



IOM International Organization for Migration



TEMPORARY AND CIRCULAR MIGRATION IN AUSTRIA

Study of the National Contact Point Austria
in the European Migration Network

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REPUBLIC OF AUSTRIA
FEDERAL MINISTRY OF THE INTERIOR

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*Chapter 3.3 – Illustration of circular and temporary migration
according to the population register*

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ADDENDUM

*Backgroundpaper – Circular and temporary migration in Austria –
A statistic illustration shown by means of the population statistic
Population Register POPREG*

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The opinions presented in the study are those of the authors and do not necessarily represent the position of the Austrian Federal Ministry of the Interior and/or the International Organization for Migration (IOM) and/or the Statistics Austria.

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INFORMATION ON THE EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003 by the European Commission by order of the European Council in order to satisfy the need of a regular exchange of reliable information in the field of migration and asylum on a European level. Since 2008 the Council Decision 2008/381/EC constitutes the legal basis of the EMN.

The purpose of the EMN is to provide European community organs, national institutions and authorities as well as the general public with up-to-date, objective and comparable data and information on migration and asylum. In this way, the intention is to objectify the current discourse on migration and to support political decision processes within the European Union.

The European Commission (under the direct responsibility of the Directorate General for Home Affairs) co-ordinates the EMN assisted by two Service Providers (GHK-COWI and iLiCONN), in co-operation with National Contact Points appointed in each Member State. A Steering Board, chaired by the European Commission and consisting of one representative from each Member State plus, acting as an Observer, from the European Parliament, provides political guidance on the activities of the EMN.

The Austrian National Contact Point is located at the International Organization for Migration in Vienna. The main tasks of the National Contact Points are the preparation of annual policy and statistics reports, studies on certain subjects as well as ad hoc inquiries. Furthermore, it established a national network consisting of organisations, institutions and researchers working in the field of migration and asylum. The National Contact Points, which have been designated by their Member State government, consist primarily of Ministries of Interior and of Justice; plus Research Institutes; Non-Governmental Organisations; and a national office of an International Organisation.

In principle, the National Contact Points do not conduct primary research but collect and analyse existing data and information; yet when

required, information is complemented by means of additional data collection. EMN studies are elaborated in accordance with uniform specifications in order to achieve comparable EU-wide results. Since the comparability of the results is frequently accompanied by challenges, the EMN has elaborated a Glossary, which assures the application of a similar terminology in all national reports. Upon completion of the national reports, the European Commission and the service provider GHK-COWI issue a synthesis report, which summarises the most significant results of the individual national reports. All national studies and synthesis reports are available on the European website of the European Migration Network at www.emn.europa.eu.

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LIST OF ABBREVIATIONS

CRR	Central Register of Residents
COM	Communication from the European Commission
COWI	Consultancy within Engineering, Environmental Science and Economics
EC	European Commission
ECHR	European Convention of Human Rights
EMN	European Migration Network
EU	European Union
GCIM	Global Commission on International Migration
GHK	Gilmore Hankey Kirke Limited
iLiCONN	Interactive Listening and CONNecting
IOM	International Organization for Migration
POPREG	Population Register
UN	United Nations

FOREWORD

This national study has been produced within the framework of the European Migration Network. It provides information about the characteristics of temporary and circular migration patterns of third-country nationals moving temporarily to Austria for short-term employment, seasonal work, study or research. Definitorial constraints and the policy approach of Austria will be highlighted just as much as the criteria and legal conditions applying. Furthermore a review and analysis of existing statistical data was carried out in the framework of the study, which showed that temporary and also circular migration is part of migration to and from Austria. The report concentrates on the situation up to 1 January 2011.

Chapter one offers an introduction explaining the purpose and aims of the study, followed by an elaboration of the methodology applied to carry out the research including information on the expert interviews carried out. With regards to definitions, the general context is lined out plus the working definition in lack of common definitions used in the study is described. The approach to circular and temporary migration in Austria is demonstrated in chapter two including historical developments, the national vision and legal framework as well as co-operations with third-countries. In the third chapter available statistics and data on temporary and circular migration in Austria is provided and analysed; followed by some conclusions in chapter four.

In total, 24 National Contact Points of the European Migration Network have produced a study on “Temporary and Circular Migration: empirical evidence, current policy practice and future options in EU Member States” detailing developments in their respective Member States. The national studies form the basis for a synthesis report developed by the European Commission, which offers a comparison of the situation and approaches concerning temporary and circular migration in the EU Member States. Both the national report as well as the synthesis report aim at presenting an objective, scientific and reliable perspective on current developments in this field.

The present national report was drafted by Katerina Kratzmann (Head of Research), Stephan Marik-Lebeck (National Statistical Institute), Elisabeth Petzl (Researcher), Mária Temesvári (Legal Adviser). Stephan Marik-Lebeck also prepared the statistical background paper for this study. Special thanks go to the experts who were consulted through interviews for providing valuable input to the study and to Katharina Benedetter, Simone Tappert, Katharina Hausner, Theresa Bittmann, Heidi Jahn and Katie Klaffenböck, who further contributed to the compiling of information and the drafting of the study.

EXECUTIVE SUMMARY

This study looks at empirical findings, legal preconditions, political debates and future options for action concerning temporary and circular migration patterns of third-country nationals in Austria. The report was elaborated within the framework of the European Migration Network and provides the basis for the Europe-wide synthesis report “Temporary and Circular Migration: empirical evidence, current policy practice and future options in EU Member States”.

Temporary and circular migration do not constitute new forms of migration. Their significance, however, has increased in the context of discussions on international migration in recent years. This is attributable, on the one hand, to a *de facto* increase of these migration patterns world-wide, and on the other hand the fact that especially the concept of “circular migration” has been included in the political discourse. It is considered as a suitable instrument of migration policy and a potential answer to a number of challenges related to migration, such as manpower requirements, brain drain and irregular migration, among others.

What is to be precisely understood by circular migration, if or how this distinguishes itself from temporary migration, is unclear in the international scientific and political discourse. Consequently, in the present study, for both terms the definitions of the EMN Glossary are taken as working definitions. Accordingly, temporary migration is understood as “migration due to a certain moving cause or/and the purpose with the intention that afterwards a return into the country of origin or a onward migration will take place”, and therefore it refers to a limited duration of migration, whereas circular migration is defined as a “form of migration, which includes a legal mobility between two or more countries in a repetitive manner”, consequently focussing on a repetitive character of migration movements.

The differentiation between temporary residence and long-term settlement is an important feature of the Austrian migration law. Whereas residence permits only allow a temporary residence in Austria, settlement permits are coupled with a permanent residence perspective as well as the

possibility to obtain Austrian citizenship. Whether a residence permit or settlement permit will be granted to third-country nationals depends on the purpose of the stay. In the field of labour migration, for example, currently a long-term immigration is only possible for (highly) qualified third-country nationals. Residence permits are intended, among others, for students, pupils, researchers, rotational workers, company envoys and so on. These permits have more or less got a temporary character: their validity is, on the one hand, always limited in time, but most permits are renewable, and in particular for students and researchers from third countries the switching to settlement status is facilitated.

The Austrian government generally takes a more reserved stance towards the concept of circular migration. That is because the experiences with the so-called “guest worker” system of the 1960s and 1970s continue to have a determining influence on the debates on circular migration. This system was originally intended to be based on a rotational principle; it was assumed that workforce would come to Austria for a certain period of time and would then leave the country again. However, this system only worked out in a limited manner, with temporary stays often having turned into permanent residences. These experiences determine today the perspective of Austria regarding migration movements with circular character. Programmes fostering circular migration are consequently viewed with scepticism, and the implementation of such measures is not planned for the near future.

In statistical terms, forms of temporary and circular migration are integrative components of international migration flows to Austria, albeit to a lesser extent. An analysis of the population register (POPREG) has shown that for 2002-2009, on average around one fifth to one quarter of inflows can be classified as short-term migration with a length of stay of up to one year. In return, around three quarters of immigrants stayed in Austria for longer than one year, whereas the (currently only available) results for 2002-2004 show that around 60 per cent also stay for longer than five years in Austria. Immigration to Austria is thus, to an extent of three fifths, geared towards long-term stays. Concerning circular migration movements it was found that in 2002-2009 about 10 per cent of immigrants moved abroad again and immigrated to Austria for a second time. Nearly half of the people entering Austria for several times (accounting in total for about

5 per cent of all immigrants) even displayed two or more circular external migration movements.

One profound challenge to any further debate on temporary and circular migration is the lack of common definitions and concepts, not just in Austria but in general. A clarification in this regard would, considerably benefit the analysis of the phenomena. Moreover, conducting further research on temporary and circular migration based on common definitions seems important in order to broaden the currently limited understanding of these migration patterns, which often occur spontaneously and outside of regulated programmes. Drawing upon different sources (such as administrative data, surveys, longitudinal studies, migration biographies) is desirable; in order to better understand the actual migration behaviour.

1. INTRODUCTION: PURPOSE, METHODOLOGY AND DEFINITIONS

1.1. Purpose

This report is the Austrian contribution to the EMN study on *Temporary and circular migration: empirical evidence, current policy practice and future options in EU Member States*. The EMN Steering Board approved the selection of this study as part of the EMN Work Programme 2010.

The study also aims at responding to requests from the Council through Council Conclusions¹ and the Stockholm Programme² regarding further exploration and development of circular migration as a part of EU migration policy.

The aim of the national report is to:

- understand the characteristics of temporary labour migration and circular/repetitive migration patterns of third-country nationals, including;
- the categories, such as the following indicative ones: third-country nationals moving temporarily to the EU for short-term employment, seasonal work, study or research; or settled migrants living in the EU moving temporarily to their countries of origin,
- the definitions and conceptualisation in Austria,

- 1 See Council of the European Union, *Justice and Home Affairs Council Conclusions of 30 November/ 1 December 2009*, available at http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/111649.pdf (accessed on 15 January 2011).
- 2 With the Stockholm Programme the European Council invites the Commission to submit proposals on “ways to further explore the concept of circular migration and study ways to facilitate orderly circulation of migrants, either taking place within, or outside, the framework of specific projects or programmes including a wide-ranging study on how relevant policy areas may contribute to and affect the preconditions for increased temporary and circular mobility.” See Council of the European Union, *The Stockholm Programme – An open and secure Europe serving and protecting the citizens*, 2010/C 115/01, 4 May 2010, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF> (accessed on 6 September 2010).

- the criteria and conditions applied in Austria (e.g. entry conditions, work and residence permits),
- review and analyse existing statistical data and empirical evidence for circular/temporary migration and to examine possible approaches for measuring/estimating whether, and if so to what extent, migration has become increasingly circular or temporary in nature, and
- analyses policy preferences, convictions and conceptualisations of political actors, the research community and other stakeholders (such as immigrants' associations and development agencies) on temporary/circular migration, and to discuss policy options both for the national and the EU level.

Consistent with the remit of EMN and with previous studies, the study will focus on third-country national migrants. However, intra-EU mobility is also taken into consideration to some extent, as it represents a major part of migration flows in Austria.

The outcome of this study is primarily intended for national and EU policy officers and other decision makers who concern themselves with migration patterns and the management and control of migratory flows, social partners, other groups (for example NGOs, researchers) as well as members of the general public with an interest in migration patterns and migration management.

1.2. Methodology

In accordance with the method of operation of the EMN, the study offers an overview on current developments in the field of temporary and circular migration in Austria based on secondary research. The report is based on national and international publications, statistics and internet sources.

Given the fact that, up to the moment, temporary and circular migration in Austria have been analysed in migration research to a small extent, there is only little information on these phenomena and few analytic or scientific discussions available, so that in the course of the preparation of the present study it seemed necessary to also include documents and literature which do not exclusively refer to the situation in Austria but to a general context and to complement secondary research findings by means of qualitative interviews.

The following eleven experts have provided their expert knowledge for the present study:

- Johann Bezdeka; Federal Ministry of the Interior (Head of Department II-B Aliens Police, Civil Protection and Disaster Management)
- Petra Dannecker; University of Vienna (University Professor at the Department of Development Studies and Head of the Research Platform “Institute of Development Studies”)
- Heinz Fassmann; Austrian Academy of Sciences (Executive Director of the Institute for Urban and Regional Research); University of Vienna (University Professor for Applied Geography, Spatial Research and Spatial Planning at the Department of Geography and Regional Research)
- August Gächter; Centre for Social Innovation (Project Manager)
- Margit Kreuzhuber; Federal Chamber of Commerce Austria (Consultant for migration and integration)
- Josef Kytir; National Statistical Institute (Deputy Head of the Directorate for Population)
- Michaela Lobner; Labour Market Service (Head of Department for Foreigner Employment)
- Ingrid Nowotny; Federal Ministry of Labour, Social Affairs and Consumer Protection (Deputy Head of Section IV Labour Market)
- Johannes Peyrl; Chamber of Labour Vienna (Expert on migration law)
- Harald Pfertner; Red Cross Vienna (Director of the Care and Assistance Department)
- Johann Zimmermann; Chamber of Agriculture (Consultant for social and fiscal policy and also foreign workers)

The semi-structured interviews conducted include different kinds of information. The interviews were held on the subject of the respective expertise of the expert, to ensure that discussions were kept relevant to the topic. The interview guidelines are enclosed exemplarily in the Annex.

