30%
Total	73,278		38,412	52%	34,866	48%

Source: Eurostat Database as of 15 June 2011.

Almost half of the inflows were (19,711; 47%) comprised of young adults (age group 20-34 years). These figures suggest that immigration is mainly undertaken in the context of labour migration, family reunification or migration for educational reasons. A further 32 per cent (13,668) were aged between 35-64 years. Minors came up to 17 per cent (7,243) and only a small proportion of 4 per cent (1,643) were aged above 65.

Table 3: Inflows disaggregated by country of citizenship and age group, 2009

Country of citizenship	Total	0-19	20-34	35-64	65+
European Union (27 countries)	42,265	7,243 17%	19,711 47%	13,668 32%	1,643 4%
European Free Trade Association	1,494	249 17%	402 27%	13,911 931%	232 16%
Candidate countries in 2007 (3 countries)	4,643	1,426 31%	2,201 47%	4,858 105%	143 3%
Countries other than EU-27, EFTA and Candidate countries	20,636	5,819 28%	9,448 46%	-3,852 -19%	504 2%
Highly developed countries	9,624	2,302 24%	4,462 46%	-2,804 -29%	263 3%
Medium developed countries	7,370	1,570 21%	3,773 51%	-2,760 -37%	204 3%
Less developed countries	3,642	1,947 53%	1,213 33%	1,861 51%	37 1%
Others	:	:	:	:	:
Unknown	4,240	686 16%	1,208 28%	1,987 47%	359 8%
Total	73,278	15,423 21%	32,970 45%	22,004 30%	2,881 4%

Source: Eurostat Database as of 15 June 2011.

In case of outflows, 24,137 emigrants (43%) were citizens of other EU Member States. A number of 16,942 (30%) were third-country nationals. In line with an Austrian trend, Austrian nationals made up a bigger part of the emigrants: in 2009 they amounted to about a quarter (14,938; 26%) of all emigrants.

Table 4: Outflows disaggregated by country of citizenship and sex, 2009

Country of citizenship	Total	Males	Females
Declaring country	14,938	7,696	7,242
EU27-countries except declaring country	24,137	12,733	11,404
Extra EU-27	:	:	:
Non EU27-countries nor declaring country	16,942	10,366	6,576
Stateless	:	:	:
Others	:	:	:
Unknown	380	164	216
Total	56,397	30,959	25,438

Source: Eurostat Database as of 15 June 2011.

Almost half of the inflows were (22,309; 40%) comprised of adults of the age group 35-64 years). A further 39 per cent (21,979) were aged between 20-34 years. Minors came up to a 15 per cent (8,380) and only a small proportion of 7 per cent (3,729) were aged above 65.

Table 5: Outflows disaggregated by country of citizenship and age group, 2009

	Total	0-19	20-34	35-64	65+
Declaring country	14,938	2,964 20%	4,698 31%	6,409 43%	867 6%
EU27-countries	24,137	2,706 11%	10,039 42%	10,081 42%	1,311 5%
Non EU27-countries	16,942	2,579 15%	7,095 42%	5,756 34%	1,512 9%
Stateless	:	:	:	:	:
Others	:	:	:	:	:
Unknown	380	131 34%	147 39%	63 17%	39 10%
Total	56,397	8,380 15%	21,979 39%	22,309 40%	3,729 7%

Source: Eurostat Database as of 15 June 2011.

3.1.2 Usual Residence

Since the reference year 2002, the register data of the Central Register of Residents constitutes the basis for the population statistical system of Statistics Austria. This allows the population stock to be displayed according to consistent criteria to any reference date and replaces the necessity to estimate and to extrapolate population figures annually.

The processing of the data stock of the Central Register of Residents is subject to a consistent concept for the classification of registrations for population and migration analysis which allows for the harmonization of both statistics. In doing so, population statistics take into account the criteria of persons' stay, i.e. only those residents are taken into consideration who have continuously resided in Austria for at least 90 days.

According to Regulation (EC) 862/2007, usual residence means the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, in default, the place of legal or registered residence.

In Austria, for the place of usual residence, it is drawn to the place of legal/registered residence.¹⁸

Population stock by citizenship

On 1 January 2010, the total recorded usually resident population in Austria was 8,367,670 persons. The number of foreign nationals has continued to grow. In 2009, a number of 885,082 persons had a foreign nationality which accounted for 10.6 per cent of the total population stock.

On 1st January 2010, of the foreign nationals, 61.9 per cent (548,025) were third country nationals, 37.1 per cent (328,330) were citizens of another EU Member State and 8,727 were persons who were stateless or the citizenship unknown. With this, the proportion of EU nationals resident in Austria is growing in absolute but also relative terms. Have on 1st January 2004 a number of 208,463 EU nationals (representing 27.6% of foreign nationals) been living in Austria, on 1st January 2010, they already amounted to 328,330 (37.1%). At the same time, the proportion of third-country nationals decreased from 72.4 per cent in 2004 to 61.9 percent in 2010. In absolute numbers however, their numbers have decreased to 548,025 and lay with this below the level of 2008 (553.709).

Table 6: Stock of foreign population by groups of countries of citizenship, 1st January 2004-2009

Country of citizenship	2002	2003	2004	2005	2006	2007	2008	2009	2010
Total	8,063,640	8,100,273	8,142,573	8,201,359	8,254,298	8,282,984	8,318,592	8,355,260	8,375,290
Austrian nationals	7,333,379	7,353,520	7,388,357	7,426,958	7,457,632	7,478,205	7,483,410	7,484,556	7,480,146
Foreign nationals	730,261	746,753	754,216	774,401	796,666	804,779	835,182	870,704	895,144
Share foreign nationals in %	9.1	9.2	9.3	9.4	9.7	9.7	10.0	10.4	10.7
Other EU-27 nationals	195,664	204,516	215,818	234,795	254,905	271,131	297,887	325,385	343,397
Other EU-15	110,861	115,090	122,394	131,839	143,473	154,033	167,401	181,383	190,594
Germany	75,262	78,227	83,592	91,194	100,439	109,193	119,807	130,684	138,225
EU-10	55,052	57,407	59,730	67,791	75,273	80,840	87,059	94,256	98,506
EU-2	22,440	24,817	26,339	27,598	28,422	28,301	35,282	41,356	45,889
CH, EAA	7,311	7,202	7,355	7,567	7,737	7,957	8,145	8,390	8,408
Third country nationals	534,597	542,237	538,398	539,606	541,761	533,648	537,295	545,319	551,747
Europa	441,888	448,159	443,088	440,616	439,216	430,594	428,652	434,634	436,258
Former Yugoslavia (without SI)	306,922	310,827	305,549	302,332	300,525	295,005	290,506	292,730	292,026
Turkey	127,147	127,156	123,043	116,544	113,068	108,189	109,179	110,678	112,150
other European countries	7,819	10,176	14,496	21,740	25,623	27,400	28,967	31,226	32,082
Africa	15,127	16,749	17,574	19,577	20,366	20,007	20,656	21,460	22,083
America	12,700	13,289	14,019	14,631	15,390	15,710	16,601	17,471	17,793
North America	7,350	7,233	7,326	7,527	7,779	8,043	8,422	8,755	8,759
South America	5,350	6,056	6,693	7,104	7,611	7,667	8,179	8,716	9,034
Asia	36,889	41,668	45,392	48,726	50,987	52,606	56,252	59,538	62,543
Oceania	1,076	1,108	1,148	1,139	1,178	1,219	1,278	1,377	1,368
unknown/other/stateless	26,917	21,264	17,177	14,917	14,624	13,512	13,856	10,839	11,702

Source: Statistics Austria. Statistics of the population stock. Compiled on 19 May 2011.

¹⁸ Eurostat Metadata on Enforcement of Immigration Legislation – Annex Third country nationals refused entry at the external borders, available at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_res_esms_an1.pdf (accessed on 3 September 2011)

The gender ratio of usually resident persons in Austria in 2009 was equally balanced: a number of 4,075,925 persons (49%) were male and 4,291,745 persons (51%) female. This accounts for Austrian nationals as well as most groups of foreign nationals in general. However, as in the case of migrants, third country nationals from less developed countries were in more than two-thirds (65%) male.

Table 7: Stock of foreign population by groups of countries of citizenship, 1st January 2009

	Total	Males		Females		Age groups				Un-known
		Total	%	Total	%	0-19	20-34	35-64	+65	
Declaring country	7,083,959	3,463,177	49%	3,620,782	51%	1,622,488	1,258,727	2,908,607	1,294,137	:
Other EU27-countries	511,977	226,937	44%	285,040	56%	43,568	122,783	224,503	121,123	:
Extra EU-27	764,015	381,981	50%	382,034	50%	78,038	219,924	407,677	58,376	:
European Free Trade Association	14,820	6,634	45%	8,186	55%	2,139	2,523	8,142	2,016	:
Candidate countries in 2007 (3 countries)	212,064	111,171	52%	100,893	48%	18,788	67,475	113,771	12,030	:
Countries other than EU-27, EFTA and Candidate countries	537,131	264,176	49%	272,955	51%	57,111	149,926	285,764	44,330	:
Highly developed countries	385,934	186,788	48%	199,146	52%	36,853	99,445	212,051	37,585	:
Medium developed countries	125,756	60,965	48%	64,791	52%	14,649	40,045	64,813	6,249	:
Less developed countries	25,441	16,423	65%	9,018	35%	5,609	10,436	8,900	496	:
Others	:	:	:	:	:	:	:	:	:	:
Unknown	7,719	3,830	50%	3,889	50%	708	1,102	3,919	1,990	:
Total	8,367,670	4,075,925	49%	4,291,745	51%	1,744,802	1,602,536	3,544,706	1,475,626	:

Source: Eurostat Database, as of 16 June 2011.

Population stock by country of birth

Another possibility for defining the immigrant population is to refer to the criteria of the country of birth. On 1st January 2010, 85 per cent (7,083,959) of the total usually resident population were born in Austria, bringing the proportion of foreign born on the total population to 15 per cent. Looking closer at the regions of origin of foreign nationals, 60 per cent (760,869) were born in a third country and 40 per cent (511,977) in another EU country.

Table 8: Stock of foreign population by groups of countries of citizenship and sex, 1st January 2009

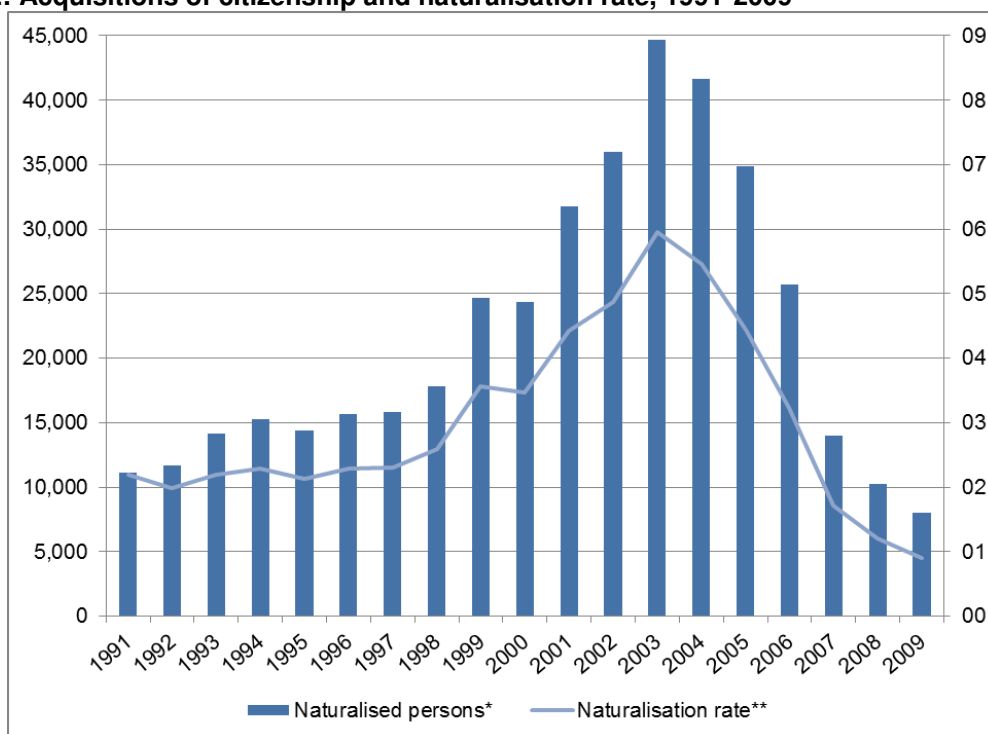
Country of Birth	Total	Males	Females
Declaring country	7,083,959	3,463,177	3,620,782
Foreign nationals	1,283,711	612,748	670,963
EU27-countries except declaring country	511,977	226,937	285,040
Extra EU-27	764,015	381,981	382,034
Non EU27-countries nor declaring country	764,015	381,981	382,034
European Free Trade Association	14,820	6,634	8,186
Candidate countries in 2007 (3 countries)	212,064	111,171	100,893
Countries other than EU-27, EFTA and Candidate countries	537,131	264,176	272,955
Highly developed countries	385,934	186,788	199,146
Medium developed countries	125,756	60,965	64,791
Less developed countries	25,441	16,423	9,018
Others	:	:	:
Unknown	7,719	3,830	3,889
Total	8,367,670	4,075,925	4,291,745

Source: Eurostat Database, as of 16 June 2011.

3.1.3 Acquisition of citizenship

Statistics on the acquisition of citizenship (naturalisations) are based on data included in legal notices on the granting of citizenship held by the offices of the Austrian provincial governments. They are carried out by order of the Federal Ministry of the Interior. Statistics on naturalisations document any kind of acquisition of citizenship by the free will of the acquirer and the subsequent administrative act according to the Austrian Citizenship Act. They do not refer to automatic kinds of acquisition such as birth or legitimization of an illegitimate child. Statistics of naturalisations include naturalisations of persons living in Austria as well as of persons living abroad.¹⁹ Changes of citizenship of people residing in Austria other than naturalisations are not covered by national statistics definitions. For the reference year 2009, concepts as stated in Article 2.1 of Regulation 862/2007 have been used.²⁰

Figure 2: Acquisitions of citizenship and naturalisation rate, 1991-2009



Source: Statistics Austria, Statistics of Naturalisations, compiled on 21 June 2011.

Notes: * Without naturalisations according to para. 25.1 (commencement of duties of university professors) ** Naturalisations relative to 100 foreign nationals living in Austria (yearly average of population)

In the context of a veritable increase in naturalisations in the early 2000s which reached a historic high in 2003 with 44,694 naturalisations, more than a quarter of a million of persons have acquired the Austrian citizenship since 2000. This naturalisation high is primarily

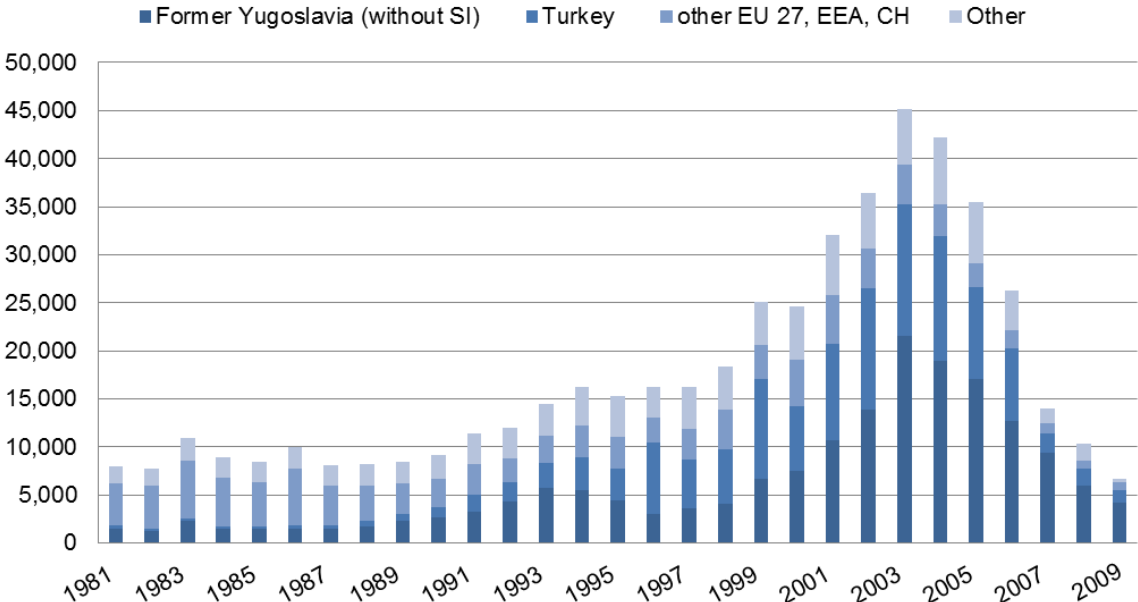
¹⁹ For further information see Statistics Austria, Standard-Dokumentation Metainformationen (Definitionen, Erläuterungen, Methoden, Qualität) zur Statistik der Einbürgerungen, available at http://www.statistik.at/web_de/statistiken/bevoelkerung/einbuengerungen/dokumentationen.html (accessed on 3 October 2011)

²⁰ Austria - Migration Metadata and Quality Report 2008 - Acquisition and loss of citizenship in: Eurostat, Migration Metadata and Quality Questionnaire, Data collection for the reference year 2008, Acquisition and loss of citizenship, p.55ff, available at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_acqn_esms_an1.pdf (accessed on 3 October 2011)

ascribed to the immigration boom in the beginning of the 1990s, because the persons who immigrated at that time largely fulfilled the naturalisation prerequisites ten years later.²¹ Since the high in 2003, the number of naturalisations has decreased continuously to 7,978 in 2009. This number represents a decrease of more than a fifth (-22%) compared to 2008 (10,268) and the lowest number in annual naturalisations in the last 19 years (1990: 9,198). The decrease can be seen on the one hand in light of a tightening of the possibilities to obtain Austrian citizenship in 2006, in particular the income level that had to be proven before naturalization was seen as the main obstacle for obtaining Austrian citizenship.²² On the other hand it reflects the low immigration to Austria in the second half of the 1990s.

As shown in Figure 3, the increase in naturalisations in the early 2000s was especially a consequence of an increase in naturalisations of citizens of the former Yugoslavia (without Slovenia). Of this group, from 2000 to 2009 in total a number of 121,598 persons were naturalised. This accounted for 44 per cent of all naturalisations carried out during this period. The second largest group of naturalised persons during this time span were Turkish nationals (78,247; 29%).

Figure 3: Acquisitions of citizenship by main countries of citizenship, 1981-2009



Source: Statistics Austria. SuperWeb Database, compiled on 15 January 2011.

In 2009, of the total number of naturalised persons, some 7,113 (89%) were from third countries, especially third countries other than EFTA and EU Candidate countries who accounted for 5,127 (64% of the total number of naturalised persons) followed by EU Candidate countries (1,963; 25%). By and large, naturalised persons from highly developed third countries predominated (3,842; 48%); only 974 (12%) were from medium developed countries and 311 (4%) from less developed countries. The numbers of naturalised persons from other EU Member States were also very low. They accounted only for 856 or 11 per cent of all cases.

²¹ Österreichischer Integrationsfonds 2008: Zahlen Daten Fakten 2008, p.32; Statistik Austria (2009): Press release 9.309-27/09, available at http://www.statistik.at/web_de/dynamic/statistiken/bevoelkerung/einbuengerungen/035247 (accessed on 3 October 2011)

²² Schumacher/Peyrl, Fremdenrecht, 3. Auflage, Vienna 2007, p. 264.

Table 9: Acquisitions of citizenship by groups of previous citizenship, 2009

Country of citizenship	2008	2009
European Union (27 countries)	854	856
Non EU27-countries nor declaring country	9,392	7,113
European Free Trade Association	29	23
Candidate countries in 2007 (3 countries)	2,865	1,963
Countries other than EU-27, EFTA and Candidate countries	6,498	5,127
Highly developed countries	5,203	3,842
Medium developed countries	997	974
Less developed countries	298	311
Stateless	41	45
Others	0	0
Unknown	22	9
Total	10,268	7,978

Source: Eurostat Database, as of 16 June 2011.

In line with former years, the majority of naturalised persons were from countries of the former Yugoslavia (except Slovenia) and Turkey. With almost a quarter of all naturalisations (2,582; 25 %), Serbia was the main country of previous citizenship even though their numbers of acquisitions of citizenship decreased from 2007 to 2008 by -38.8 per cent. Bosnia and Herzegovina was ranked second with 2,207 naturalisations (22%; change to 2007: -34%), Turkey 1,664 (16%; -20%), Croatia 824 (8%; -39%) and Romania 382 (4%; -16%).

Table 10: Acquisitions of citizenship by main previous citizenship, 2009

	Total	%
Serbia	1,638	21
Bosnia and Herzegovina	1,457	18
Turkey	1,242	16
Croatia	440	6
Kosovo (under United Nations Security Council Regulation 1244) ²³	353	4
Former Yug. Rep. of Macedonia, the	281	4
Russia	135	2
Egypt	124	2
Afghanistan	108	1
Iran	103	1

Source: Eurostat Database, as of 16 June 2011.

In total, about half (4,222; 53%) of the naturalised persons were female. The biggest share of naturalisations concerned minors who comprised 3,554 (45%) of all acquisitions. A further quarter (2,241; 28%) were aged tween 35-64 years and further 2,094 (26%) were within the 20-34 age group. Only 89 (2%) were aged 65+ years.

3.2 Residence Permits and Residence of Third-Country Nationals

By virtue of Regulation (EC) 862/2007 EU Member States are required to provide data on residence permits to Eurostat beginning with the reporting year 2008. Within the meaning of the Regulation, the term “residence permit” does not only cover temporary residence titles, but also long-term residence titles with unlimited validity. The main data source on the legal status of foreign nationals in Austria is the Alien Information File (FID) of the Federal Ministry of the Interior. It is designed as an information system and records all foreign nationals who are subject to permit requirements under the Settlement and Residence Act 2005.