The illustration of the legal situation is based on the legal framework as of 1 January 2011. As substantial changes in the Settlement- and Residence Act respectively the Aliens’ Employment Act, were proposed during the elaboration of the study, it is referred to envisaged amendments to the extent possible. A comprehensive illustration of the new legal framework was however not possible as the legislative process was not yet finalised.

For the statistical illustration of temporary and circular migration patterns, it is referred to different national data sources available. Within the scope of the present study an analysis of the registration data of the Central

Register of Residents (or the population register POPREG) was found to be the most appropriate. An analysis in this regard was elaborated by Stephan Marik-Lebeck, migration expert at the Population Directorate of the Austrian National Statistical Institute.

1.3. Definitions

1.3.1. General Context

Temporary and circular migration do not constitute new forms of mobility or a new debate (cf. Bedford 2009: 6). In recent years however these two concepts have gained increasing significance in discussions about international migration. The enhanced popularity of the terms can be seen in the light of two developments;

On the one hand a *de facto* increase of temporary and circular migration movements - as a consequence of internationalisation, improvements in transport and communication, changing education and labour markets in the world economy, new modes of mobility as well as of demographic changes – has been observed. In this sense the Global Commission on International Migration (GCIM) pointed to the fact that the traditional concept of permanent migrant settlement is progressively giving way to temporary and circular migration (GCIM 2005: 31). Besides also the World Migration Report of the International Organization for Migration (IOM 2010: 3) remarks a considerable increase in temporary migration and circulation.

On the other hand the concepts of temporary and circular migration have in the past years (again) increasingly been employed in the discourse of policy makers. At the European level, for example, the concept of circular migration was in recent years taken up in several policy documents.³

3 See for instance European Commission, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 September 2005 – Migration and Development: Some concrete orientations*, COM(2005) 390 final, 1 September 2005, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0390:FIN:EN:PDF> (accessed on 11 October 2010), European Commission, *Communication from the Commission of 21 December 2005 – Policy Plan on Legal Migration*, COM(2005) 669 final, 21 December 2005, available at http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0669en01.pdf (accessed on 12 October 2010), European Commission, *Communication from the Commission to the Council and the European Parliament - The global approach to migration one year on: towards a comprehensive European*

The European Pact on Immigration and Asylum includes as one policy aim the objective to use circular migration as instrument against brain drain. Within the Stockholm Programme, establishing the roadmap of the European Union in the area of Justice, Freedom and Security for the period 2010-2014, the European Council asked the European Commission to, inter alia, investigate how the circulation of migrants either inside or outside of specific projects or programmes can be facilitated and managed. Recent legislative proposals already included measures for the fostering of circular migration.⁴

migration policy, COM/2006/0735 final, 30 November 2006, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0735:FIN:EN:PDF> (accessed on 15 September 2010), Council of the European Union, European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 16 May 2007 on circular migration and mobility partnerships between the European Union and third countries*, COM(2007) 248 final, 16 May 2007, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:EN:PDF> (accessed on 8 October 2010), European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A Common Immigration Policy for Europe: Principles, actions and tools*, COM(2008) 359 final, 16 June 2008, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0359:FIN:EN:PDF> (accessed on 6 September 2010), Council of the European Union, *European Pact on Immigration and Asylum*, Note from the Presidency to the Council 13440/08, 24 September 2008 available at <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf> (accessed on 6 September 2010), Council of the European Union, *The Stockholm Programme – An open and secure Europe serving and protecting the citizens*, 2010/C 115/01, 4 May 2010, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF> (accessed on 6 September 2010), European Commission, *Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - Communication on migration*, COM(2011) 248 final, 4 May 2011, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0248:FIN:EN:PDF> (accessed on 12 June 2011), European Commission, *Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - A dialogue for migration, mobility and security with the southern Mediterranean countries*, COM(2011) 292 final, 24 May 2011, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0292:FIN:EN:PDF> (accessed on 30 June 2011).

4 See European Commission, *Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment*, COM (2010) 379 final, 13 July 2010, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0379:FIN:EN:PDF> (accessed on 15 September 2010).

However, great differences in the employment and understanding of these concepts in the scientific as well as in the political discourse can be identified.

In scientific research, where these concepts have been employed already since the late 1960s and 1970s,⁵ temporary as well as circular migration are mainly seen as empirical phenomena which are employed for the typology of existing migration movements (cf. Schneider/Parusel 2011). According to that for instance circular migration is not perceived as “new” phenomenon occurring only within the framework of managed and controlled programmes but is often used as a description of spontaneous and uncontrolled patterns of rotating migration, that is *de facto* circular migration (Newland 2009a). Yet also within scientific research there are differences in the way these concepts are employed. Especially the concept circular migration lacks conceptual clarity (Fassmann 2008: 20). Next to broader interpretations, according to which already a simple migration cycles namely a one-time migration followed by a return to the country of origin is regarded as circular migration (cf. *ibid.*), also narrower definitions exist which take into account additional criteria (for example, timely criteria or legal prerequisites) (cf. Agunias/Newland 2007, Fargues 2008). The abundance of terms used in literature (among others, temporary, seasonal mobility/ migration, return migration, circular migration) as well as overlapping of meanings of the terms – with some even talking about “temporary circular migration” (Zapata-Barrero/Faúndez García/Sánchez Montijano 2009) – indicate the variety of usages.

In the political discourse on the contrary, temporary and circular migration are principally seen as potentially valuable policy tools (cf. Newland 2009a: 2) in the context of managed migration programmes. For example, the European Commission was first guided by the approach of “development-oriented promotion of international mobility” (Angenendt 2007: 2) as stipulated by the Global Commission on International Migration. In the Communication of the European Commission on Migration and Develop-

eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0379:FIN:EN:PDF (accessed on 7 September 2010).

5 For a more detailed illustration see Newland 2009a, Bedford 2009, Chapman /Prothero 1985, Skeldon 1977, Bedford 1973, Zelinsky 1971.

ment⁶, in the Strategic Policy Plan on Legal Migration of 2005⁷ and in different fora, such as the Global Forum on Migration and Development (GFMD),⁸ hence a development related approach for circular migration is used. It sets out to emphasise multiple migration as well as the transfer of knowledge and skills between the country of origin and the country of destination, the reduction of brain drain as well as the support through participation of the diaspora in the country of origin. In the later course of actions this approach was enlarged in that circular migration was more and more also seen as a measure to strengthen legal migration channels and to reduce irregular migration - as a consequence of that, political options like managed programmes on circular migration became available. Almost like a “silver bullet” (Skeldon 2010: 22), providing promising solutions to problems in the context of migration, it is assumed that circular migration – if managed properly – creates a “win-win-win”-situation for countries of destination (satisfying labour demand), the countries of origin (remittances, human capital benefit) as well as for the migrants (improvement of the employment opportunities). However the definition criteria (for example duration of stay, character of repetition) in the political discourse are yet again not clearly determined. Frequently it is not apparent whether policy makers, when talking about circular migration, refer to a spontaneously occurring phenomenon (as in the case of Sweden for example)⁹ or to an issue of policy intervention, that is, a controlled form of migration (Newland 2009a: 6).

Summing up, one can say that neither for the term “temporary migration” nor for the term “circular migration” uniform definitions or concepts

6 See European Commission, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 September 2005 – Migration and Development: Some concrete orientations*, COM(2005) 390 final, 1 September 2005, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0390:FIN:EN:PDF> (accessed on 11 October 2010).

7 See European Commission, *Communication from the Commission of 21 December 2005 – Policy Plan on Legal Migration*, COM(2005) 669 final, 21 December 2005, available at http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0669en01.pdf (accessed on 12 October 2010).

8 See www.gfmd-fmmd.org (accessed on 6 September 2010).

9 Swedish Ministry of Justice, *Sweden's Committee for Circular Migration and Development*, Fact Sheet, Ju 10.08e, September 2010, available at www.sweden.gov.se/content/1/c6/15/26/50/d3ec05c1.pdf (accessed on 1 October 2011)

exist; furthermore does the understanding of these terms vary considerably. As a consequence the present study employs working definitions which are elaborated upon hereafter.

1.3.2. Working Definitions

Temporary Migration

In Austria, there is no formal or legal definition of temporary migration. The Settlement and Residence Act for residence permits for third-country nationals uses the term “vorübergehend befristeter Aufenthalt” (temporary, time-limited residence) and for settlement permits the term “nicht bloß vorübergehend befristete Niederlassung” (not merely temporary, time-limited settlement). The term “temporary” is, however, not precisely defined. The differentiation criterion is that only settlement is linked to the perspective to stay in Austria permanently and to acquire Austrian citizenship, while residence permits have a temporary character.¹⁰

Due to the lack of a formal and/or legal definition of temporary migration, the definition of the EMN Glossary is, within the scope of this study, taken as working definition. In this context, temporary migration is defined as “migration for a specific motivation and/or purpose with the intention that, afterwards, there will be a return to country of origin or onward movement” (EMN 2010: 104).

Circular Migration

In Austria, there is no clear definition of the term for circular migration, which leads to different interpretations. Accordingly, also the consulted experts associate with the term, depending on their special fields, different aspects: Johann Zimmermann¹¹ (Chamber of Agriculture) and Johannes Peyrl¹² (Chamber of Labour), for instance, refer to seasonal work as an example when asked about circular migration patterns. Heinz Fassmann,¹³ on

10 For further information please see chapter 2.3.

11 Johann Zimmermann, Consultant for social and fiscal policy, Austrian Chamber of Agriculture, 9 September 2010.

12 Johannes Peyrl, Expert on migration law, Chamber of Labour Vienna, 7 September 2010.

13 Heinz Fassmann, Head of the Institute for Urban and Regional Research, Austrian Academy of Sciences, 8 September 2010.

the contrary, brings forward an academic perspective, that is, that in case of seasonal workers the main place of residence does not shift to the country of destination and hence this mobility in a strict sense cannot be considered as actual migration. Furthermore, the duration of stay of seasonal workers can be less than three months and the one of harvest helpers is six weeks so that actually the period of stay for the definition of international migrants¹⁴ which is recommended by the United Nations (UN) does not apply. Fassmann therefore suggests speaking in the context of seasonal work with a duration of stay of less than three months rather of „circular mobility“ than “circular migration”. The different perspectives reflect on the one hand the respective fields of work, yet on the other hand display the lack of conceptual clarity as well as Austria’s focus on phenomena such as seasonal employment as opposed to a focus on managed programmes of circular migration, as it is the case in several other states.

Given the lack of a formal and/or legal definition of circular migration in Austria, the definition of the EMN Glossary is used as working definition in the present study.

The latter defines circular migration as a “form of migration involving legal mobility in a repetitive manner between two or more countries” or as “a repetition of successive legal migrations by the same person(s) between two or more countries” (EMN 2010: 99).

The Glossary within this context also refers to the Communication from the European Commission “circular migration and mobility partnerships between the European Union and third countries”¹⁵ according to

14 For the purpose of measuring migration flows, the definitions “short-time migrant” (a person who moves to a country other than that of his or her habitual residence for a period of at least 3 months but less than a year except in cases where the movement to that country is for purposes of for instance recreation, holiday) and “long-term migrant” (a person who moves to a country other than that of his or her habitual residence for a period of at least a year, so that the country of destination effectively becomes his or her new country of habitual residence) are recommended. For further information please see UN Department of Economic and Social Affairs, Statistics Division, *Recommendations on statistics of international migration*, Statistical Papers Series M, No. 58, Rev. 1, 1998, available at http://unstats.un.org/unsd/publication/SeriesM/SeriesM_58rev1E.pdf (accessed on 21 October 2010).

15 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 16 May 2007 on circular migration and mobility partnerships between the European Union and third countries*, COM(2007) 248 final, 16 May 2007, available

which circular migration is defined as a “form of migration, which is controlled in a manner that a certain degree of legal mobility (there and back) between two countries is permitted”.