“Residence permit” means in this context any authorisation valid for at least three months issued by the authorities of a Member State allowing a third country national to stay legally on its territory. According to Article 6.2 of the Regulation (EC) 862/2007 of 11 July 2007,

²³ Hereafter referred to as Kosovo.

when national laws and administrative practices of a Member State allow for specific categories of long-term visa or immigration status to be granted instead of residence permits, such visas and grants of statuses are also included in these statistics.²⁴

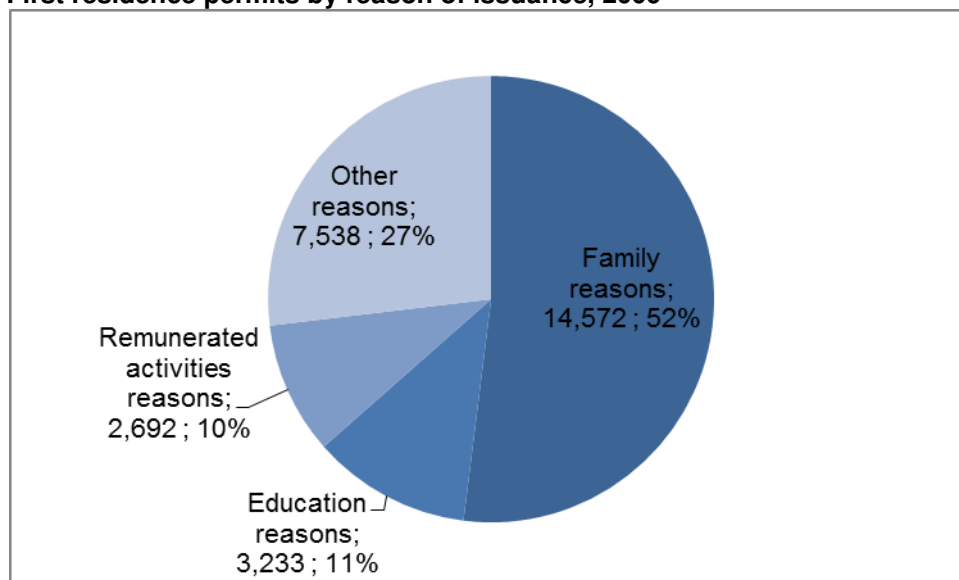
“Family members” means family members as defined in Article 2(i) of Regulation (EC) 343/2003.

3.2.1 First residence permits

A “first residence permit” means a residence permit issued to a person for the first time.

In 2009, 28,035 first residence permits were issued: compared to the previous year where 21,783 first residence permits were issued, this represents an increase of +29 per cent. In more than half of all cases the permits were issued for family reasons (14,572; 52%), in 12 per cent for education reasons (3,233), in 10 per cent (2,692) for reasons or remunerated activities and in 27 per cent (7,538) for other reasons than these.

Figure 4: First residence permits by reason of issuance, 2009



Source: Eurostat Database, as of 18 February 2011.

Table 11 shows that the main countries of citizenship of persons to whom first residence permits were granted to citizens of traditional countries of origin of immigration to Austria: Turkey (4,639; 17%) and countries of Former Yugoslavia: Serbia (2,951; 11%), Bosnia and Herzegovina (1,791; 6%), Croatia (1,129; 4%), Kosovo (1,545; 6%) and the former Yugoslav Republic of Macedonia (847; 3%). In about 75 per cent and, in some cases even more, of permits issued to nationals of these countries, permits were issued for family reasons. Other main third countries of persons who were granted first residence permits were the Russian Federation (2,691; 10%), Afghanistan (1,210; 4%), the United States (987; 3%) and China (incl. Hong Kong) (775; 3%). Most permits issued to US citizens (402; 43%) were issued for reasons of remunerated activities. Most permits issued to Russian nationals (1,927; 72%) were issued for other reasons.

²⁴ For further information see Eurostat Metadata on Enforcement of Immigration Legislation – Annex Third country nationals refused entry at the external borders, available at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_res_esms_an1.pdf (accessed on 3 September 2011)

Table 11: First residence permits, by main countries of citizenship and reason, 2009

Country of citizenship	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
Turkey	4,639	3,417	631	102	489
Serbia	2,951	2,239	145	75	492
Russian Federation	2,691	419	120	225	1,927
Bosnia and Herzegovina	1,791	1,427	206	51	107
Kosovo	1,545	1,075	157	6	307
Afghanistan	1,210	52	4	0	1,154
Croatia	1,129	846	122	95	66
United States	927	251	174	402	100
Macedonia , the former Yug. Rep. of	847	615	35	13	184
China (including Hong Kong)	775	355	178	154	88

Source: Eurostat Database, as of 18 February 2011.

3.2.2 Changes to immigration status permits

The reference year 2009 is the first year in which data on changes to immigration status permits for Austria are available according to the criteria of the Statistics Regulation. A number of 224 changes to immigration status permits occurred. More than half of all changes were registered from permits issued for educational reasons (137); and in this context from education to remunerated activities reasons (72) and family reasons (62). To a lesser extent, changes from remunerated activities to education reasons (38) and from other to family reasons (27) were undertaken.

Table 12: Changes to immigration status permits, 2009

Changes of immigration status	Total
Change of former reason: Family	2
Change from family to education reasons	0
Change from family to remunerated activities reasons	0
Change from family to other reasons	2
Change of former reason: education	137
Change from education to family reasons	62
Change from education to remunerated activities reasons	72
Change from education to other reasons	3
Change of former reason: remunerated activities	43
Change from remunerated activities to family reasons	3
Change from remunerated activities to education reasons	38
Change from remunerated activities to other reasons	2
Change of former reason: other reasons	42
Change from other to family reasons	27
Change from other to education reasons	9
Change from other to remunerated activities reasons	6
Total	224

Source: Eurostat Database, as of 18 February 2011.

3.2.3 All valid residence permits

At the end of 2009, a total of 445,990 residence permits were valid in Austria, representing a decrease of -2% on a year to year basis (2008: 457,034). Most valid permits (366,437; 82.2%) were issued for other reasons than family, education and remunerated activities. Regarding the length of duration, the great majority of permits, especially those for family reasons and other reasons were valid for a period of 12 months or over (355,722; 80%). A fifth of the permits (89,680; 20%) were valid for duration of six to eleven months. This was mostly the case for permits issued for family reasons and education reasons. Only a small number of permits (588; 0.1%) had a validity duration of less than six months.

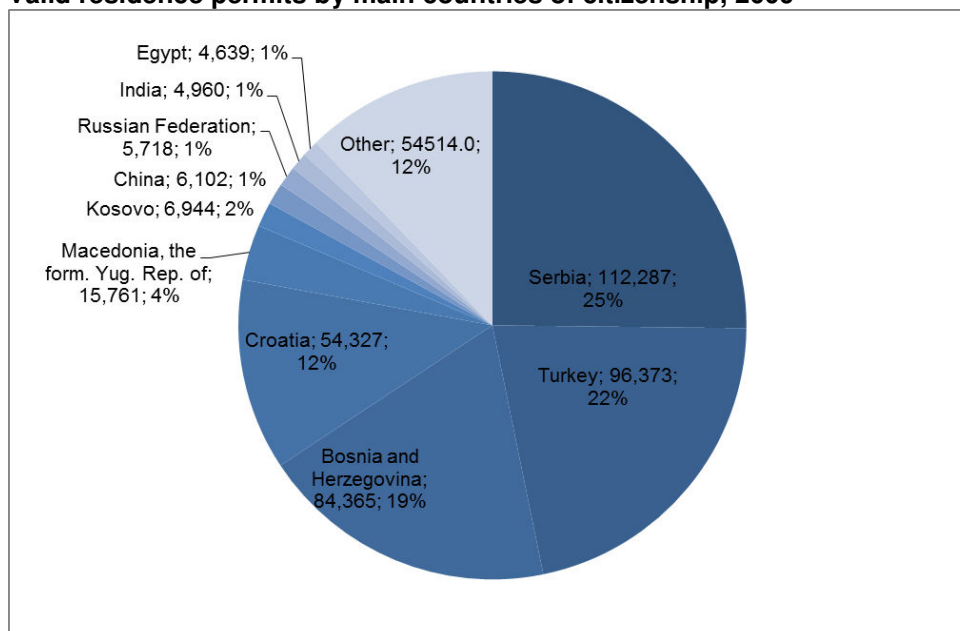
Table 13: All valid residence permits by duration of validity, 2009

Reason	Total	From 3 to 5 months	From 6 to 11 months	12 months or over
Family reasons	62,497	232	16,853	45,412
Education reasons	11,675	52	11,614	9
Remunerated activities reasons	5,381	51	4,087	1,243
Other reasons	366,437	253	57,126	309,058
Total	445,990	588	89,680	355,722

Source: Eurostat Database, as of 18 February 2011.

Most holders of valid permits were nationals of traditional countries of origin of immigration to Austria: Western Balkan countries and Turkey. A quarter of all valid permits were held by nationals from Serbia (112,287, 25%); nationals of Turkey held a fifth of all permits (96,373; 22%). Further main countries of citizenship of permit holders were Bosnia and Herzegovina (84,365; 19%), Croatia (54,327; 19%), the Former Yugoslav Republic of Macedonia (15,761; 4%) and Kosovo (6,944; 2%). Other main groups of citizenship were Chinese nationals, Russian nationals, Indian nationals and Egyptian nationals however to a lesser extent.

Figure 5: Valid residence permits by main countries of citizenship, 2009



Source: Eurostat Database, as of 18 February 2011.

3.2.4 Long term residents

Long-term resident means long-term resident as defined in Article 2(b) of Council Directive 2003/109/EC²⁵. In Austria the residence permit “Long-Term Resident – EC” was introduced in 2006 in the framework of the Aliens’ Act Package 2005.²⁶ The residence permit “Long-Term Residence –EC” replaced the previous “Settlement Confirmation” of the Aliens’ Act 1997 without significant changes.

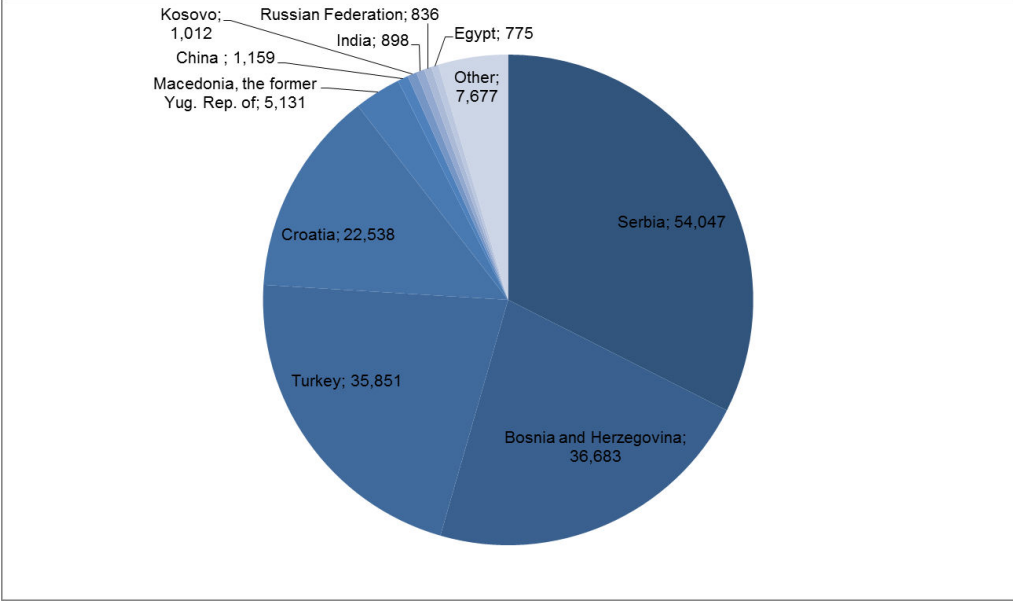
In the reference year, 166,607 persons held a long term residence permit, slightly more persons than in 2008 (164,838; 1%). About a third of them were held by citizens from Serbia

²⁵ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0109:en:NOT>, (accessed on 13 September 2011)

²⁶ Art. 45 Settlement and Residence Act.

(54,047; 32%), 22 per cent (36,683) by citizens from Bosnia and Herzegovina and 21 per cent (35,851) by citizens from Turkey.

Figure 6: Long-term residents by main countries of citizenship, 2009



Source: Eurostat Database, as of 15 September 2010

It should be noted however, that the implementation of the long term residence permits is embedded in different contexts in the EU Member States. While for example, the Eurostat figures for the reporting year 2009 show that while 187,411 persons in Estonia held this new permit, they were only 2,103 persons in Germany. One reason for this is the fact that in Germany another residence permit (the so called “Niederlassungserlaubnis”) exists parallel to the new residence title which confers similar rights.²⁷

²⁷ For further information see BAMF, Annual Report on Migration and International Protection Statistics 2008 by the German National Contact Point for the European Migration Network (EMN), Nürnberg 2010, available at: <http://emn.sarenet.es/Downloads/download.do;jsessionid=B7A8E319BC7529F2CE623677CF1EDB09?fileID=1152> (accessed on 13 September 2011)

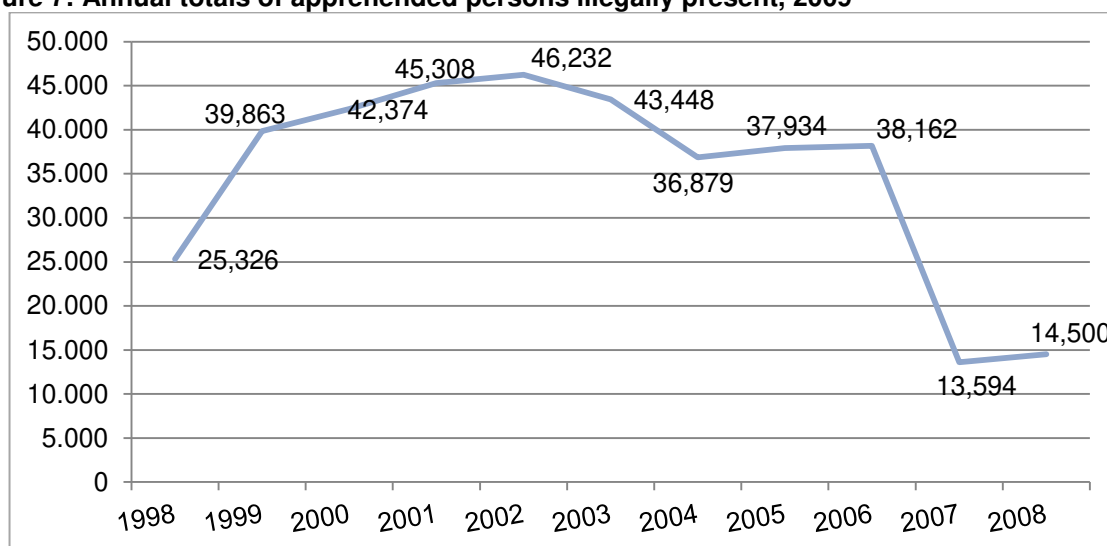
4. IRREGULAR IMMIGRATION AND RETURN

4.1 Prevention of illegal entry and stay – Apprehensions

This category relates to persons who may have entered legitimately but have subsequently remained on an irregular basis (for example by overstaying their permission to remain or by taking unauthorised employment). Only persons who are apprehended are recorded in these statistics. As such, these are not a measure of the total number of persons who are present in the country on an unauthorised basis but rather serve as indicator.²⁸

Had the number of apprehensions in the years from 1999 to 2007 oscillated between 46,232 and 38,162, in 2007 the annual numbers of apprehensions have more than halved. This decline in apprehensions is mainly seen in the context of the exclusion of citizens of Romania (21,430 apprehension in 2006) and Bulgaria (1,392 apprehensions in 2006) in the statistics, as a result of EU accession on 1st January 2007. In 2009, a total number of 17,145 persons were apprehended in Austria. This represents an increase of +18 per cent (+2,645) compared to 14,500 apprehended persons in 2008 and follows a trend of increase, however on a lower level than the years before. Before that, from 2006 to 2007, annual numbers decreased sharply (-64%) on a year-to-year basis.

Figure 7: Annual totals of apprehended persons illegally present, 2009



Source: CIREFI for data 1997-2007.²⁹
For 2008 and 2009, Eurostat Database, as of 23 February 2011, rounded figures.

The other citizenship categories of apprehended persons remained similar to those of 2006 and 2007: most apprehensions were made of citizens from the Russian Federation (2,230; 13%), Afghanistan (1,865; 10%), Kosovo (1,390; 8%) and Serbia (1,280; 7%).

²⁸ Eurostat Metadata on Enforcement of Immigration Legislation – Annex Third country nationals refused entry at the external borders, available at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_res_esms_an1.pdf (accessed on 3 September 2011)

²⁹ EMN Tables of Statistics available at <http://emn.intrasoft-intl.com/Downloads/download.do;jsessionid=41A44F72461251FFD521873B1DE119A3?fileID=788> (accessed on 30 October 2011)

Table 14: Apprehensions by main countries of citizenship, 2009

Country of citizenship	Total	%
Russian Federation	2,230	13.0
Afghanistan	1,865	10.9
Kosovo	1,390	8.1
Serbia	1,280	7.5
Nigeria	1,090	6.4
Georgia	895	5.2
India	885	5.2
China (including Hong Kong)	720	4.2
Turkey	685	4.0
Iraq	460	2.7

Source: Eurostat Database, as of 23 February 2011. Rounded figures.

In more than three quarters of all cases (13,660; 79.7%) the apprehended persons were male. Looking at age groups, the majority of the persons were aged between 18-34 years (10,330; 60.3%); a further quarter (3,960; 23.1%) was older than 35 years. Minors represented 16.7 per cent (2,855) of all apprehensions.

Table 15: Apprehensions by sex and age, 2009

	0-13	14-17	18-34	35+	Females	Males	Total
Total	1,410	1,445	10,330	3,960	3,485	13,660	17,145

Source: Eurostat Database, as of 23 February 2011. Rounded figures.

4.2 Returns

The following chapter presents statistics³⁰ on returns which are provided under Article 7 of Regulation 862/2007.³¹

In 2009, some 10,625 persons were ordered to leave Austria. This represents an increase of +20% compared to 2008 where 8,870 persons have been ordered to leave. Citizens from Serbia represented the main group of third country nationals ordered to leave (1,460; 14%), followed by citizens from Kosovo (1,065; 10%) and from the Russian Federation (800; 8%).

Table 16: Third country nationals ordered to leave by country of citizenship, 2009

Country of citizenship	Total
Serbia	1,460
Kosovo	1,065
Russian Federation	800
Turkey	775

³⁰ The data presented in this chapter is rounded.

³¹ In this context, "third country nationals ordered to leave" are defined as third country nationals found to be illegally present who are subject to an administrative or judicial decision or act stating that their stay is illegal and imposing an obligation to leave the territory of the Member State (see Art. 7.1 (a) of the Regulation). These statistics do not include persons who are transferred from one Member State to another under the mechanism established by the Dublin Regulation (Regulation (EC) No 343/2003 and (EC) No 1560/2003,³¹ for these cases see related Dublin Statistics).³¹

"Third country nationals returned following an order to leave" is defined as third country nationals who have left the territory of the Member State, following an administrative or judicial decision or act stating that their stay is illegal and imposing an obligation to leave the territory (see Art. 7.1 (b) of the Regulation (EC) 862/2007). The statistics include forced returns and assisted voluntary returns. Unassisted voluntary returns are included where these are reliably recorded. Data do not include persons who were transferred from one Member State to another under the mechanism established by the Dublin Regulation, for these cases see related Dublin Statistics. Please note that persons who left the territory within the year may have been subject to an obligation to leave in a previous year. As such, the number of persons who actually left the territory may be greater than those who were subject to an obligation to leave in the same year.

Nigeria	745
Georgia	650
India	580
Armenia	420
China (incl. Hong Kong)	390
Macedonia , the former Yug. Rep. of	310

Source: Eurostat Database, as of 23 February 2011.

As shown in table 17, a total of 6,410 persons left Austria on the basis of an order to leave in 2009, representing a decline of more than a quarter (-28%) compared to the previous year. The main countries of return were Kosovo with 19 per cent of all returns (1,230), the Russian Federation (960; 15%) and Serbia (815; 13%).

Table 17: Third country nationals returned following an order to leave*, 2009

Country of citizenship	Total
Kosovo	1,230
Russian Federation	960
Serbia	815
Turkey	250
Iraq	240
India	235
Nigeria	220
Macedonia , the former Yugoslav Republic of	210
Moldova, Republic of	205
Georgia	195

Source: Eurostat Database, as of 23 February 2011.

Note: * Returns effected may relate to orders signed in previous years.

5. BORDER CONTROL

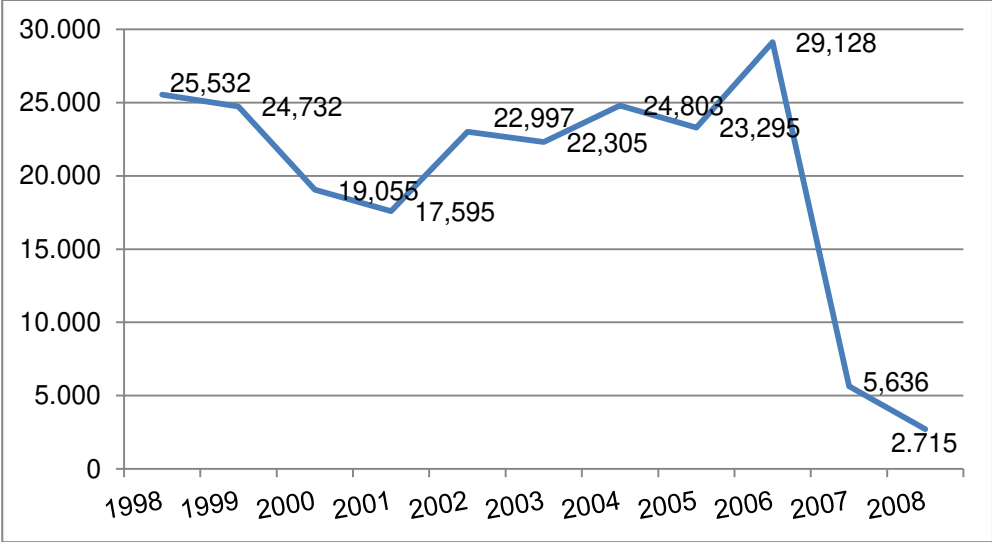
Based on Article 5 of the Regulation (EC) No 862/2007 data on enforcement of immigration legislation data are provided to Eurostat starting for the reference year 2008 on third-country nationals refused entry to the EU Member State’s territory at the external border and third-country nationals found to be illegally present in the EU Member State’s territory under national laws relating to immigration. The current chapter will give an overview³² of the trends on irregular migration as illustrated in these statistics for 2009.