The communication further states that within the EU-context, above all two forms of circular migration might be relevant, these are:

(1) Circular migration of third-country nationals settled in the EU

This category of circular migration gives people the opportunity to engage in an activity (business, professional, voluntary or other) in their country of origin while retaining their main residence in one of the Member States. This covers various groups, for instance:

- Business persons working in the EU and wishing to start an activity in their country of origin (or in another third country); and
- Doctors, professors or other professionals willing to support their country of origin by conducting part of their professional activity there.

(2) Circular migration of persons residing in a third country

Circular migration could create an opportunity for persons residing in a third country to come to the EU temporarily for work, study, training or a combination of these, on the condition that, at the end of the period for which they were granted entry, they must re-establish their main residence and their main activity in their country of origin. Circularity can be enhanced by giving migrants the possibility, once they have returned, to retain some form of privileged mobility to and from the Member States where they were temporarily residing, for example in the form of simplified admission/re-entry procedures. This category covers a wide array of situations, spanning the whole spectrum of migrants, including:

- Third-country nationals wishing to work temporarily in the EU, for example in seasonal employment;
- Third-country nationals wishing to study or train in Europe before returning to their country of origin;
- Third-country nationals who, after having completed their studies, wish to be employed in the EU (for example as trainees) to acquire

at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:EN:PDF> (accessed on 8 October 2010).

professional experience which is difficult to obtain at home, before returning;

- Third-country researchers wishing to carry out a research project in the EU;
- Third-country nationals, who wish to take part in intercultural people-to-people exchanges and other activities in the field of culture, active citizenship, education and youth (such as, for example, training courses, seminars, events, study visits);
- Third-country nationals who wish to carry out an unremunerated voluntary service pursuing objectives of general interest in the EU.

2. APPROACH TO CIRCULAR AND TEMPORARY MIGRATION IN AUSTRIA

2.1. Development of migration policy in Austria since 1950

The approach to temporary, but particularly circular migration in Austria is characterised by the experiences with the so-called “guest worker” system of the 1960s and 1970s, which is why the study is introductorily provide an insight into the development of Austria’s migration policy since the 1950s.

The economic growth, which started from the mid-1950s, and the emigration of Austrian workforce led in Austria to an increased demand for workforce, which could in the long run not be covered with the existing workforce potential (Matuschek 1985: 159). Following Germany’s example, the recruitment of foreign workers was started in the early 1960s despite the initial resistance of the trade unions (Gächter 2008: 3f.). The basis for the recruitment was provided by the “Raab-Olah-Agreement”, which was concluded between the presidents of the Federal Chamber of Commerce and the Association of Trade Unions (Bauer 2008: 5) and allowed the temporary admission of a certain number of foreign workers (contingents). Afterwards, recruitment and social agreements with Spain (1962), Turkey (1964 and 1969) and Yugoslavia (1966) were concluded. It was typical for this period of Austrian migration history that migration policy was part of labour market policy and was above all dominated by the social partners (Münz/Zuser/Kytir 2003: 22). In practical terms, this meant that the future employees were granted a tourist visa; they entered Austria and legalised their stay only afterwards through an employment permit, the so-called “tourist employment” (Gächter 2004: 37). The “guest worker” system was based on the rotational principle: the foreign workers were supposed to come to Austria for a certain period of time and then return to their country of origin to be replaced by new workforce. However, this system only worked out in a limited manner, with temporary stays often having turned into permanent residences, wherein some authors see the failure of this model (Kutscher/Völker/Witt 2010: 1).

The reasons for the consolidation of the residence are complex and cannot be explained here in detail. On the one hand, companies no longer acquired new workforce (also to keep their well-trained staff) but instead encouraged their employees to motivate their family members and friends to start working in Austria (Münz/Zuser/Kytir 2003: 22); and on the other hand, also the immigrants changed their migration plans. Another reason for some “guest workers” to stay in the country lay in the orientation of Austrian migration policy as a reaction to the petrol crisis in 1974. Measures were taken aiming at the reduction of the number of foreign workforce. In particular, the new Aliens’ Employment Act made the recruitment of non-nationals more difficult, since there was a priority for Austrian nationals at filling jobs. Furthermore, from 1974 onwards, the practice of the “tourist employment” was terminated (Gächter 2008: 5). The consequence of this policy was on the one hand that the number of foreign workforce was reduced by 40 per cent between 1974 and 1984, and on the other hand many persons stayed in Austria and got their family members to join, because they feared that they would have no possibility to re-enter Austria after having returned to their country of origin; which is why the number of the foreign resident population remained stable (Münz/Zuser/Kytir 2003: 23).

The end of the Cold War and the opening of the Eastern borders brought along essential modifications in Austrian migration policy. The control of immigration through the labour market policy, under the strong influence of the social partners, was no longer considered satisfactory, therefore the regulation competences were shifted from the Federal Ministry of Labour and Social Affairs or the social partners respectively to the Federal Ministry of the Interior (IOM Vienna 2009: 30). At the beginning of the 1990s, migration was increasingly the subject of political and public discussions. In 1990, for the first time a quota of foreign workforce was introduced, which up to nowadays determines the share (“federal maximum number” (*Bundeshöchstzahl*)) of employed foreign nationals (at that time 10 per cent; since 1998 at 8 per cent)¹⁶ in proportion to Austrian nationals (cf. Kutscher/Völker/Witt 2010: 1). In 1992/1993, finally a quota system was introduced also for the residence of third-country nationals: for the admission of certain groups of persons (self-employed, students, family members and so on), a quota was defined annually in a regulation of the Federal Mi-

16 From 1 May 2011 the quota will be reduced to 7 per cent.

nistry of the Interior. This quota system has remained in force until today,¹⁷ whereas the purposes of residence have changed in the past twenty years. For example, a quota for highly qualified third-country nationals (key workers) was only introduced in 2003. In 1997, the Aliens' Act, which was characterised by the principle "Integration prior to Immigration", was passed: due to this Act, new immigration was made more difficult on the one hand, while persons who had a consolidated stay in Austria were protected against expulsion depending on the duration of their stay ("consolidation of residence") (IOM Vienna 2009: 33). It was new in the Aliens' Act 1997 to distinguish between a temporary residence ("residence permit") and a permanent settlement ("settlement permit"), the quota for settlement permits were maintained, however no maximum limits were defined any more for temporary residence. The difference has remained characteristic for the Austrian Aliens' Act until today and is considered as the most important "systematic classification within the Aliens' Act 1997" (Kutscher/Völker/Witt 2010: 7). This difference, however, has in practice partially led to interpretation difficulties, as beside objective facts also subjective elements had to be checked for the granting of residence titles (such as, for example, the will of the migrant to settle in Austria or to engage in gainful employment), which were difficult to be captured by the authorities.

Finally, the Aliens' Package 2002-03 brought along further innovations. According to the principle "Integration Prior to Immigration", compulsory German language courses were introduced for the first time within the framework of the so-called "Integration Agreement". As already mentioned, an own quota for key workers was introduced in order to facilitate the immigration of highly qualified third-country nationals; and at the same time the immigration for low-qualified third-country nationals was practically restricted to seasonal work (Schumacher/Peyrl 2007: 64). Due to a decision of the Administrative High Court,¹⁸ the legislator found it also necessary to further specify the differentiation between residence and settlement. It was in particular critically viewed that if third-country nationals subsequently expressed their intention to settle so as to make it possible to switch to another permit (in particular from a residence permit to

17 Following an amendment to the Settlement and Residence Act (Aliens' Law Amendment Act 2011), the quota system for settlement permits will largely be replaced by a points-based immigration system.

18 Administrative High Court, 23 November 2001, Case Number 2001/19/0061.

a settlement permit). The switch from a temporary residence to a permanent settlement was undesired from a “migration-policy” perspective, and was restricted through the introduction of the “residence permit without settlement intention” and the “residence permit with settlement intention” (Kutscher/Völker/Witt 2010: 7).

Within the framework of the Aliens’ Law Package 2005, the Aliens’ and Asylum Act was newly codified and enacted: the Settlement and Residence Act 2005 nowadays constitutes the legal basis for the immigration of third-country nationals and also regulates, to a certain degree, the access to the labour market. The Aliens’ Employment Act regulates the prerequisites for the employment of third-country nationals and was amended within this context. The Aliens’ Law Package brought about essential modifications for immigration to Austria, which cannot be explained here in detail.¹⁹ It can only be underlined here that the Settlement and Residence Act “systematically takes into account that not the same “offer” [of permits] is made to different groups of persons from the perspective of migration policy.” (Kutscher/Völker/Witt 2010: 8). Furthermore, the distinction between temporary residence and settlement was more precisely defined (Kutscher/Völker/Witt 2010: 8).²⁰

2.2. National visions, measures and programmes for circular migration

The development of the Austrian migration policy shows that the differentiation between temporary residence and permanent residence is a very important feature of the migration policy. The precise embodiment of this policy is illustrated in Chapter 2.3. according to the current legislation. Therefore especially Austria’s approach of towards circular migration are taken into consideration in the following Chapter.

Since the Aliens’ Law Amendment 2003 at the latest, when Austria for the first time introduced a settlement permit and a simplified application procedure for highly qualified, so-called “key workers”, the immigration of highly qualified migrants constituted an important aspect of Austrian immigration policy.²¹ However, there have not been any programmes

19 For further information please see IOM Vienna 2006.

20 For further information on the current legislation please see Chapter 2.3.

21 See Aliens’ Law Amendment 2003, Preamble, Government Proposal, Explanatory Remarks, available at www.parlament.gv.at/PAKT/VHG/XXI/I/I_01172/fname_

in Austria up to now which fostered the circular migration of workforce or other third country nationals, and such programmes are not planned for the near future either.

The key workers regulations did however not bring about the expected result, as the provided quota were not fully exhausted and the strict criteria for key workers were considered a huge obstacle.²² For this reason, the Federal Ministry of the Interior upon proposal of the Federation of Industries and the Federal Chamber of Commerce in 2008 launched a reform plan for the elaboration of a new criteria-led immigration system for highly qualified and qualified third-country nationals, the so-called “Red-White-Red Card”.²³ The draft law which was elaborated with the involvement of the social partners constitutes a backing away from the quota regulation and provides for a points system for certain groups of persons. Approaches for the promotion of circular migration are not provided for in this reform plan.

With regard to the European Commission’s plan to promote circular migration as a control instrument of migration policy, since 2007 – when the European Commission published the Communication on circular migration and mobility partnerships between the European Union and third countries²⁴ – the Austrian Government on several occasions pointed out to the fact that the concept is viewed critically. In particular, also in the course of the approval of the European Pact on Immigration and Asylum it was underlined by the Federal Ministry of the Interior “that it supports the

000786.pdf (accessed on 8 October 2010).

- 22 Wiener Zeitung, *Visumshürden für Ansiedlungen*, 25 February 2010, available at www.wienerzeitung.at/DesktopDefault.aspx?TabID=3929&Alias=wzo&cob=474753 (accessed on 8 October 2010).
- 23 Austrian Federal Ministry of the Interior, *Start der Umsetzung der Rot-Weiß-Rot Card – Weitere Vorgangsweise bei der Neuregelung des humanitären Aufenthaltes*, Press Release, 26 January 2009, available at www.bmi.gv.at/cms/cs03documentsbmi/636.pdf (accessed on 26 September 2010).
- 24 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 16 May 2007 on circular migration and mobility partnerships between the European Union and third countries*, COM(2007) 248 final, 16 May 2007, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:EN:PDF> (accessed on 8 October 2010).

Pact with the exception of the concept of circular migration”.²⁵ This opinion was also repeated in the statement to the Stockholm Programme: “The concept of the EC [European Commission] for circular migration (restricted admission for some years with an obligatory return and without integration) is rejected by Austria due to its experiences. Apart from the fact that voluntary return despite a limitation in time of the admission is not executable, it must in particular be borne in mind that especially time-limited workforce face the risk to get employment below their qualification and to become victim of wage and social dumping, along with the pertinent consequences for themselves and also for the labour market as a whole.”²⁶

Similarly, in the subsidiarity complaint against the proposal of the European Commission for the Seasonal Workers’ Directive²⁷ Austria expressed the concern *inter alia* that the multi-seasonal authorisations contained in the proposal could promote circular migration –as it is also underlined in the draft of the Commission. Unlike the illustration of the European Commission, which underlines the temporary character of circular migration,²⁸ Austria fears that through the planned multi-seasonal authorisations an access to permanent residence is facilitated.²⁹

This attitude was confirmed by Johann Bezdeka from the Federal Ministry of the Interior in an interview: “We take a somewhat reserved atti-

25 Austrian Parliament, *EU-Arbeitsprogramm zu Migration, Asyl, innere Sicherheit*, Press Release, Parlamentskorrespondenz No. 383, 25 May 2010, available at http://www.parlament.gv.at/PAKT/PR/JAHR_2010/PK0383/ (accessed on 10 November 2010).