5.1 Prevention of illegal entry and stay – Refusals

This category relates to persons who have been found to have entered illegally (for example by avoiding immigration controls or by employing a fraudulent document).

While the numbers of refused persons have oscillated between the years 1998 to 2006 between 29,128 and 17,595, in 2007, in total 5,636 refusals at the Austrian borders were recorded, representing a sharp decrease of 81 per cent compared to 2006. The reason for such a sharp decrease in refusals can largely be ascribed to the EU-2 (Romania and Bulgaria) accession as EU Member States and their ensuing right to freedom of movement. Nationals of these two source countries represented the main group of persons refused at the borders in 2006 (Bulgaria: 3,610, Romania: 17,774) and represented also the majority of the refused aliens of the overall volume of refusals in 2006. The numbers of refusals have further halved in 2008, where a number of 2,715 persons (-2,921; -52% compared to 2007) were refused entry at the Austrian border and have then further declined in 2009 on a year-to-year basis by more than three quarters (- 77%) to 645³³.

Figure 8: Annual totals of refused persons, 1998-2009



Source: Data assembled for CIREFI for period 1998-2007³⁴.
 For 2008 and 2009, Eurostat Database, as of 23 February 2011, rounded figures.

³² The data presented in this chapter for the reference year 2008 is rounded.

³³ IOM Vienna, 2008.

³⁴ EMN Standardised Tables of Statistics available at <http://emn.intrasoft-intl.com/Downloads/download.do;jsessionid=41A44F72461251FFD521873B1DE119A3?fileID=788> (accessed on 30 October 2011)

Of the 645 persons refused entry at the Austrian border in 2009, the great majority (69%; 445) of them were refused at the air border and another 205 (11%) at the land border. In more than half (325; 50% of all cases, persons were refused for reasons of lack of valid travel document(s) following by the reason of missing of a valid visa or a residence permit (145; 23%).

Table 18: Third country nationals refused entry, by ground and external border, 2009

	Refusals Total	Land border	Air border
Total	645	205	445
No valid travel document(s)	145	130	15
False travel document	50	0	50
No valid visa or residence permit	325	70	250
False visa or residence permit	35	0	35
Purpose and conditions of stay not justified	20	0	20
Person already stayed 3 months in a 6-months period	0	0	0
No sufficient means of subsistence	35	0	35
An alert has been issued	35	0	35
Person considered to be a public threat	0	0	0

Source: Eurostat Database, as of 23 February 2011. Rounded figures.

The majority of all persons refused at the borders were citizens from Turkey (65), Serbia (55), China (55) followed by citizens from the Russian Federation (40) and Ukraine (30). In contrast to the previous year however, nationals of Switzerland and Liechtenstein no longer appear among the main nationalities.

Table 19: Refusals by main countries of citizenship and border, 2009

Country of citizenship	Persons refused entry	Refused at the land border	Refused at the air border
Turkey	65	35	30
Serbia	55	40	15
China (including Hong Kong)	55	30	25
Russian Federation	40	10	35
Ukraine	30	5	25
Albania	25	0	25
Vietnam	25	0	25
India	25	5	20
Bosnia and Herzegovina	20	15	10
Macedonia, the former Yugoslav Republic of	20	15	10

Source: Eurostat Database, as of 23 February 2011. Rounded figures.

5.2 Relationship between refusals, apprehensions and returns

A particular strong relationship between refusals, apprehensions and returns throughout all domains exists for several nationalities. Nationals of Serbia, Turkey, the Russian Federation and India were represented in all main citizenship groupings concerning refusals, apprehensions, persons ordered to leave as well as persons returned following an order to leave. Serbian ranked first among persons ordered to leave (14% of total) and are second ranked in the case of refusals (9% of total). Other groups such as nationals from the Former Yugoslav Republic of Macedonia, China, Nigeria and Kosovo figured among at least three main groupings of citizenship.

Table 20: Refusals, apprehensions, ordered to leave and returns by main countries of citizenship, 2009

Refusals		Apprehensions		Ordered to leave		Returns	
Turkey	65	Russian Federation	2,230	Serbia	1,460	Kosovo	1,230
Serbia	55	Afghanistan	1,865	Kosovo	1,065	Russian Federation	960
China	55	Kosovo	1,390	Russian Federation	800	Serbia	815
Russian Federation	40	Serbia	1,280	Turkey	775	Turkey	250
Ukraine	30	Nigeria	1,090	Nigeria	745	Iraq	240
Albania	25	Georgia	895	Georgia	650	India	235
Vietnam	25	India	885	India	580	Nigeria	220
India	25	China	720	Armenia	420	FYROM	210
Bosnia and Herzegovina	20	Turkey	685	China	390	Moldova, Rep. of	205
FYROM	20	Iraq	460	FYROM	310	Georgia	195
Total	645	Total	17,145	Total	10,625	Total	6,410

Source: Eurostat Database, as of 23 February 2011. Rounded figures. China includes figures for Hong Kong.

6. ASYLUM: INTERNATIONAL PROTECTION

In the following chapter, data³⁵ on applications for international protection, decisions on international protection and Dublin transfers for the reference period 2009 are presented.

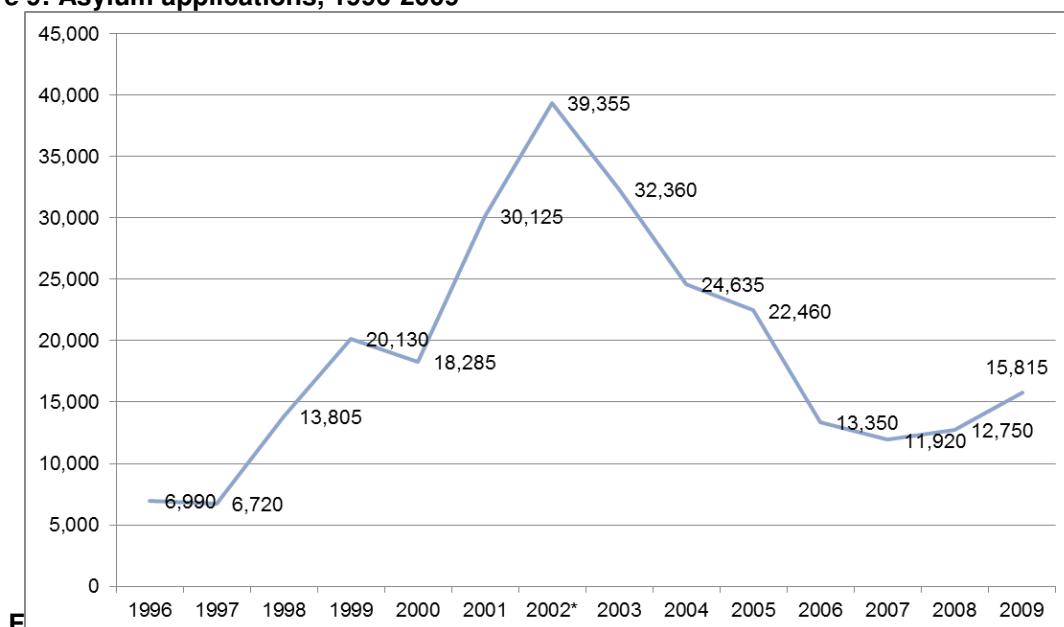
Data used in this chapter has been extracted from the Eurostat database and as part of a verification process, checked with data on international protection statistics transferred to Eurostat by the Austrian Federal Ministry of the Interior as well as data on Dublin transfers submitted by the Federal Asylum Office.

6.1 Applications for International Protection

6.1.1. Applications for international protection

In recent years, as in other industrialised countries³⁶ a continued decline in asylum applications³⁷ could be observed in Austria. While the year 2002 recorded the highest numbers in asylum applications in Austria (39,355), there were only 24,634 asylum applications in 2004, 13,349 in 2006 and 11,921 in 2007.

Figure 9: Asylum applications, 1996-2009



Source: Eurostat Database, as of 16 February 2011. Rounded figures.

Note: *The figure for 2002 includes 16,145 asylum applications that were made in the end of 2001 at the Austrian embassy in Islamabad.

In 2008, in line with global trends which showed a +12 per cent increase year-on-year since 2007 and an increase of +6 per cent on 2007 figures for the 27 EU Member States,³⁸ an increase in asylum applications in Austria was registered (compared to 2007: +830; +7%).

³⁵ The data presented in this chapter is rounded.

³⁶ UNHCR, Asylum Levels and Trends in Industrialized Countries 2005, Geneva 2006, available at <http://www.unhcr.org/44153f592.html> (accessed on 27 September 2010)

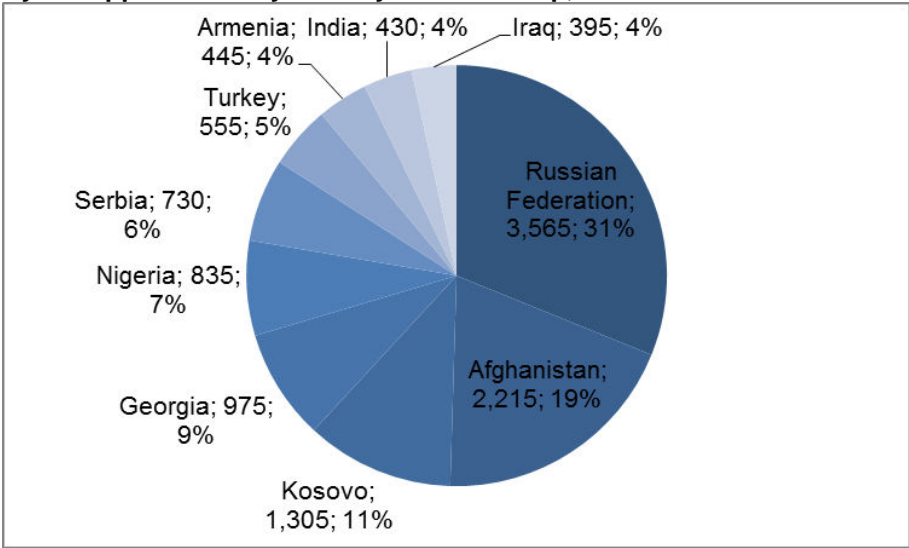
³⁷ As mentioned above, please note that the number of asylum applications in Austria refers to the total number of asylum applications, including first-time and repeated applications.

³⁸ UNHCR, Asylum Trends in Industrialised Countries 2008, Geneva 2009, available at <http://www.unhcr.org/49c796572.html> (accessed on 11 October 2010)

However, the total number of 15,815 applications was still below the level of all annual applications for international protection since 1999 (13,805).

A number of 15,785 (99.8% of all asylum applications) asylum applications in 2009 were made by citizens of countries outside the EU-27. Some other 155 (0.9%) were made by stateless persons. Figure 8 shows the main citizenship groupings of asylum applicants in 2009. As in 2008, the main country of citizenship of asylum applicants was the Russian Federation with 22.5 per cent (3,565) of all applications. With 2,215 asylum applicants (14% of all applicants), Afghanistan was ranked second, followed by applications from Kosovo (1,305; 8%), Georgia (975; 6%), Serbia (730; 5%), Turkey (555; 4%), Turkey (445; 3%), Somalia (430; 3%), and Iraq (395; 3%).

Figure 10: Asylum applications by country of citizenship, 2009



Source: Eurostat Database, as of 16 February 2011. Rounded figures.

Overall, more than two thirds (69%) of asylum applicants in Austria were male. Almost half of all asylum applicants (7,470; 47%) were aged between 18-34 years; further 37 per cent (5,760) were minors.

6.1.2. Applications for international protection under consideration

“Pending applications” and “applications for international protection under consideration” refer to the stock of applicants for which decisions are still pending at all instances of the administrative and/or judicial procedure at the end of the reference period (see Art 4.1(b) of Regulation 862/2007 (EC)).

At the end of December 2009, a number of 28,600 asylum applications were pending in Austria. Compared to 2008, this signifies a decline of -6 per cent (2008: 30,355). Applicants from the Russian Federation represented 16 per cent (4,695) of all applications under consideration, Serbia (3,185; 11%), Afghanistan (2,810; 6%) Turkey (1,835; 6%) and Nigeria (1,805; 6%).

Table 21: Asylum applications under consideration by main countries of citizenship, 2009

Country of citizenship	Total	Per Cent
Russian Federation	4,695	16.4%
Serbia	3,185	11.1%
Afghanistan	2,810	9.8%
Turkey	1,835	6.4%
Nigeria	1,805	6.3%
Armenia	1,345	4.7%
Georgia	1,190	4.2%
Mongolia	910	3.2%
India	850	3.0%
China (incl. Hong Kong)	815	2.8%
Total	28,600	100%

Source: Eurostat Database, as of 16 February 2011. Rounded figures.

Also in case of asylum applications pending, more than two-thirds (67%) of concerned applicants (19,245) were male and in almost half of all cases (13,695; 48%) applicants were aged between 18-34.

Table 22: Asylum applications under consideration by age and sex, 2009

Category	Total number	in %	
Age group	< 14 years	5,885	20.6%
	14 to 17 years	2,095	7.3%
	18 to 34 years	13,695	47.9%
	35 to 64 years	6,800	23.8%
	65 years or over	125	0.4%
Sex	Males	19,245	67.3%
	Females	9,355	32.7%
Total	28,600	100%	

Source: Eurostat Database, as of 16 February 2011. Rounded figures.

6.1.3. Withdrawn applications

“Withdrawn applications” mean applications for asylum having been withdrawn during the reference period at all instances of the administrative and/or judicial procedure (see Art 4.1(c) of Regulation (EC) 862/2007).

In 2009, some 4,075 asylum applications were withdrawn in Austria. The main citizenship groupings of withdrawn applications are listed in table 25. With 650 withdrawals (16%), most withdrawals were mainly made by applicants from the Russian Federation followed by withdrawals from applicants from Kosovo (435; 11%), Serbia (415; 10%), Afghanistan (295; 7%) and Nigeria (280; 7%), i.e. main countries of origin of asylum applicants.

Table 23: Withdrawn applications by main countries of citizenship, 2009

Country of citizenship	Total numbers	in %
Russian Federation	650	16.0
Kosovo	435	10.7
Serbia	415	10.2
Afghanistan	295	7.3
Nigeria	280	6.9
Georgia	220	5.4
Turkey	165	4.1
India	150	3.7
China (incl. Hong Kong)	135	3.3
Moldova, Republic of	115	2.8
Total	4,055	100.0

Source: Eurostat Database, as of 16 February 2011. Rounded figures.

The sex and age ratio of asylum applicants is also reflected in the sex and age ratio of withdrawals: most withdrawals (79%; 3,305) were made by male applicants; further, in 61 per cent (2,545) of the cases, withdrawals were made by persons aged 18-35.

Table 24: Withdrawn applications by age and sex, 2009

Categories	Total numbers	in %	
Age (years)	< 14 years	520	13
	14 to 17 years	325	8
	18 to 34 years	2,310	57
	35 to 64 years	895	22
	65 years or over	25	1
	Unknown	0	0
Sex	Males	3,080	76
	Females	995	24
Total	4,075	100	

Source: Eurostat Database, as of 16 February 2011. Rounded figures.

6.2 Decisions on International Protection

In this chapter, data on first instance and final decisions on international protection are presented.³⁹

6.2.1. First Instance Decisions

In the reporting year, a number of 14,845 first instance decisions on applications for asylum were completed in Austria. Some 78.3 per cent (11,625) of these were rejected, in 14 per cent of the decisions (1,885) international protection according to the Geneva Convention was granted and in 9 per cent of the cases (1,335) a subsidiary protection status was acquired. No decisions on temporary protection were taken.

Table 25: First instance decisions by type of decision / status, 2009

Type of decision / status	Total	in %
Rejected	11,625	78
Total positive decisions	3,220	23
Geneva Convention status	1,885	14
Subsidiary protection status	1,335	9
Temporary protection status	0	0
Humanitarian status	:	:
Total number of decisions	14,845	100

Source: Eurostat Database, as of 16 February 2011. Rounded figures. Note: *Data on humanitarian status is provided by Austria under Art. 6 of EC Reg. 862/2007.

As shown in table 26, more than a quarter (3,875; 26%) of all first instance decisions concerned citizens of the Russian Federation. Afghan nationals constituted the second

³⁹ "Geneva Convention" as well as "Refugee status" means refugee status as defined in Article 2(d) of Council Directive 2004/83/EC, the recognition by a Member State of a third country national or a stateless person as a refugee.

"Subsidiary protection status" means subsidiary protection status as defined in Article 2(f) of Council Directive 2004/83/EC the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary protection.

"Temporary protection" means temporary protection as defined in Article 2(a) of Council Directive 2001/55/EC, a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection.

The number of total positive decisions is calculated as the sum of decisions granting protection under the Geneva Convention, subsidiary protection, temporary protection and humanitarian status. Please note that decisions on humanitarian protection are not reported by Austria under Article 4 of Regulation (EC) 862/2007. Instead, residence permits that are granting humanitarian status are reported under Article 6 of the Regulation.

largest single nationality concerned by first-instance decisions with 12 per cent (1,765) of all decisions taken, followed by nationals of Kosovo (1,115; 8%). While 98.8 per cent (400) of first instance decisions on asylum applications from Indian nationals and 97 per cent (785) of first decisions of Nigerian nationals were negative, some 76 per cent (285) of first instance decisions on asylum applications from Iraqi nationals and 50 per cent (875) of all first instance decisions concerning Afghan nationals were positive. While in 44 per cent (165) of all decisions, Iraqi nationals were granted Geneva Convention status and in 32 per cent (120) subsidiary protection status, Afghan nationals were granted in 34 per cent (600) of all decisions subsidiary protection and in 16 per cent (280) Geneva Convention status.

Table 26: First instance decisions by main countries of citizenship, 2009

Country of citizenship	Total decisions	Rejected	Total positive	Geneva Convention	Subsid. protection	Temp. protection	Humanitarian status
Russian Federation	3,875	2,895	975	735	240	0	:
Afghanistan	1,765	890	875	280	600	0	:
Kosovo	1,115	1,040	80	40	40	0	:
Georgia	930	875	55	25	25	0	:
Nigeria	810	785	20	10	10	0	:
Serbia	730	680	50	30	20	0	:
Turkey	480	415	70	55	15	0	:
Armenia	450	400	50	25	25	0	:
India	405	400	5	5	5	0	:
Iraq	375	90	285	165	120	0	:

Source: Eurostat Database, as of 16 February 2011. Rounded figures. Note: *Data on humanitarian status is provided by Austria under Art. 6 of EC Reg. 862/2007.

6.2.2. Decisions Withdrawing Status Granted at First Instance

In 2009, a number of 285 decisions withdrawing status granted at first instance were made. This signifies an increase of +119 per cent compared to 2008 where 130 withdrawals were made. The great majority (225; 79%) of all these decisions refer to withdrawals of subsidiary protection. The other withdrawals (60; 21%) refer to Geneva Convention Status.

Table 27: Decisions withdrawing Status granted at First Instance by type of decision, 2009

Withdrawal of decisions	Total numbers	In %
Geneva Convention status	60	21
Subsidiary protection status	225	79
Temporary protection status	0	0
Humanitarian status	0	0
Total number of withdrawals	285	100

Source: Eurostat Database, as of 16 February 2011. Rounded figures.

Table 28 shows that almost a quarter (70; 25%) concerned nationals from Serbia. A number of 55 (19%) referred to Russian citizens.

Table 28: Decisions withdrawing status granted at first instance by main citizenship, 2009

Country of citizenship	Total number withdrawals	Geneva Convention	Subsidiary protection	Temporary protection	Humanitarian status
Serbia	70	10	65	0	0
Russian Federation	55	20	35	0	0
Kosovo	25	0	25	0	0
Afghanistan	20	0	20	0	0
Georgia	20	0	20	0	0
Bosnia and Herzegovina	15	10	0	0	0
Armenia	15	5	10	0	0
Turkey	10	0	10	0	0
Albania	5	0	5	0	0
Macedonia, the former Yug. Republic of	5	0	5	0	0

Source: Eurostat Database, as of 16 February 2011. Rounded figures. Notes: *Statistics on humanitarian status is provided by Austria under Art. 6 of Regulation (EC) 862/2007.

6.2.3. Final Instance Decisions

A total of 11,865 final instance decisions were taken in Austria in 2009. This signifies an increase of +27 per cent compared to 2008 where 9,310 final instance decisions were taken. In 85 per cent (10,085) of the decisions, a negative decision was taken. Geneva Convention protection status was granted in 12 per cent (1,405) of all decisions, subsidiary protection status in 3 per cent (375). More than 99 per cent (11,850) of all decisions concerned citizens of countries outside the EU 27. Decisions on temporary protection were not taken. Decisions on humanitarian protection are not reported by Austria under Article 4 of Regulation (EC) 862/2007. Instead, residence permits that are granting humanitarian status are reported under Article 6.

Table 29: Final Decisions by type of decision / status, 2009

Type of decision/status	Total numbers	In %
Rejected	10,085	85
Total positive decisions	1,780	15
Geneva Convention status	1,405	12
Subsidiary protection status	375	3
Temporary protection status	0	0
Humanitarian status	:	:
Total number of decisions	11,865	100

Source: Eurostat Database, as of 16 February 2011. Rounded figures.

Notes: *Statistics on humanitarian status is provided by Austria under Art. 6 of Regulation (EC) 862/2007.

Table 30 lists the ten main countries of citizenship of persons concerned by final instance decisions. The three main countries of citizenship were citizens of the Russian Federation (2,835; 24%), Serbia (1,025; 9%) and Turkey (870; 7%). In case of final instance decisions concerning India (385) and China (375) 99 per cent each and in case of Kosovo 97 per cent (545) of all final instance decisions were negative. In case of final instance decisions on asylum applications of Afghanistan, 46.8 per cent (370) were positive, mostly granting Geneva Convention protection status (325).