26 Austrian Parliament, *Stellungnahme zum Stockholmer Programm*, 21 October 2009, available at http://ec.europa.eu/dgs/secretariat_general/relation/relation_other/npol/docs/austria/2009/com20090262/com20090262_nationalrat_opinion_de.pdf (accessed on 22 October 2010).

27 European Commission, *Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment*, COM(2010) 379 final, 13 July 2010, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0379:FIN:EN:PDF> (accessed on 7 September 2010).

28 Council of the European Union, *Proposal for a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment*, 12208/10, 15 July 2010, available at <http://register.consilium.europa.eu/pdf/en/10/st12/st12208.en10.pdf> (accessed on 6 September 2010).

29 Austrian Parliament, *EU-Unterausschuss beschließt Subsidiaritätsrüge*, Press Release, Parlamentskorrespondenz No. 678, 14 September 2010, available at www.parlament.gv.at/PAKT/PR/JAHR_2010/PK0678 (accessed on 15 September 2010).

tude towards this topic, as circular migration under the consideration of somebody coming to Austria for a limited time period and afterwards going back to his/her country of origin has not worked out in the past either. Why should it work out in the future?”³⁰ He pointed out that the concept is currently very vague, and that a clear definition is the basic prerequisite for the development of new measures. It was also critically considered that the concepts of the European Commission for circular migration do not sufficiently take into consideration the issue of return: what happens if the persons change their plans and do not want to go back to their country of origin, or want to bring their families with them. If integration measures are not provided under the wrong assumption that they are not necessary, Austria will again be facing big challenges – an experience which Austria has already made with the “guest worker” model.³¹ Ingrid Nowotny from the Federal Ministry of Labour, Social Affairs and Consumer Protection confirms this attitude in an interview and at the same time emphasises that first and foremost the foreign workforce potential in Austria should be fully exploited before the recruitment of new and above all low-qualified workforce.³²

A compromise of interests is in this case, according to Nowotny, the employment of seasonal workers. They can work in Austria for a period of up to six months or, in the event of a prolongation, up to twelve months, after which they have to leave the country for at least two months before they can work in Austria again. Although the seasonal worker model consolidates poor salary and labour conditions, there is nevertheless the need, “because entire branches of industry could otherwise not function any longer”.³³

The opinions of the representatives of the Chamber of Labour, the Chamber of Agriculture and the Chamber of Commerce in Austria have not necessarily reached an agreement yet on whether a circular migration model would make sense. Margit Kreuzhuber of the Chamber of Commerce suggests to look at circular migration models more closely. According to her the practical implementation of these is essential; models have

30 Johann Bezdeka, Head of Department II-B Aliens Police, Civil Protection and Disaster Management, Federal Ministry of the Interior, 24 September 2011.

31 Ibid.

32 Ingrid Nowotny, Deputy Head of Section IV Labour Market, Federal Ministry of Labour, Social Affairs and Consumer Protection, 17 September 2010.

33 Ibid.

to be created in such a way that they are advantageous for the migrants themselves, for the Austrian labour market as well as for the Austrian economy. The countries of origin could profit from the know-how acquired in the country of destination.³⁴ Similarly, according to Johann Zimmermann from the Chamber of Agriculture a circular model has advantages, since in particular third-country nationals have the possibility to plan their work stay over several seasons.³⁵ The position of the Chamber of Labour opposes these approaches. Already in 2007, the Chamber of Labour clearly rejected the concept of circular migration in its statement “Issues on Circular Migration”,³⁶ stating as a reason that this is about the introduction of a Europe-wide model of seasonal workers. According to Johannes Peyrl of the Chamber of Labour, the working conditions of seasonal workers first of all need to be improved, which in further consequence would make a circular model for the time being obsolete.³⁷

2.3. Legal framework conditions, prerequisites, criteria and implementation

In the following chapter, the main features of the Austrian Settlement and Residence Act will be illustrated. In doing so, first of all those aspects are assessed, which might play a role for temporary and, if needed, circular forms of migration, such as, for example, the differentiation between different residence titles based on the duration of the (planned) stay, the return upon expiration of the residence title and the question regarding double citizenship. Furthermore, the legal situation of seasonal workers, students, researchers, rotational workers and company envoys from third countries is specially evaluated, since these groups of persons are mentioned in the definition of the European Commission and/or reference was made to them within the scope of the expert interviews.

34 Margit Kreuzhuber, Consultant for Migration and Integration, Federal Chamber of Commerce Austria, 9 September 2010.

35 Johann Zimmermann, Consultant for Social and Fiscal Policy, Austrian Chamber of Agriculture, 9 September 2010.

36 Johannes Peyrl, *Zirkuläre Migration – “Issues Paper on Circular Migration”*, 20 September 2007, available at http://www.akeuropa.eu/de/publication-full.html?doc_id=24&vID=43, (accessed on 18 October 2010).

37 Johannes Peyrl, Expert on migration law, Chamber of Labour Vienna, 7 September 2010.

2.3.1. Overview of the settlement and residence law

In the following, the systematic of the different residence titles will be illustrated. The most important regulatory instruments are the Settlement and Residence Act, the Aliens' Police Act, the Aliens' Employment Act, the annual settlement regulation of the Federal Ministry of the Interior and the regulations of the Federal Ministry of Labour, Social Affairs and Consumer Protection on the temporary occupation of non-nationals. The preceding Aliens and Asylum Act was newly codified and enacted in 2005 (Aliens' Law Package 2005); furthermore, the Aliens' Employment Act as well as the Citizenship Act were also amended in this context. A characteristic of the Aliens' Law Package 2005 is the differentiation between the residence of no-nationals of up to six months, which is regulated in the Aliens' Police Act, and the residence which goes beyond six months, which is covered by the Settlement and Residence Act.³⁸

Regarding the issuing of entry and residence titles, depending on the duration of the planned stay in Austria a differentiation is made between different forms of authorisation: visa, residence and settlement permits and residence titles *sui generis*.

a) Visa

In the event of a short-term stay of up to six months, visas are issued. The preconditions for the issue of visas and entry are regulated by the Aliens' Police Act. Basically, visas are not renewable and are issued for a single or multiple entry.³⁹ A visa is valid up to maximum of six months.⁴⁰ Visas can play a role within the context of circular migration of third-country nationals in the seasonal employment as multi-seasonal permits, since they are issued for a limited period of time (one season), but can also entitle the bearer for a re-entry in the subsequent year (in the following season) (cf. Bunte/Müller 2011: 31f.). The national visa (visa D), which can be issued also for purposes of gainful employment, allows in particular employment as a seasonal worker (short-term employed non-nationals and harvest

38 Federal Ministry of the Interior, *Fremdenwesen, Fachgespräch mit Innenministerin Maria Fekter*, Press Release, 10 June 2009, available at www.bmi.gv.at/cms/BMI/aus_dem_innenen/files/Fremdenwesen.pdf (accessed on 28 September 2010). Please see also Art 1 para 2 (3) Settlement and Residence Act.

39 Art 20 para 4 Aliens' Police Act.

40 Art 20 para 3 Aliens' Police Act.

helpers).⁴¹ However, they are not conceived as multi-seasonal visa, as they are only valid for six months and each year a new application must be submitted.

A less important role has the visa D for students from third countries who stay in Austria for up to six months within the framework of an exchange programme.⁴²

b) Residence titles

The Settlement and Residence Act distinguishes between five types of residence titles: settlement permits (*Niederlassungsbewilligungen*), residence permits (*Aufenthaltsbewilligungen*), residence title “family member” (*Aufenthaltstitel – Familienangehöriger*), residence title “permanent residence - EC” (*Aufenthaltstitel – “Daueraufenthalt-EG”*) and residence title “permanent residence - family member” (*Aufenthaltstitel “Daueraufenthalt-Familienangehöriger”*).⁴³

Residence permits have a temporary character. They are issued “for a temporarily limited stay”⁴⁴ and can basically have duration of validity of up to one year.⁴⁵ With the exception of the residence permit – “social service provider”⁴⁶, all residence permits can be renewed. Settlement permits are also limited; however they establish a “not merely temporarily limited settlement”.⁴⁷ The limitation also amounts to one year, one exception being only the settlement permit – “key worker”, which can be valid up to 18 months. The essential difference between residence and settlement permits is that an unlimited settlement can only be established, or the residence title

41 Art 24 Aliens’ Police Act.

42 Austrian Agency for International Cooperation in Education and Research, *Leitfaden zu den Einreisebedingungen für ausländische Studierende*, January 2011, available at www.bmi.gv.at/cms/BMI_Niederlassung/allg_infos_neu/Leitfaden_Studi_dt.pdf (accessed on 26 August 2011).

43 For an overview on the different permits see IOM Vienna, *The Organisation of Asylum and Migration Policies in Austria*. Study of the National Contact Point Austria in the European Migration Network. 2009, IOM, Vienna, available at <http://www.emn.at/en/studies> (accessed on 30 August 2011).

44 Art 8 para 1 (5) Settlement and Residence Act.; (Residence permits for “family members” are issued for temporary residence also.

45 Art 20 Settlement and Residence Act.

46 Art 66 Settlement and Residence Act.

47 Art 8 para 1 (1) Settlement and Residence Act.

– “permanent residence - EC”⁴⁸ can only be acquired, if the third-country national has already settled in Austria for five years before.⁴⁹ Although residence permits can be credited for up to half of the time,⁵⁰ they can never establish a permanent residence status alone. Even if the bearer has lived in Austria for several years, the temporary character of the stay remains. Also the acquisition of the Austrian citizenship is bound to holding a settlement permit.

The latest amendment of the Settlement and Residence Act, however, softens this terminological differentiation between settlement and residence permit but the distinction in terms of migration policy remains. In future, in addition to the settlement permits, the residence title “red-white-red – card”, the residence title “red-white-red – card plus” and the residence title “blue card EU” will authorise a settlement. The residence permits will remain in their old form.⁵¹

The renewability of the residence titles must also be evaluated under the aspect of the right to private and family life. In principle, all general granting conditions must exist for a renewal of a permit: especially, maintenance, accommodation, no conviction by court, or employment in the event of a settlement permit – “key worker” or evidence of study in case of students. If these conditions are not met, no permit will be granted, and the person must leave the country. One exception is that if the non-renewal of the permit violates the right to private and family life according to Article 8 European Convention of Human Rights (ECHR).⁵² The temporary character of the residence titles is consequently doubly weakened: they can be renewed, and for humanitarian considerations also if not all granting conditions are fulfilled.

Settlement and residence permits are linked to a specific purpose. Whether a person needs a residence or settlement permit consequently does not only depend on the (planned) duration of stay or the intention to im-

48 The residence title “permanent residence – EC” replaces the former evidence of residence and was introduced within the framework of implementation of the Permanent Residence Directive 2003/109/EC.

49 Art 45 para 1 Settlement and Residence Act.

50 Art 45 para 1a Settlement and Residence Act.

51 Aliens’ Law Amendment Act 2011, available at http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2011_I_38/BGBLA_2011_I_38.pdf (accessed on 8 April 2011).

52 In Austria, the ECHR has constitutional status and is directly applicable (Öhlinger 1997: 78).

migrate temporarily or permanently but on the intended purpose which must be declared prior to immigration. In this way, the intention was to avoid the above described switching from a temporary residence to a permanent settlement (Kutscher/Völker/Witt 2010: 8). Residence permits are in particular intended for students, researchers, company envoys, rotational workers, volunteers, interns and so forth.

In the context of labour migration, currently only highly qualified third-country nationals have the possibility to settle in Austria.⁵³ With regard to students and researchers, the legislation modifications of the past years show that settlement can be facilitated. The Aliens' Law Amendment 2009, which entered into force on 1 January 2010, facilitates, for example, the switching of researchers and their family members from a residence permit to a settlement permit.⁵⁴ Similarly, also the settlement of students upon completion of their studies is promoted in the latest government proposal 2011 if they have finished their studies (for the most part) in Austria.⁵⁵

Generally, a changeover from a residence permit to a settlement permit is possible within the scope of a purpose modification procedure,⁵⁶ but only if the third-country national fulfils the requirements of the permit he/she has applied for. Third-country nationals already holding a residence title in Austria do not have a better position than those who apply for a first title, except that the purpose modification procedure can introduced in Austria and the application does not need to be submitted in the country of origin –as in the event of first applications.

With regard to circular and/or temporary migration of third-country nationals living in the EU, it is important to note to what extent there is possibility of a personal absence from Austria during the duration of validity of the residence title ("outward mobility"). There are no programmes

53 From 1 May 2012, it will probably also become possible for certain skilled workers to immigrate to Austria with a Red-White-Red Card (Amendment of the Aliens' Employment Act 2011).

54 Aliens' Law Amendment 2009, Government Proposal, Explanatory Remarks, available at www.parlament.gv.at/PAKT/VHG/XXIV/I/I_00330/fname_167909.pdf (accessed on 21 October 2010).

55 Aliens' Law Amendment 2011 Government Proposal, Explanatory Remarks, available at www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/fname_206974.pdf (accessed on 8 April 2011).

56 Art 26 Settlement and Residence Act.

or measures that promote the departure and re-entry of third-country nationals residing/settling in Austria. Generally, it must be borne in mind that residence and settlement permits have a relatively short period of validity, which leaves little leeway for departure and entry to carry out, for instance, a freelance business activity or to perform another job in the country of origin (or in another third country), as is provided in the definition of the European Commission. It is only provided that short-term residences in the country and abroad, in particular for visit purposes, do not interrupt the residence or settlement.⁵⁷ Pursuant to the Permanent Residence Directive (2003/109/EC), the permanent residence title “permanent residence – EC” (Art. 45) and the “permanent residence – family member” (Art. 48) are lost if the third-country national stays outside the European Economic Area for longer than twelve sequential months. An exception is only granted for special reasons, such as severe illness, the draft for military service or community service.

2.3.2. Citizenship

Naturalisation and the option of double or multiple citizenship can promote circular migration, since third-country nationals can, for example, return to their countries of origin to work without any limitation in time. Austrian citizenship can be acquired by origin – if one parent is Austrian – or by conferral.⁵⁸ Third-country nationals can acquire citizenship after ten years of residence in Austria if they have met all granting conditions.⁵⁹ A right to citizenship can be acquired after fifteen years of residence. Double and multiple citizenship are generally not provided for in Austria. Foreign citizens can only acquire Austrian citizenship if they abandon their former citizenship, except that this is not possible or reasonable.⁶⁰ This is, for example, the case if giving up the previous citizenship entails excessive expenses or if it is made conditional on performing one’s military service. (Schumacher/Peyrl 2007: 264). Different authors point out to the fact that across Euro-

57 Art 2 para 7 Settlement and Residence Act.

58 Art 6 Citizenship Act.

59 Art 10 Citizenship Act. In certain cases, citizenship can be acquired after six years if the applicant is an EU citizen, a recognised refugee, was born in Austria and so on.

60 Art 10 para 3 and Art 20 Citizenship Act.

pe, Austria has one of the strictest citizenship laws⁶¹ (cf. Goodman 2010; Schumacher/Peyrl 2007: 264).

2.3.3. Return

There are no special return programmes in Austria promoting the return of labour migrants, students and so on, upon expiration of their residence authorisation. It is required that third-country nationals leave the country upon expiration of the residence title. In particular, non-nationals without a residence title can be expelled by the Aliens' Police.⁶² In the event of a non-departure, the expulsion can be executed in form of deportation.⁶³ Furthermore, third-country nationals can be supported in returning within the framework of voluntary return programmes if they are in need.⁶⁴

2.3.4. Some groups of persons in detail

In the definition contained in the Communication of the European Commission on Circular Migration and Mobility Partnerships⁶⁵, reference is made to seasonal workers, researchers, students, interns and social service providers. Additionally, in the expert interviews, rotational workers or company envoys are mentioned. For this reason it is shortly elaborated further on these groups of persons:

a) Seasonal workers

For third-country nationals, there is the possibility to come to Austria as "foreigners admitted for a limited period of time"⁶⁶ or as "harvest helpers"⁶⁷.

61 See also *Appeal justification of the Federal Council regarding the Citizenship Act Amendment 2005*, 26 January 2006, available at www.parlament.gv.at/PAKT/VHG/XXIII/I/I_01286/fname_056036.pdf (accessed on 21 October 2010).

62 Art 53 Aliens' Police Act.

63 Art 46 Aliens Police Act.

64 For a detailed description of Voluntary Return Programmes, see Kratzmann; Petzl and Temesvári 2010.

65 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 16 May 2007 on circular migration and mobility partnerships between the European Union and third countries*, COM(2007) 248 final, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:EN:PDF> (accessed on 8 October 2010).

66 Art 5 Aliens' Employment Act (AuslBG).

67 Ibid.

They cover classic seasonal forms of occupation in agriculture and forestry in winter and summer tourism.

A prerequisite for third-country nationals for starting to work is a security clearance certificate,⁶⁸ which must be applied for by the employer, as well as a visa D. The security clearance certificate⁶⁹ is a kind of pre-employment permit, given the fact that the same criteria must be met as in case of an employment permit, with the exception of the residence title. It constitutes a guarantee for the employer that the employment permit is granted upon the entry of the employee (Schumacher/Peyrl 2007: 253). For persons who are not subject to the visa obligation, the employer must apply for a certificate of good standing⁷⁰ in addition to the employment permit. The latter is issued if the Aliens' Police has "no objections against the residence of the foreigner."⁷¹

Employment permits granted within one year are restricted in number (contingents). The maximum number of permits is defined by two regulations: On the one hand, a framework contingent in the annual settlement regulation is defined, which is enacted by the Federal Ministry of the Interior. On the other hand, the Federal Minister of Labour, Social Affairs and Consumer Protection is entitled to determine, in the event of a temporary need for additional workforce that cannot be covered by the available labour workforce potential inside the country, within the framework contingents, contingents in numbers by regulation for a limited admission of workforce. For 2010, in the Settlement Regulation 7,500 employment permits for seasonal workers and harvest helpers were provided for respectively. In practice, far more permits are granted (Schumacher/Peyrl 2007: 76): "As a result, we issue about 60,000 seasonal permits per year", also Ingrid Nowotny from the Federal Ministry of Labour, Social Affairs and Consumer Protection has points out,⁷² since the framework contingent must not be

68 Art 11 Aliens' Employment Act.

69 The security clearance certificate is a kind of "pre-employment permit" which must be applied for prior to entry into Austria and is a prerequisite for the issue of a visa (Art 11 Aliens' Employment Act in connection with Art 24 Aliens' Police Act).

70 A certificate of good standing is to be issued to aliens who are entitled to enter Austria without a visa and intend to work as seasonal workers.

71 Art 31 para 2 Aliens' Police Act.

72 Ingrid Nowotny, Deputy Head of Section IV Labour Market, Federal Ministry of Labour, Social Affairs and Consumer Protection, 17 September 2010.

exceeded only in the weighted annual average, which is why there are – divided over the year as a whole – significantly higher number of permits.⁷³

In order to avoid the permanent settlement of seasonal workers, the employment permits must be issued with a validity period of a maximum of six months⁷⁴ (Austrian Ombudsman Board 2008: 201; Schumacher/Peyrl 2007: 76). The permit can be renewed once by a maximum of six months by regulation if the workforce demand of the employer continues to exist and cannot be covered in a different way.⁷⁵ The permits may be granted within fourteen months only for an overall duration of twelve months.⁷⁶ Due to these restrictions, the Austrian system for seasonal employment can be characterised as migration with temporary character; and since in practice it is in many cases the same persons (so-called “core seasonal workers”) who work, the seasonal occupation of third-country nationals also has a circular element.

According to a governmental proposal on the modification of the Aliens’ Employment Act, these forms of migration could be controlled more actively in the future. The proposal provides for the option for third-country nationals who were employed between 2006 and 2010 for at least four months as seasonal workers to register until 30 April 2012 at the Labour Market Service for a further employment. Third-country nationals may be granted employment permits in a specific branch of industry with duration of validity of a maximum of six months, per calendar year for a maximum period of ten months, without additional labour market test.⁷⁷ Even if those affected and the temporal arrangement of this regulation is limited, this could be interpreted as controlled migration with circular approaches.

Circularity is also promoted for “new EU citizens”,⁷⁸ whereby they can be granted an employment permit in advance of up to an overall duration

73 Art 5 para 1a Aliens’ Employment Act.

74 Art 5 para 3 Aliens’ Employment Act.

75 Residence Permits in the frame of the contingent for harvesting employees are issued for a period of validity not more than six weeks and are not renewable (Art 5 para 3a Aliens’ Employment Act).

76 Art 5 para 4 Aliens’ Employment Act.

77 Aliens’ Employment Act, Unemployment Insurance Act 1977, Amendment, available at www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01077/index.shtml (accessed on 8 April 2011).

78 Austria has fully exhausted the interim regulation in the field of the freedom of movement of workers both with regard to the EU-8 and the EU-2. Citizens of the EU-8

of nine months if they have already had an employment in the past three years within the framework of a contingent in the branch of industry of agriculture and forestry.⁷⁹

b) Researchers

As already mentioned, temporary residence permits are provided for researchers. The period of validity of the permits amounts to a maximum of two years and is renewable.⁸⁰ However, the temporary character of the employment permit is limited, since researchers upon two years of residence may switch, without any quotas, to a settlement permit, which again facilitates the obtainment of a permanent residence title (“permanent residence – EC”).⁸¹ Furthermore, researchers have the possibility to come to Austria with a permanent settlement permit – “key worker”, which is linked to a permanent residence perspective, if they fulfil the requirements for it, particularly if the income limit (2011: EUR 2,520) is reached.

c) Students

The residence permit for students is issued for a maximum of one year, which can also be renewed. Beside the general issue conditions, third country nationals must also provide evidence of their study success.⁸² Upon completion of the studies, however, the students must leave the country or obtain another residence title (in particular, a settlement permit – key worker). The settlement is assisted insofar as students do not need a quota place.⁸³ The latest government proposal, which is expected to enter into force on 1 July 2011, further facilitates in order to promote the settlement for students in Austria upon completion of their studies: Students receive a

until 1 May 2011, and those of the EU-2 until 1 January 2014 require an employment permit before they engage in gainful employment.

79 Art 5 para 3 Aliens' Employment Act.

80 Art 67 Settlement and Residence Act.

81 Art 43 para 4 Settlement and Residence Act.

82 Art 64 Settlement and Residence Act.

83 Art 41 para 5 Settlement and Residence Act. However, it is not the quota place but the high starting salary which key workers must earn as a minimum, that is perceived as the biggest obstacle. See also Die Presse, *Akademiker: Österreich will die gut Qualifizierten nicht*, 17 August 2010, available at http://diepresse.com/home/bildung/universitaet/588229/Akademiker_Oesterreich-will-die-gut-Qualifizierten-nicht. (accessed on 8 October 2010).

six-month term upon the completion of their studies in order to look for a job in Austria⁸⁴, and the starting salary required by law has been reduced.⁸⁵ In a similar manner as in the case of researchers, hereby also the temporary character of the residence permit is limited and the possibility for long-term residence is given.

d) Social service providers

The residence permit of social service providers is a temporary residence permit, as it is not renewable and may be granted for a maximum of one year. A purpose modification is only admissible under very restricted circumstances due to family reunification. The authorisation can be granted to persons who work in a non-party and non-profit organisation, do not intend to engage in any gainful employment, and if a further or additional training character can be proven.⁸⁶

e) Interns and volunteers

Interns and volunteers⁸⁷ from third countries can come to Austria with a visa D, which is not renewable, so that this can be considered as a temporary migration.

f) Rotational worker

Although the denomination rotational worker implies certain circularity, this is misleading. Concerning circular migration, the residence permit for

84 Aliens' Law Amendment Act 2011. Federal Law changing the Residence and Settlement Act, the Aliens' Police Act 2005, the Asylum Act 2005, the Basic Welfare Agreement Act – Federal 2005 and the Citizenship Act 1985, Government Proposal, available at www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/fname_206972.pdf (accessed on 8 April 2011).

85 The stipulated income is variable and depends on the maximum assessment base according to Art 108 Austrian Social Security Act. In the future, the minimum income for students will be laid down as 45vH instead of 60vH of the maximum assessment base. Government Bill, Aliens' Employment Act, Unemployment Insurance Act 1977, Amendment, www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01077/fname_206868.pdf (accessed on 6 September 2010).