Table 30: Final Decisions by type of decision / status and main countries of citizenship, 2009

	Total number of decisions	Rejected	Total positive decisions	Geneva Convention status	Subsidiary protection status	Temporary protection status	Humanitarian status
Russian Federation	2,835	2,045	790	680	110	0	:
Serbia	1,025	965	60	25	35	0	:
Turkey	870	825	45	35	10	0	:
Nigeria	845	820	20	5	15	0	:
Afghanistan	790	420	370	325	45	0	:
Georgia	780	705	75	35	40	0	:
Armenia	575	545	30	20	10	0	:
Kosovo	565	545	20	5	15	0	:
India	515	510	5	0	5	0	:
China (incl. Hong Kong)	380	375	5	5	0	0	:

Source: Eurostat Database, as of 16 February 2011. Rounded figures.

6.2.4. Decisions Withdrawing Status Granted as Final Decision

In 2009, in total a number of 35 decisions withdrawing status granted as final decisions were taken. They concerned 25 cases of withdrawal of subsidiary protection status and in 10 cases withdrawal of Geneva Convention status.

6.2.5 Resettlement

According to Article 2.1(s) Regulation (EC) 862/2007, “resettlement” means the transfer of third country nationals or stateless persons on the basis of an assessment of their need for international protection and a durable solution, to a Member State, where they are permitted to reside with a secure legal status. Austria did not carry out resettlement programs during the reference period.

6.3 Dublin Transfers

In accordance with the so called “Dublin II Regulation” (Regulation (EC) No 343/2003⁴⁰), Member States have to assess which Member State is responsible for examining an asylum application lodged on their territory on the basis of the hierarchical criteria set down in the regulation. The underlying concept is to impede the possibility of lodging multiple applications in different Member States and to reduce secondary movements of asylum applicants within the European Union. When responsibility is designated to another Member State under the criteria of the regulation, this Member State is requested to take charge of the asylum applicant and consequently to examine his/her application (‘take-back request’ or ‘take-charge request’). If the Member State approached accepts its responsibility, the first Member State has to transfer the asylum applicant to that Member State. This Member State is then then to complete the examination of the application. The Dublin II Regulation is applicable in all EU Member States, Norway, Iceland and Switzerland⁴¹.

6.3.1. Incoming take charge and take back requests and respective transfers

As shown in table 31, in total a number of 2,436 requests to take back or take charge of asylum applicants were addressed by other Member States to Austria in 2008. This signifies an increase of 39% compared to 2008 where 1,755 requests were made.

Of the total requests, 1,313 requests were accepted, 1,011 were refused and a number of 742 transfers were carried out. In the majority of cases (1,501; 62%) the asylum application of the respective person was under examination in Austria. A quarter of all requests was made by Germany (614; 25%), followed by requests made by France (480; 19%) and Switzerland (455; 19%).

⁴⁰ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, available <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:HTML>, (accessed on 13 September 2011)

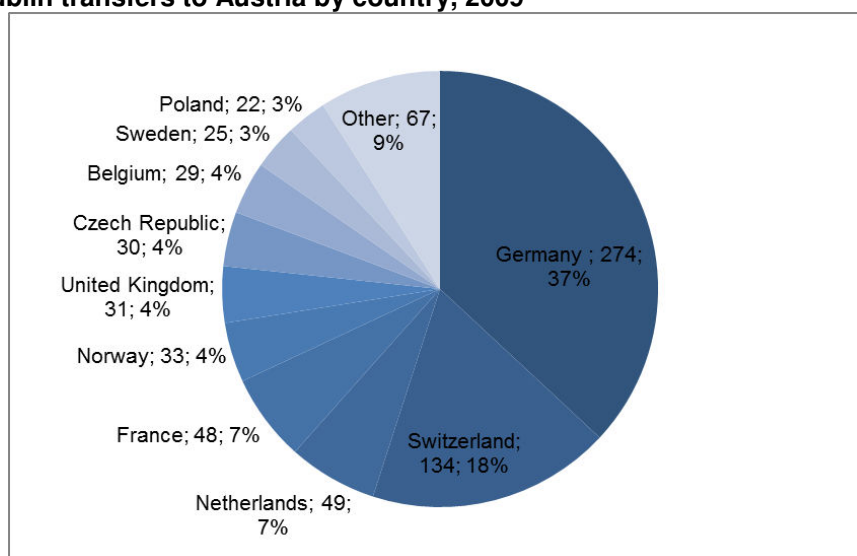
⁴¹ Since 12 December 2008, Switzerland is also applying the Dublin Regulation.

Table 31: Incoming requests - Dublin transfers by reason for request and decision taken, 2009

	Requests	Accepted requests	Refused requests	Transferred
Total number of taking charge requests	258	73	170	31
Taking charge requests: Family reasons (Art.6, Art.7, Art.8, Art.14)	49	18	30	13
Taking charge requests: Documentation and entry reasons (Art.9, Art.10, Art.11, Art.12)	188	50	126	14
Taking charge requests: Humanitarian reasons (Art.15)	21	5	14	4
Total number of taking back requests	2,178	1,240	841	711
Taking back requests: Withdrawal of application during Dublin procedure (Art. 4.5)	22	4	9	3
Taking back requests: Under examination - no permission to stay (Art.16.1c)	1,501	835	610	466
Taking back requests: Withdrawal - new application (Art.16.1.d)	11	4	7	0
Taking back requests: Rejection - no permission to stay (art.16.1.e)	644	397	215	242
Total EURODAC	1,978	1,085	815	:
Taking charge requests based on EURODAC	94	22	69	:
Taking back requests based on EURODAC	1,884	1,063	746	:
Total number of pending requests at the end of reference period	51	:	:	:
Total number of requests for information	0	:	:	:
Number of answers to requests for information	0	:	:	:
Total number of requests	2,436	1,313	1,011	742

Source: Eurostat Database, as of 18 February 2011. Notes:

As in 2008, in the majority of the transfers 466 (63%) carried out Austria was requested to take back asylum applicants whose application was under examination in Austria and were found in the territory of another Member State without permission to stay (Art. 16 (1) (c) of the Dublin regulation). Almost a further third of the cases (242; 33%) referred to Art. 16(1)(e), i.e. to persons illegally present in the respective Member State after their asylum application had been rejected by Austria. Other reasons for requests were documentation and entry reasons (14), family reasons (13) and in four cases humanitarian reasons. With exception of Switzerland, which became signatory to the Regulation on 5 June 2005 and where the Regulation came into effect on 12 December 2008, the same top ten countries of transfer prevailed: Most transfers to Austria were carried out by Germany (274; 37%) and Switzerland (134; 18%) followed by the Netherlands (49; 7%) and France (48; 7%).

Figure 11: Dublin transfers to Austria by country, 2009

Source: Eurostat Database, as of 14 December 2011.

4.6.2. Outgoing take charge and take back requests and respective transfers

In the reporting year 2009, Austria posed a total of 5,464 taking charge and taking back requests to other Member States. This represents an increase of +28 per cent (4,277). More than a third (1,945; 36%) of all taking charge and taking back requests were addressed to Poland, followed by 911 (17%) requests made to Greece, 898 (16%) to Hungary and 569 (10%) to Italy.

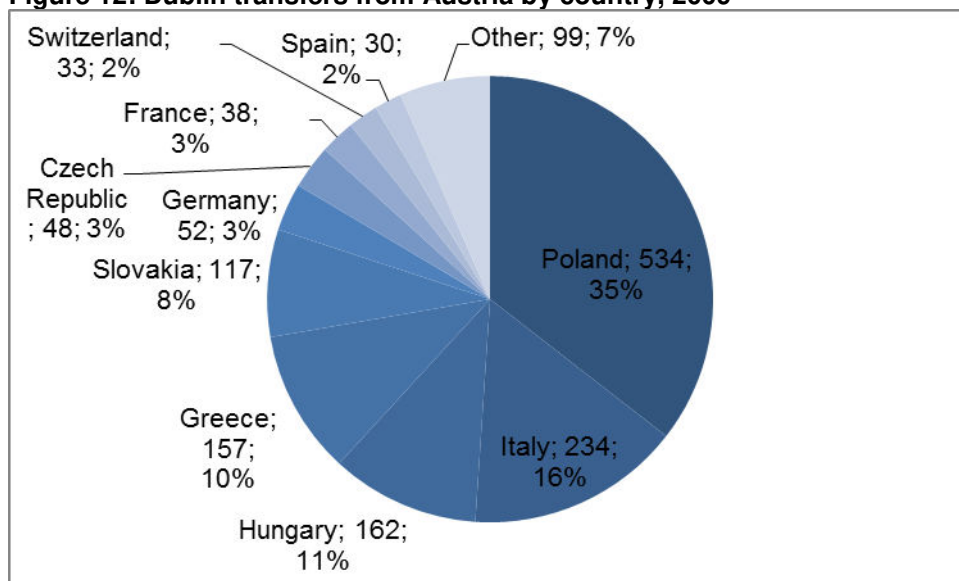
Table 32: Outgoing requests - Dublin transfers by reason for request and decision taken, 2009

	Requests	Accepted requests	Refused requests	Transferred
Total number of taking charge requests	1,549	1,166	403	360
Taking charge requests: Family reasons (Art.6, Art.7, Art.8, Art.14)	46	28	24	18
Taking charge requests: Documentation and entry reasons (Art.9, Art.10, Art.11, Art.12)	1,502	1,137	379	342
Taking charge requests: Humanitarian reasons (Art.15)	1	1	0	0
Total number of taking back requests	3,915	3,466	371	1,144
Taking back requests: Withdrawal of application during Dublin procedure (Art. 4.5)	0	0	0	5
Taking back requests: Under examination - no permission to stay (Art.16.1c)	3,346	2,984	290	918
Taking back requests: Withdrawal - new application (Art.16.1.d)	6	5	4	0
Taking back requests: Rejection - no permission to stay (art.16.1.e)	563	477	77	221
Total EURODAC	3,431	3,027	376	:
Taking charge requests based on EURODAC	578	506	80	:
Taking back requests based on EURODAC	2,853	2,521	296	:
Total number of pending requests at the end of reference period	125	:	:	:
Total number of requests for information	1,718	:	:	:
Number of answers to requests for information	0	:	:	:
Total number of requests	5,464	4,632	774	1,504

Source: Eurostat Database, as of 18 February 2011.

The main destination of all transfers with more than a third of all transfers (534; 36%) were carried out to Poland, followed by transfers to Italy (234; 16%), Hungary (162; 11%), Greece (101; 10%) and Slovakia (63; 8%).

Figure 12: Dublin transfers from Austria by country, 2009



Source: Eurostat Database, as of 14 December 2011.

A number of 4,632 were accepted and 1,504 transfers were carried out. In the case of 61.3 per cent (918) of Dublin transfers carried out from Austria, Austria requested that asylum applicants were taken back whose application was under examination in other Member States and were found in the territory of Austria without permission to stay (Art. 16 (1) (c) of the Dublin regulation). A further 23 per cent (342) of the cases referred to documentation and entry reasons. Other main reasons for requests were rejections of asylum applications in other Member States and no permission to stay (221).