86 Art 66 Settlement and Residence Act.

87 Volunteers are third-country nationals who are exclusively employed for the purpose of the expansion and application of their knowledge for the acquisition of practical skills, without obligation to work and without remuneration claim (volunteers), up to three months in the calendar year (Art 3 para 5 Aliens' Employment Act).

rotational workforces does not distinguish itself from other kinds of temporary residence permits.⁸⁸ This residence permit is intended for executive or qualified employees, employees who participate in a company-internal formation and further training programme or for representatives of foreign advocacy groups in an international company who come to Austria for a limited period of time. A possible re-entry after their return into their country of origin in form of a multi-seasonal permit is not provided for; instead a new residence permit must be applied for.

g) Company envoys

Similar to company envoys, third-country nationals who are dispatched to Austria from a foreign employer without company seat in Austria for fulfilling contractual duties for a limited period of time.

2.4. Co-operation with third countries

There are no agreements with third countries in terms of the fostering of circular and/or temporary migration. However, social agreements have been concluded, which with regard to portability of insurance services could play a role for temporary and circular migration. Social agreements have been concluded with sixteen third countries,⁸⁹ including Turkey, Croatia and Serbia.⁹⁰ These agreements regulate, among others, the equal treatment of citizens of the contractual parties, the consideration of insurance times collected in the other country, the calculation of pensions and also the transfer of payments into other countries.⁹¹ Since, however, the technical and personal scope of application of these agreements shows differences, it is not

88 Art 58 Settlement and Residence Act.

89 Australia, Bosnia and Herzegovina, Chile, Israel, Canada (special regulations apply to the Province of Québec), Croatia, Macedonia, Montenegro, the Philippines, Serbia, Tunisia, Turkey, United States of America.

90 Austrian Federal Ministry of Labour, Social Affairs and Consumer Protection, *Zwischenstaatliche Sozialversicherung*, not dated, available at www.bmask.gv.at/cms/site/liste.html?channel=CH0088 (accessed on 7 September 2010).

91 In terms of social security, generally, no differentiation is made between EU and third country national. Only harvest helpers constitute an exemption: their activities are not covered by pension insurance. (Art 5 (1) 13 Social Security Act). In practice, neither other seasonal workers can claim unemployment benefits. (Schumacher/Peyrl 2007: 76).

possible to further elaborate in this study on to what extent they actually foster circular migration.

Furthermore, Austria has concluded double-taxation agreements with over eighty countries,⁹² including the main countries of origin of foreign workers, that is, Turkey, Serbia and Croatia. These agreements, however, are not incorporated in the concept of circular migration.

92 Austrian Federal Ministry of Finance, *Österreichs Doppelbesteuerungsabkommen*, 28 July 2011, available at www.bmf.gv.at/Steuern/Fachinformation/InternationalesSteu_6523/DiesterreichischenD_6527/_start.htm (accessed on 18 August 2011).

3. STATISTICS ON TEMPORARY AND CIRCULAR MIGRATION

3.1. General Context

Although the (political) interest on temporary and particularly circular migration is high, hardly any information is available on the actual statistical scope and frequency of these phenomena. For instance, no global evaluations are available on the number of migrants who engage in circular migration (UN 2006: 69; Newland 2009b: 2). The reason for this is foremost the lack of possibilities to statistically illustrate temporary and circular migration patterns. Academic literature refers to this fact on numerous occasions (cf. Hugo 2003; Newland 2009a; Zimmermann 2009). Against this background, the International Organization for Migration identifies the development of statistics on return migration and circular migration in its World Migration Report 2008 (IOM 2008a: 562) as one of the new challenges for the gathering of data on migration.

The data collection on temporary and circular forms of migration poses problems for various reasons. Just to mention some aspects, it should be pointed out that on the one hand difficulties of statistical recording of temporary and circular forms of migration are closely linked with the problems linked to the definitional delimitation, which serves as the basis. The impreciseness of the term, which was already illustrated in Chapter 1.3.1, continues in an insufficient statistical capturing (Fassmann 2008: 21). Kuptsch (2010) even goes so far as to state that none of the existing definitions of circular migration is suitable to apply it for the purpose of data collection.

Furthermore, national administrative data collection systems are often above all focussed on illustrating rather 'traditional' groups of migrants (Newland 2009b), which were and are subject of national migration policy. Administrative data consequently refer above all to binary migration models (O'Neil 2003) or to the old so-called "permanent residence paradigm" (Hugo 2003) and can therefore say little about more temporary patterns and dynamics. Beyond that, administrative statistics of some countries refer to the intended duration of stay of migrants upon entry and not on the

actual duration of stay. In this context, Newland (2009a: 11) emphasises that already now circulation is more the rule than the exception of migration patterns between North and South, that this fact, however, is not illustrated in the migration statistics of most countries.

Skaliotis and Thorogood (2007) furthermore refer to difficulties related to the definition of the usual place of residence of circular migrants and to determine any changes in this regard, which also adversely affects the collection of data. Kuptsch (2010) and Tamas (2009) point out to the fact that existing migration statistics – if they are illustrated in such a detailed way – rather refer to temporary and less to circular forms of migration. Consequently, existing data lead to the conclusion that migration patterns are increasingly of temporary nature (cf. OECD 2008), however they allow no conclusions on to what extent these temporary forms of migration have a repetitive or circular character.

Furthermore, when considering statistics on temporary and circular migration, it must be borne in mind that most illustrations are only a snapshot in time. It can be clear that among the entire residential population there are persons who are potential temporary and circular migrants. In a related context, Constant and Zimmermann (2007: 3) have criticised the non-availability of appropriate longitudinal data. In fact, it can only be determined *ex-post* at the end of one's life whether someone is or was a temporary or circular migrant. For this reason, for a precise recording of temporary or circular migration, for example, the assessment of migration biographies could be considered (Fassmann 2008: 21) as they would allow for deeper insight into these migration patterns. Such biographies however would require cost-intensive investigations.

Despite the lack of accurate statistics, experts assume that in the sense of the model of the migration transition (Zelinsky 1971), spatial mobility which is increasingly marked by forms of circularity, will further increase. Existing forms of migration could even decrease and be replaced by temporary and circular patterns of migration, as explained by Fassmann (2008: 25). Temporary and circular migration are therefore likely to increasingly form realities of migration.

3.2. Statistical illustration of temporary and circular migration in Austria

Within the scope of the present study an analysis of the registration data of the Central Register of Residents (CRR) (or the population register POPREG) was found to be most appropriate for the statistical description of temporary and circular forms of migration. Thus an analysis was conducted by Stephan Marik-Lebeck, migration expert at the Population Directorate of the Austrian National Statistical Institute, for the present study (see Chapter 3.3). The data available depict an administrative reality, which refers to registrations and de-registrations in the CRR. Thus people leaving the country without deregistering or people that never registered in the CRR cannot be illustrated in this context.⁹³

In analogy to the definitions described in Chapter 1.3.1, temporary migrants are considered as people having migrated across the Austrian border at least twice. This included, on the hand, people born in Austria who have left the country at least once and then returned again, as well as people born abroad and having immigrated to and emigrated from Austria at least once, while registering and deregistering in this context. People are considered as circular migrants, if they have started at least another migration cycle, meaning that they have crossed the Austrian border at least three times within the context of international migration flows.

Other administrative data sources, such as statistics about residence permits or seasonal workers barely allow illustrating the actual duration of stay of migrants or circular migration patterns and are as such less suitable for the illustration of temporary and circular migration patterns. Statistics about residence permits and seasonal workers are according to the EMN study specifications nevertheless mentioned below and discussed with regards to their ability to illustrate temporary and circular migration patterns as this seems essential for the preparation of the EU Synthesis Report. Qualitative research results about current temporary and circular migra-

93 Furthermore, during the registration of one and the same person, administrative difficulties may occur: In case of multiple registrations, a person always gets the same person identification number which contains information on the migration movements ex-post. However, the spelling of foreign names constitutes a major problem, so that different forms of spelling lead to duplicate entries under different person identification numbers. In these cases, the circular migration patterns of these individuals are not fully captured.

tion patterns in Austria were not available at the time of the drafting of the study.

3.2.1. Residence titles

The Aliens' Statistics of the Federal Ministry of the Interior which contains all persons whose residence is subject to the Settlement and Residence Act allows an illustration of all residence titles which were issued and are valid within the course of one year by reason.⁹⁴

According to these data and as shown in Table 1, on 31 December 2010 a total number of 460,983 residence titles of third-country nationals were valid.⁹⁵ The major part (207,533; 45 per cent) of the residence titles were residence titles for the purpose of "long-term residence – EC" and "long-term residence – family member", which serves the documentation of a right to unlimited residence. A number of 106,150 (23 per cent) were former proof of settlements, which served the documentation of the unlimited right to residence and now correspond to residence title "long-term residence – EC" and "long-term residence – family member". Settlement permits, which are granted for a not just momentarily limited settlement for a certain purpose (for example key worker) amounted to 75,110 (16 per cent) of all residence titles. In total, 51,592 (11 per cent) made up together the residence title "family member – Austrians" and "family member", which are issued for a limited settlement with the possibility to afterwards be granted a residence title "permanent residence – family member". The majority of residence titles thus represented residence titles for a permanent stay in Austria.

On the contrary, the number of residence permits granted for a temporarily limited stay for certain purpose (for example company envoys, artists) only amounted to 20,598, that is, only 4 per cent of all valid residence titles and therefore just a small part of all residence titles.

94 For further information please see Austrian Federal Ministry of the Interior, *Hinweise zur Asyl-, Fremden-, Niederlassungs- und Aufenthaltsstatistik*, Version 1.13, 9 August 2011, available at www.bmi.gv.at/cms/BMI_Asylwesen/statistik/files/Hinweise_zur_Asyl_Fremden_und_Nagstatistik.pdf (accessed on 18 August 2011).

95 Valid residence permits are all permits stored in the Federal Statistical Aliens Information System at the respective deadline.

**Table 1: Valid Residence Titels of Third-Country Nationals
According to Purpose and Sex, 31.12.2010**

Residence Titles	Male	Female	Total
Residence Permit	10,013	10,585	20,598 (4%)
Settlement Permit	36,371	38,739	75,110 (16%)
Family Members – A	6,556	6,362	12,918 (3%)
Family Members	15,916	22,758	38,674 (8%)
Long-Term Residence EC	97,248	88,202	185,450 (40%)
Long-Term Residence – Fam Member	9,466	12,617	22,083 (5%)
(Former) Proof of Settlement	56,913	49,237	106,150 (23%)
Total	232,483	228,500	460,983 (100%)

Source: Federal Ministry of the Interior, Aliens' Statistics 2010

Table 2 shows that more than half of the persons with valid residence permits (12,125; 59 per cent) were students. Further major reasons of stay were special cases of gainful employment (3,036; 15 per cent). Such special cases include for example priests, exchange teachers or managers. Family community was the reason of stay in 2,091 cases (10 per cent), school attendance in 1.831 cases (9 per cent). Further valid residence permits were held to a lesser degree by artists (534; 3 per cent), researchers (425; 2 per cent), rotational workers (315; 2 per cent), persons with special protection (57) and self-employed (25).⁹⁶

96 In 2006, 6,613 first residence permits were issued, in 2007 5,699, in 2008 5,879 and in 2009 5,532.

Table 2: Valid Residence Permits by Reason of Stay, 31.12.2010

Residence Permits	Total
Special protection (Art. 69a para 1 (4))	15
Special protection (Art. 69a para 1 (1) Settlement and Residence Act)	22
Special protection (Art 69a para 1 (2) Settlement and Residence Act)	7
Special protection (Art 69a para 1 (3) Settlement and Residence Act)	13
Company envoy	146
ehemals-Ausbildung, Art 7 para 4 (1) Aliens' Act 1997	1
ehemals-Privat- quotenfrei, Art 19 para 5 Aliens' Act 1997	11
Family community (with Art 69a)	4
Family community (special manager)	10
Family community (with researcher)	145
Family community (with artist)	116
Family community (with rotational workforce)	277
Family community (with special cases of employment)	964
Family community with students	487
Family community (science)	88
Researcher	425
Humanitarian reasons	1
Artists (access to labour market only with labour market document)	303
Artist (only self-employed)	231
Rotational worker	315
Pupil	1,831
Self-employed	25
Special cases of gainful employment	3,036
Student	12,125
Total	20,598

Source: Federal Ministry of the Interior, Aliens' Statistics 2010

However, many of these residence permits can give only little information on the actual and intended duration of residence of third-country nationals, since as explained in chapter 2.3.1 – with the exception of the residence permit for social service providers – they are renewable if all granting conditions are fulfilled. So, for example, an artist or a researcher can theoretically reside in Austria with a residence permit for his/her whole life, or at least until retirement. Furthermore, these data are aggregated stock data, which are not person-related, and therefore do not allow an interconnec-

tion between several periods of time. Consequently, based on these data, the average duration of residence cannot be reconstructed.⁹⁷

3.2.2. Seasonal workers

Also the statistical illustration of data about third-country national workers in seasonal work proves to be difficult, since the existing data do not allow making a clear statement on the actually permitted persons for this sector.