4.6.3. Requests for information

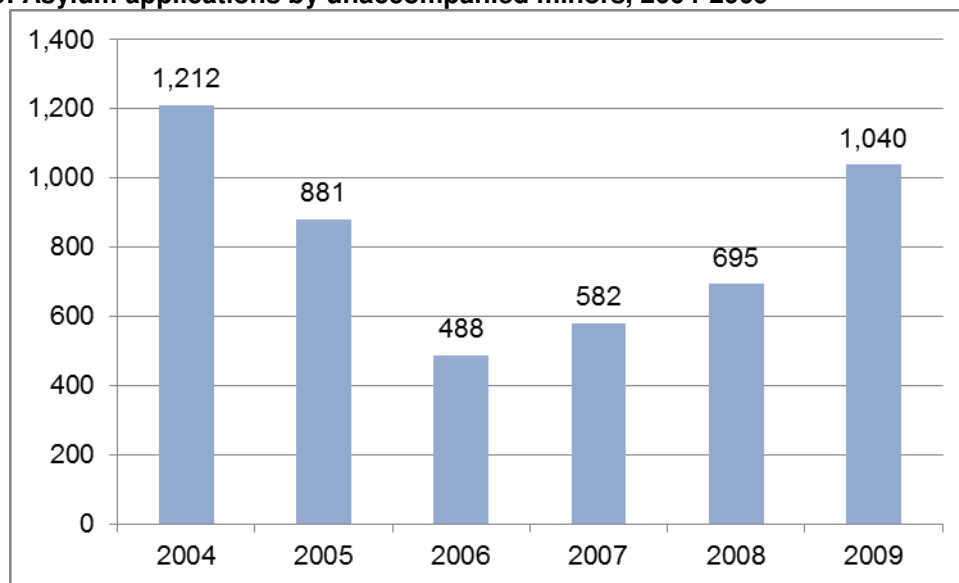
The Dublin Regulation also provides for mechanisms for administrative cooperation: If necessary for specific purposes, such as for determining the Member State responsible or for examining an asylum application, EU Member States can pose requests for information concerning asylum applicants. In this context, in 2009, a number of 1,718 requests for information were posed by Austria to other Member States. A number of 394 (23%) of these requests were posed to Hungary, 250 (15%) to Italy, 157 (9%) to Poland and 156 (9%) to Germany.

6.4 Unaccompanied minors

“Unaccompanied minor” means as defined in Article 2.(i) of Council Directive 2004/83/EC⁴² a third country national or stateless person below the age of 18, who arrives on the territory of the EU Member States unaccompanied by an adult responsible for him/her whether by law or custom, and for as long as he/she are not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he/she has entered the territory of the EU Member States.

A number of 1,040 asylum applications were launched by unaccompanied minors in Austria in 2009. All of them were third country nationals in the EU context. This figure lies beyond the number of 1,212 asylum applications logged as such in 2004 but over the application numbers of unaccompanied minors since 2005 and follows a trend of rising numbers of asylum applications of unaccompanied minors since 2006.

Figure 13: Asylum applications by unaccompanied minors, 2004-2009



Source. FMI for 2004-2007. For 2008 and 2009, Eurostat Database, as of 16 February 2011. Rounded figures.

In 2009, most asylum-seeking unaccompanied minors were male (935; 90%). The great majority of minors were aged 16-17 years (720; 69%); a further quarter (265; 26%) was aged 14-15 years.

Table 33: Unaccompanied minors by age and sex, 2009

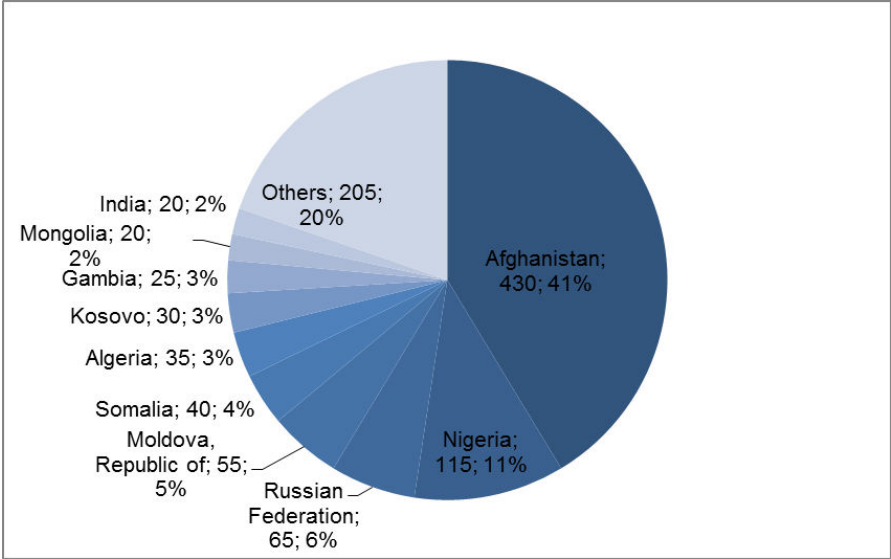
Category		Total	%
Age (Years)	0-13	55	5.3
	14-15	265	25.5
	16-17	720	69.2
Sex	Females	105	10.1
	Males	935	89.9
Total		1,040	100

Source: Eurostat Database, as of 16 February 2011. Rounded figures.

⁴² Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, available <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>, (accessed on 10 September 2011)

With regard to countries of origin, since 2005, Afghanistan was the most important country (2009: 430; 41%) for unaccompanied minors. Other important countries of origin of asylum-seeking unaccompanied minors in 2009 were Nigeria (115; 11%), the Russian Federation (65; 6%), the Republic of Moldova (55; 5%) and Somalia (40; 4%).⁴³

Figure 14: Unaccompanied minors by citizenship, 2009



Source: Eurostat Database, as of 16 February 2011. Rounded figures.

⁴³ For further information on unaccompanied minors in Austria see IOM Vienna (2009b): Policies of reception, return, integration arrangements for and numbers of unaccompanied minors in Austria, National EMN Report, available at: www.emn.at/images/stories/UAM_AT.pdf (accessed on 1 September 2011)

References

Bundesamt für Asyl und Flüchtlinge (2010): Annual Report on Migration and International Protection Statistics 2008 by the German National Contact Point for the European Migration Network (EMN), Nürnberg, available at: <http://emn.sarenet.es/Downloads/download.do;jsessionid=B7A8E319BC7529F2CE623677CF1EDB09?fileID=1152> (accessed on 13 September 2011)

European Migration Network (EMN) (2010): Synthesis Report to the EMN Annual Policy Report 2009, Brussels, available at <http://emn.intrasoft-intl.com/Downloads/download.do;jsessionid=1D0565BA092252F4EBC786554D61A40F?fileID=1064> (accessed on 15 December 2011)

European Migration Network (EMN) Tables of Statistics available at <http://emn.intrasoft-intl.com/Downloads/download.do;jsessionid=41A44F72461251FFD521873B1DE119A3?fileID=788> (accessed on 30 October 2011)

European Commission (2010): EMN Status Report 2009, Version 1, available at: <http://emn.intrasoft-intl.com/Downloads/download.do;jsessionid=4848B2CF17B3E206FAFAC24CBCC566D7?fileID=1098> (accessed on 22 October 2011)

Eurostat, Migration Metadata and Quality Questionnaire, Austria - Migration Metadata and Quality Report 2008 - Acquisition and loss of citizenship, Data collection for the reference year 2008, Acquisition and loss of citizenship, p.55ff, available at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_acqn_esms_an1.pdf (accessed on 3 October 2011)

Eurostat, Migration Metadata and Quality Report, based on the data collection for the reference year 2009, Austria - International Immigration, available at: http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_flow_esms_an5.pdf (accessed on 24 September 2011)

Eurostat, Metadata on Enforcement of Immigration Legislation – Annex Third country nationals refused entry at the external borders, available at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_res_esms_an1.pdf (accessed on 3 September 2011)

Eurostat, Metadata on Enforcement of Immigration Legislation – Annex Third country nationals refused entry at the external borders, available at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/Annexes/migr_res_esms_an1.pdf (accessed on 3 September 2011)

IOM Vienna (2010): Annual Policy Report 2009. National EMN Report Austria, Vienna 2010, available at http://www.emn.at/images/stories/APR_2009_AT.pdf (accessed on 15 December 2011)

IOM Vienna (2009a); IOM Vienna, Annual Report on Migration and Asylum Statistics 2007, National EMN Report, Vienna 2009, available at http://www.emn.at/images/stories/ASR_2007_AT.pdf (accessed on 23 September 2011)

IOM Vienna (2009b): Policies of reception, return, integration arrangements for and numbers of unaccompanied minors in Austria, National EMN Report, available at: www.emn.at/images/stories/UAM_AT.pdf (accessed on 1 September 2011)

Österreichischer Integrationsfonds (2008): Zahlen Daten Fakten 2008, p.32; Statistik Austria (2009): Press release 9.309-27/09, available at http://www.statistik.at/web_de/dynamic/statistiken/bevoelkerung/einbuengerungen/035247 (accessed on 3 October 2011)

Schumacher/Peyrl (2007): Fremdenrecht, Third Edition, Vienna.

Statistics Austria, Standard-Dokumentation Metainformationen (Definitionen, Erläuterungen, Methoden, Qualität) zur Statistik der Einbürgerungen, available at http://www.statistik.at/web_de/statistiken/bevoelkerung/einbuengerungen/dokumentationen.html (accessed on 3 October 2011)

Statistics Austria, Standard-Dokumentation Metainformationen (Definitionen, Erläuterungen, Methoden, Qualität) zur Wanderungsstatistik, available at http://www.statistik.at/web_de/wcmsprod/groups/gd/documents/stdok/029352.pdf#page=0&bookmark=0 Schumacher/Peyrl, Fremdenrecht, 3. Auflage, Vienna 2007, p. 264.

Statistics Austria, Wanderungsstatistik 2008, available at http://www.statistik.at/dynamic/wcmsprod/idcplg?IdcService=GET_NATIVE_FILE&dID=58601&dDocName=042300 (accessed on 15 October 2011)

UN Department of Economic and Social Affairs Statistics Division, Recommendations on Statistics of International Migration, 1998, p.31., available at http://unstats.un.org/unsd/publication/SeriesM/SeriesM_58rev1E.pdf (accessed on 23 September 2011)

UNHCR, Asylum Levels and Trends in Industrialized Countries 2005, Geneva 2006, available at <http://www.unhcr.org/44153f592.html> (accessed on 27 September 2010)

UNHCR, Asylum Trends in Industrialised Countries 2008, Geneva 2009, available at <http://www.unhcr.org/49c796572.html> (accessed on 11 October 2010)

Legal documents

Settlement and Residence Act

Commission Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:222:0003:0023:EN:PDF> (accessed on 30 September 2010)

Council Decision 2008/381/EC establishing a European Migration Network, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0381:EN:NOT> (accessed on 13 September 2010)

Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, available <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>, (accessed on 10 September 2011)

Council Directive 109/2003/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0109:en:NOT>, (accessed on 13 September 2011)

Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, available <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:HTML>, (accessed on 13 September 2011)

Regulation (EC) No 862/2007 of the European Parliament and the Council of 11 July 2007 concerning Community statistics on migration and international protection, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:199:0023:0029:EN:PDF> (accessed on 30 September 2010)

Further websites

European Migration Network (EMN), <http://emn.sarenet.es/html/index.html> (consulted on 14 June 2011)

National EMN Contact Point Austria, <http://www.emn.at> (consulted on 23 September 2011)

International Organisation for Migration Office Vienna, <http://www.iomvienna.at> (consulted on 23 September 2011)