On an annual basis, framework contingents are granted for seasonal workers holding employment permits, as is explained in Chapter 2.3.4. These contingents in 2010 amounted to about 7,500 contingent places for tourism, agriculture and forestry as well as for harvest helpers respectively. These figures however only refer to a weighted annual average and not to the places which can actually be granted. As has already been mentioned above actually about 60,000 seasonal employment permits are granted annually in the end (Nowotny⁹⁸; Schumacher/Peyrl 2007: 76). However, also this figure does not allow making a clear statement on how many persons have made use of these permits, as one person can get more than one permit per year.

The statistics of the Labour Market Service⁹⁹ on seasonal workers refer to the status of employed foreign nationals (who require a permit) holding a seasonal worker permit, that is an annual average of the single contingent exploitations at the end of each month, and therefore do not allow either to make a clear statement on the overall number of persons who have been granted seasonal worker permits. Furthermore, employment permits can also be issued to third-country nationals having settled in Austria if they hold a “settlement permit – restricted”. For this reason the number of granted security clearance certificates or certificates of good standing would also have to be considered.

97 Johann Bezdeka, Head of Department II-B Aliens Police, Civil Protection and Disaster Management, Austrian Federal Ministry of the Interior, 24 September 2010.

98 Ingrid Nowotny, Deputy Head of Section IV, Austrian Federal Ministry of Labour, Social Affairs and Consumer Protection, 17 September 2010.

99 For further information please see www.ams.at (accessed on 18 August 2011).

3.3. Illustration of circular and temporary migration on the basis of the population register POPREG¹⁰⁰

Since the reporting year 1996, Statistics Austria has been elaborating a broad and continuous migration statistics. The migration statistics covers all internal movements within Austria as well as international migration movements to and from Austria. Since 2002, all registrations have been stored in the Central Register of Residents of the Federal Ministry of the Interior. Statistics Austria receives from the CRR, on a quarterly basis, stock data with all valid registrations as well as modifications, which are regularly integrated into the demographic database (POPREG). Consequently, migration statistics since 2002 cover all changes of the main residence pertaining to the legal duty of officially registering one's residence.

In Austria, the Registration Act¹⁰¹ requires compulsory registration when staying for more than three days in the country. However, there is no constraint for a main residence registration. Only migration statistics solely use the registrations and de-registrations of main residences in Austria from the CRR, under the condition that the registration covers at least 90 days. Shorter stays are only incompletely recorded by the registration system due to the mixture with tourist stays (visa with a validity of up to 90 days) and are consequently not included in the statistical evaluations.

Secondary residence registrations are statistically not considered in order to record each person in Austria just once. Consequently, the following conditions apply for statistics: If a person deregisters with less than 90 days of continuous main residence registration in Austria and if he/she leaves for abroad, he/she is not registered in the migration statistics. This procedure coincides with the UN Recommendations on Statistics of International Migration (UN 1998).

The statistical implementation of the above-mentioned conditions requires the analysis of the time period between two subsequent main residence registrations of one and the same person. This link is made in the population register POPREG by means of an anonymised personal identi-

100 This chapter contains a summary of the statistical analysis of circular and temporary migration patterns on the basis of the population register POPREG elaborated by Stephan Marik-Lebeck. For a more detailed illustration and further background information please see the background paper of this report "*Circular and temporary migration in Austria – A statistical illustration on the basis of the Population Register POPREG*".

101 Art 3 Registration Act.

fication number. In the event of a deregistration from Austria following a previous registration in Austria, the time period between deregistration and registration is the duration of stay in Austria. If the inverse event is the case, the duration of stay abroad can be deducted.

As of November 2010, the population register POPREG includes all registration information for the time period between 1 January 2002 and 30 September 2010. According to the selected time period for the analysis of the duration of stay, information herewith becomes available with different degrees of completeness.

3.3.1. Duration of stay of migrants in Austria 2002-2009

Table 3 offers an overview of the number of inflows and outflows according to the selected time periods for the duration of stay in Austria for the years 2002-2009. For the areas marked with grey, already valid information exists in the database as of 30 September 2010. In all other categories, no final assertion can be made (yet), for example because not enough time has passed to achieve a correct classification of the duration of stay prior to or after a registration. For the first reporting year 2002, no definitive duration of stay in Austria can be evaluated before an emigration abroad, since POPREG contains no information on possible registrations before 1 January 2002.

Table 3: Inflows and Outflows by Reference Year and Duration of Stay in Austria, 2002-2009

	Reference Year	Total (=100%)	Short-term Migration				Long-term Migration			
			3-6 months		6-12 months		1-5 years		>5 years	
			abs.	rel.	abs.	rel.	abs.	rel.	abs.	rel.
Inflows	2002	109,384	11,411	10%	12,092	11%	21,390	20%	64,491	59%
	2003	113,677	14,520	13%	11,170	10%	22,094	19%	65,893	58%
	2004	124,983	14,866	12%	11,656	9%	25,993	21%	72,468	58%
	2005	117,407	15,532	13%	12,149	10%	41,694	36%	4,032	41%
	2006	99,891	14,577	15%	10,757	11%	74,557	75%	0	0%
	2007	106,504	13,324	13%	11,649	11%	81,531	77%	0	0%
	2008	109,791	14,251	13%	14,491	13%	81,049	74%	0	0%
	2009	107,849	15,132	14%	32,727	30%	59,990	56%	0	0%
Outflows	2002	74,212	10,069	14%	29,495	40%	34,648	47%	0	0%
	2003	71,868	13,343	19%	12,400	17%	46,125	64%	0	0%
	2004	71,756	15,032	21%	11,085	15%	45,639	64%	0	0%
	2005	70,050	15,007	21%	11,657	17%	43,386	62%	0	0%
	2006	78,079	16,278	21%	12,280	16%	33,183	42%	16,338	21%
	2007	73,888	12,928	17%	10,828	15%	25,177	34%	24,955	34%
	2008	76,739	13,767	18%	11,930	16%	25,223	33%	25,819	34%
	2009	88,359	14,507	16%	14,521	16%	29,518	33%	29,813	34%

Source: Statistics Austria, Migration statistics 2002-2009. As of 30 September 2010, for the grey shaded cells, valid information was (already) available in the POPREG database.

The results show that around 10-15 per cent of all immigrants were registered in Austria for three to six months. Another 10 per cent were stays with a length between six to twelve months, whereby in total about one fifth to one quarter of inflows can be classified as short-term migration. In return, around three quarters of inflows stay for longer than one year in Austria, whereas the (currently only available) results for 2002-2004 show that around 60 per cent also stay for longer than five years in Austria. Immigration to Austria is thus, to an extent of three fifths, geared towards long-term stays.

The situation is somewhat different in the case of outflows. Here, around one fifth of all de-registrations followed a stay of three to six months, with a further fifth having been effected within one year. Around two thirds of all emigrants had stayed in Austria for longer than one year before they left, whereby according to the definitive results for the years 2007-2009 the shares of stays of up to five years and over five years before they left both amounted to about one third. Consequently, emigration occurs to a larger extent after short-term stays in Austria.

A differentiation by nationality shows that EU 10 nationals and EU 2 nationals with about 35-40 per cent of all immigrants on average for the

years 2003-2008 make up the largest shares of stays of up to one year, while – little surprising – the immigrated Austrian citizens to an extent of 90 per cent stay in Austria for longer than one year. However, immigrated third-country nationals also stayed, to an extent of about three quarters, in Austria for longer than one year. This definitely also has to do with residence and settlement regulations, which foresee first residence permits primarily for a period of up to 18 months, as well as with restrictions concerning the settlement of these groups in Austria. Furthermore, it must be taken into consideration that for non-EU nationals family reunion plays an important role, which by trend occurs with the perspective of a longer stay in Austria.

A similar picture is shown in the case of outflows. On average for the years 2003-2008, nearly half of the emigrating EU 10 were registered in Austria for a shorter period than one year before they emigrated. By contrast, Austrian nationals as well as non-EU nationals for the most part lived in Austria for longer than one year before they emigrated. It was also remarkable that outflows of EU and non-EU nationals were approximately equal in terms of their number (35 per cent of all outflows respectively).

In relation to the significantly smaller population of EU nationals living in Austria, this underlines the much higher degree of mobility inside the EU, which, in turn, is also made possible by appropriate legal framework conditions (freedom of movement).

3.3.2. Circular forms of migration in Austria 2002-2009

Given the existence of a precise registration date for registrations and de-registrations, it is possible to determine the duration between a registration and the ensuing registration of the same person. This facilitates the calculation of the duration of stay of a person in Austria (timespan between registration and de-registration, including any possible changes of residence inside Austria), as well as of the duration of absence between de-registration and a subsequent reregistration, for which there is no valid registration in Austria. The latter can also be considered as the duration of stay abroad between two registrations in Austria. Furthermore, this coupling of several migration movements of one and the same person offers the possibility to get information on temporary and circular migration patterns.

The analysis of subsequent residence registrations and de-registrations of individual persons makes it possible – irrespective of the duration of stay in Austria – to determine the partial quantity of those inflows, which are

again followed, after some time, by an outflow terminating the stay in Austria. In this context, however, it must be noted that the available time series of information for persons having immigrated at the beginning of the reporting period is significantly longer than for persons having immigrated at the end of the reporting period. Therefore the share of multiple migrations in the earlier years under review both regarding inflows and outflows is significantly higher than in the more recent years.

In total, during the years 2002-2009, for which migration statistics is available from the POPREG, 50 per cent of inflows from abroad were followed by at least one outflow from Austria (Table 4). In other words: only half all people that immigrated to Austria since 2002 stayed until 1 January 2010. Altogether, 28 per cent of all immigrants left Austria again and stayed abroad since then, while a further 10 per cent of immigrants temporarily emigrated abroad again, but then immigrated to Austria for a second time. Nearly half of those entering Austria on several occasions (altogether, nearly 5 per cent of all immigrants) even displayed two or more circular external migration movements (immigration to Austria > emigration to abroad > immigration to Austria > emigration to abroad).

On the other hand, 71 per cent of emigrations to abroad were final, which means that until 1 January 2010 no further registration in Austria was recorded. In case of approximately 30 per cent of all outflows, no immigration to Austria had been registered before, either because it took place before 2002 or because it affected people born in Austria. A further 41 per cent of emigrants had only come to Austria in the reporting period, thereby terminating a migration cycle by leaving for abroad. A total of 29 per cent immigrated to Austria for at least one more time, with 10 per cent having subsequently emigrated abroad again.

Table 4: International Migrations 2002-2009 According to the Number of Further International Migrations of the Same Person

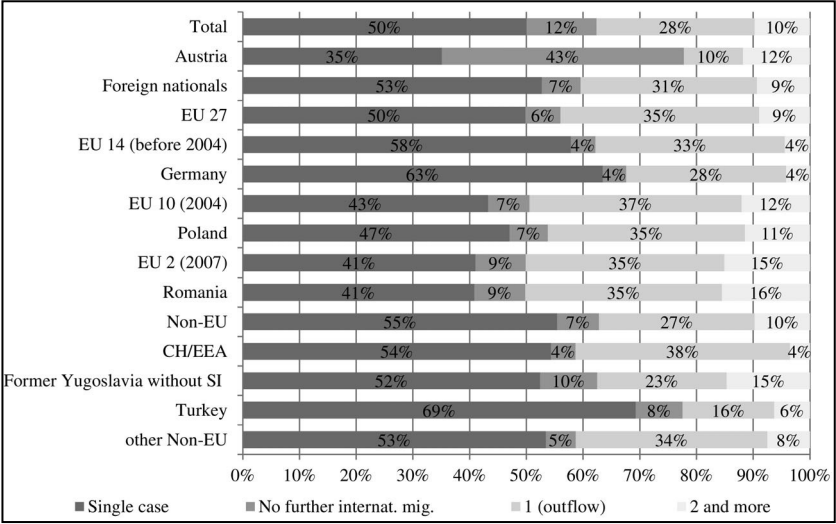
Reference Year	Total	Number of further external migrations of the same person				
		Single case	Last (of several)	1	2	3 and more
Immigrations from abroad						
2002-2009	880,059	50%	12%	28%	5%	5%
2002	108,125	52%	3%	29%	8%	8%
2003	111,869	48%	8%	29%	7%	8%
2004	122,547	47%	10%	30%	6%	6%
2005	114,465	45%	11%	33%	6%	5%
2006	98,535	44%	13%	33%	6%	5%
2007	106,659	48%	14%	31%	4%	3%
2008	110,074	52%	17%	28%	3%	1%
2009	107,785	65%	23%	11%	0%	0%
Emigrations to abroad						
2002-2009	597,868	30%	41%	18%	5%	5%
2002	74,831	58%	7%	21%	6%	9%
2003	71,996	36%	26%	22%	7%	9%
2004	71,721	28%	33%	23%	8%	9%
2005	70,133	25%	41%	20%	7%	7%
2006	74,432	24%	46%	19%	6%	5%
2007	71,928	24%	48%	19%	5%	3%
2008	75,638	24%	54%	17%	4%	1%
2009	87,189	26%	66%	7%	0%	0%

Source: Statistics Austria, Migration statistics 2002-2009

Depending on the nationality, there were occasionally significant differences: among immigrants, Austrian citizens at 78 per cent showed the highest share of single or final immigration flows (that is there was no further migration movement abroad of the person during the reference period). EU 10 and EU 2 nationals had the highest share of multiple migration with about 50 per cent of all inflows being followed by further migration movements. Unlike Austrian nationals, somewhat more than 40 per cent of inflows were single cases, with a further 10 per cent showing no further migrations. In these two groups, also the share of persons who moved to Austria more than twice was highest, with 15 per cent and 12 per cent respectively. However, the share of multiple migration among EU 14 nationals was significantly lower. Consequently, 62 per cent of the EU-14 nationals who had immigrated to Austria between the years 2002-2009 were also registered on 1 January 2010 in Austria, the share of German nationals even being as high as 67 per cent. This indicates a different structure of migration vis-à-vis EU 10 nationals and EU 2 nationals (highly qualified persons, students). Similarly, 62 per cent of immigrants with third-country nationality stayed in Austria at least until 1 January 2010. This was particularly true for Turkish nationals (77 per cent of immigrants), while mul-

tiple migration was significantly higher in case of immigrants from former Yugoslavia (38 per cent), as well as other third countries (42 per cent).

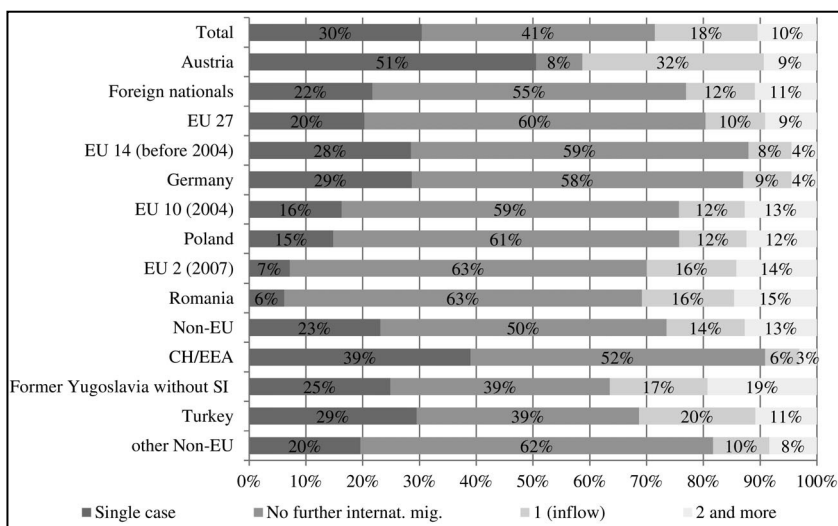
Figure 1: Numbers of Further International Migrations After an Immigration 2002-2009 by Nationality



Source: Statistics Austria, Migration statistics 2002-2009

Among emigrants, the share of single cases was, in relative terms, lowest for Austrian nationals: 59 per cent of those who emigrated during the years 2002 to 2009 did not re-immigrate to Austria until 1 January 2010. The share of those having remained abroad permanently amongst EU 14 nationals was significantly higher, namely 88 per cent. In contrast, nationals of former Yugoslavia (36 per cent), as well as of Turkey (31 per cent) had the highest shares of persons returning to Austria later on.

Figure 2: Numbers of Further International Migrations After an Emigration 2002-2009 by Nationality



Source: Statistics Austria, Migration statistics 2002-2009

4. CONCLUSIONS

This chapter summarizes the most important findings of the report and draws conclusions on future options regarding temporary and circular migration in Austria but also in general.

The differentiation between temporary residence and long-term settlement is an important feature of the Austrian migration law; and depending on the purpose of stay, different residence titles are granted to third-country nationals. Towards regulated programmes that encourage circular migration of third-country nationals, Austria in contrast takes a more reserved stance. Hence there are no specific agreements and programmes with third countries which set out to foster circular and/or temporary migration neither are there any future initiatives planned in this field.

For this approach, the experiences Austria made in the context of its “guest worker” programme in the 1960s and 1970s are determining factors. Experiences gained in this context generally demonstrated that it was difficult to sustain a system of rotation and temporarily planned migration. Inter alia employers had an interest in keeping already trained workers permanently and foreign workers established themselves with increasing length of stay, brought their families or had children in Austria. Thus the system functioned only in to a limited extent, temporary migration turned in many cases into a permanent stay, which was primarily not foreseen. The conclusion that temporary and circular migration can turn permanent under certain circumstances - an issue which was raised also by the European Commission¹⁰² - contributes to the current scepticism of the Austria government regarding circular migration.

102 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 16 May 2007 on circular migration and mobility partnerships between the European Union and third countries, COM(2007) 248 final, 16 May 2007, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0248:FIN:EN:PDF> (accessed on 8 October 2010).

The actual statistical dimension of temporary and circular migration in Austria is, like in other countries, difficult to assess. However by using data provided by the population register POPREG it is possible to illustrate occurring temporary and circular migration patterns ex-post and as such to at least map an administrative reality of such migration patterns. Moreover, the national definition of migration (which uses a minimum duration of stay of three months for the definition of migration) allows to also display short-term migration movements. An analysis of the population register POPREG for the years 2002-2009 has shown that immigration to Austria is in three-fifths geared towards long-term stays. In total only around one fifth to one quarter of inflows could be classified as short-term migration of up to one year residence. Concerning circular migration movements it was found that in total during the years 2002-2009 10 per cent of persons who immigrated to Austria left temporarily and immigrated to Austria for a second time. As such temporary and circular migration patterns are integrative components, even if only to a small extent, of the international migration flows to and from Austria.

One of most profound challenges to any further debate on temporary and circular migration is the lack of common definitions and concepts, not just in Austria but in general. Definitional criteria (for example duration of stay, character of repetition) for temporary respectively circular migration are often not clearly determined. Differences also occur in whether policy makers, when they talk about circular migration, refer to a spontaneously occurring phenomenon or to an issue of policy intervention. Especially the concept of circular migration lacks “conceptual clarity” (Fassmann 2008: 20). A disambiguation in this regard would considerably benefit the analysis of the phenomena and the adjustment of mechanism to manage migration.

Moreover, a need for further research on temporary and circular migration in order to broaden the currently limited understanding of these migration patterns, which often occur spontaneously and outside of regulated programmes, was identified. In this regard also the impact of circular migration on gender relations (Ardovino/Brown 2008) – for example impacts of the country of destination and the situation of women who have become through the migration of the husband the breadwinners of family and take over roles which are traditionally ascribed to men – should be analysed; as should the potential of circular migrants to alleviate demographic realities

and labour shortages in certain labour market segments in Europe (Hönekopp/Mattila 2008).

In addition to that an improvement in the collection of data on temporary and circular migration seems essential. As a concrete measure for the further development of data collection, existing administrative data collection systems could be improved, linked and extended. For the specific Austrian situation Marik-Lebeck notes in the course of the background paper of this study that for a further analysis of Austrian registration data, links with data from the Aliens' Information System and with employment permits would be important in order to enable the analysis of temporary and circular migration flows additionally by legal as well as also indirectly – correspondent to legally defined residence purposes – socio-economic categories.

Beyond that, the scope of national data collection systems needs to be expanded beyond traditional migrant groups (Mazzucato 2009) and the old so-called “permanent settlement paradigm” (Hugo 2003), in order to better capture current trends and dynamics, particularly with regard to temporary and circular migration. O'Neil (2003) also points to the fact that current migration statistics focus too much on administrative and census data. Also the examination of declared intentions of migrants upon arrival alone, which are used by many countries for the statistical depiction of international migration, cannot accurately reflect actual migration behaviour over time. In order to better understand these migration movements (including the decision to migrate, types of movement and the process of return) and more accurately illustrate the actual migration behaviour it would be essential to draw upon a variety of sources (qualitative research findings, longitudinal data, migration biographies and so forth).

Besides the lack of common definitions and concepts, the need for further research and improved data collection in the realms of temporary and circular migration flows, there are also challenges when it comes to the creation and implementation of regulated migration programmes. Especially circular migration is at the European level increasingly discussed in the context of effective migration management as well as potential contribution to development and the prevention of brain drain, and reflects also new forms of mobility (also in relation to the growing demand for a flexible workforce). If the establishment of programmes for temporary and circular migration is taken into consideration in the European Member States, lessons learnt from previous programmes – such as for example the “guest

worker” schemes of the 1960s and 1970s in Germany and Austria – could be important because the promising “silver bullet” as Skeldon (2010: 22) calls circular migration, apparently not always leads to “triple win” situations for all parties involved (Wiesbrock/Schneider 2009).

Not only could one learn from historical experiences but also from more recent experiences which EU Member States with respective programmes have made as well as scientific evidence. According to Angenendt (2007: 4) for instance it is essential to determine, prior to the actual migration movement, several cornerstones in order to ensure the programme’s success; this includes inter alia the setting of objectives (development related approach, migration management), the determination of procedures and criteria of stay (multiple or one time migration and duration of stay) as well as the offer of integration measures for temporary migrants.

As an alternative and/or complement to the establishment of regulated migration programmes, voluntary and spontaneous circular migration could be facilitated by means of more general incentives. Such incentives could contain measures facilitating the portability of pensions and social security rights or the retention of validity of residence permits after periods of absence.

ANNEX

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Annex 2: Guidelines for Semi-Structured Interviews – Example

Full Name Participant in the interview:

What is your position and what are your main duties?
Since when are you exercising the job?

1. Definitions:

- 1.1. How do you define circular and temporary migration? Are these back and forth movement? Timely limited? Can you name sources for the definition?
- 1.2. According to your opinion, which one is the most common scenario in Austria concerning circular and temporary migration?

2. Approach, policy and legislation:

- 2.1. Please describe your view/the view of your institution on the Austrian approach towards circular and temporary migration.
- 2.2. What policies are you aware of in Austria concerning circular and temporary migration? By means of which measures shall circulation be guaranteed?
- 2.3. What is the main legislation concerning circular and temporary migration in Austria?
- 2.4. Do you think that the economic crisis changed Austria's approach towards circular and temporary migration? If so, to what extent?

3. (Target) groups involved:

- 3.1. Which (target) migrant groups are involved in circular and temporary migration in Austria? EU internal migration or Third Country migration? What are their characteristics (age, sex, nationality, etc.)?
- 3.2. What main interest groups in Austria are involved in circular and temporary migration? What is their relation in your view?
- 3.3. In which branches does circular migration play especially an important role?

4. Data

- 4.1. Are circular and temporary migration strategies to meet labour shortages in Austria? If so, in which sectors?
- 4.2. What Data Collections concerning circular and temporary migration are you aware of?
- 4.3. How could data collection systems be improved in order to measure circular and temporary migration? (consequences for EU data collection rules)

5. Cooperations with Third Countries

- 5.1. Does Austria have cooperations with Third Countries or mobility and/or migration partnerships? What is (or has been) the experience with these partnerships?
- 5.2. Is there a relation between circular migration and development, in your view?
- 5.3. How widely is the issue of migration and development noticed in Austria? Do you know of any concrete projects?
- 5.4. What is the approach towards brain drain, brain gain and brain circulation? Are there any measures to counteract these negative consequences of migration? If so, what kind of?

6. Good practice / Recommendations

- 6.1. Can you identify “good practice examples” as regards the management of circular and temporary migration?
- 6.2. Which policy options do you see in the future on a national and EU level?
- 6.3. Do you have any recommendations concerning cooperations with Third Countries?

7. Others

Room for comments / notes / suggestions

