University for Continuing Education Krems
Department for Migration and Globalisation

Migration and Labour Integration in Austria

SOPEMI Report on Labour Migration Austria 2020-22

Gudrun Biffl

January 2023

Report of the Austrian correspondent to SOPEMI (Système d'observation permanente des migrations), OECD's reporting system on Migration.

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Size: 2020: 1.765 million, 51.1% women	Main countries of birth:
19.8% of the population	Germany: 13.5%, Bosnia-Herzegovina: 9.7%,
Evolution since 2010: 38.4%	Turkey: 9%, Serbia: 8.2%, Romania: 7.3%

Foreign-born population – 2021	
Size: 1.797 million, 51.1% women	Main countries of birth:
20.1% of the population	Germany: 13.6%, Bosnia-Herzegovina: 9.6%,
Evolution since 2011: 38.8%	Turkey: 8.8%, Serbia: 8%, Romania: 7.5%

Foreign-born population – 2022	
Size: 1.842 million, 51.1% women	Main countries of birth:
20.5% of the population	Germany: 13.7%, Bosnia-Herzegovina: 9.5%,
Evolution since 2011: 42.3%	Turkey: 8.6%, Serbia: 7.8%, Romania: 7.5%

In 2020, a total of 121,300 foreign nationals registered their residence (of more than 90 days) in Austria, a decline by 13,700 (-10.1%) vs 2019. At the same time 79,400 foreign nationals left Austria, i.e., almost 12% less than in 2019 (-10,600, -11.8%). Accordingly, net immigration amounted to 40,100, a slight decline of 500 (-1.4%) versus 2019. Factoring in the net outflow of 1,800 Austrian nationals in 2020, total net immigration amounted to 40,100, i.e., almost the same as in 2019 (-500, -1.4%). The largest inflows by single country were from Germany (19,000) and Romania (17,500), but also inflows from Syria (3,700) gained momentum vs 2019, while they remained rather stable for Afghanistan (1,500), and declined slightly for Iran (900). By January 2021, the stock of foreign nationals amounted to 1.531 million (17.1% of the total population), constituting an increase of 44,800 persons (+3%) compared to January of the previous year. The largest groups were German (208,700), Romanian (131,800), Serbian (121,700), Turkish (117,600), and citizens of Bosnia-Herzegovina (97,400).

In 2021, a total of 139,500 foreign nationals flowed in from abroad, 18,200 or 15% more than in 2020. At the same time 84,600 foreign nationals left Austria, 6,5% more than in 2020 (5,200). Accordingly, net immigration amounted to 55,000, a significant rise of 31.2% vs 2020 (+13,100). Factoring in the net outflow of 2,500 Austrian nationals in 2021, total net immigration amounted to 52,500, i.e., 31% more than in 2020 (+12,400). The largest inflows by single country were from Germany (21,800) and Romania (17,000), but also inflows from Syria

(13,300) are increasingly dynamic, while they increased fairly little from Afghanistan (2,200), and Somalia (1,300). By January 2022, the stock of foreign nationals amounted to 1.587 million (17.7% of the total population), constituting an increase of 55,600 persons (+3.6%) vs January of the previous year. The largest groups were German (216,700), Romanian (138,400), Serbian (121,600), Turkish (117,600), and citizens of Bosnia-Herzegovina (97,300).

Of the 121,300 newly arrived foreign nationals in 2020, 84,500 (70%) came from the EEA/Switzerland (plus the United Kingdom). That figure includes 33,100 from EU13 (before 2004) countries, mainly Germany (21,200) and Italy (4,400) – and 48,700 (40%) from EU13 (after 2004) countries, mostly Romania (16,500), Hungary (9,600), Poland (4,300) and Slovakia (4,100). An additional 36,300 (30%) came from third countries, the largest group (17,500) was from European third countries (including Turkey). The inflows from European third countries, Africa, America and Asia decreased slightly relative to 2019 (-7,700, -17.6%).

Of the 139,500 newly arrived foreign nationals in 2021, 86,000 (61.6%) came from the EEA/Switzerland (plus the United Kingdom). That figure includes 34,300 migrants from EU13 (before 2004) countries, mainly Germany (21,800) and Italy (4,100) – and 49,200 (35.3%) from EU13 (after 2004) countries, mostly Romania (17,000), Hungary (9,200), Poland (4,100) and Slovakia (4,100). An additional 53,500 (38.4%) came from third countries, the largest group (20,200) was from European third countries (including Turkey). The inflows from European third countries, Africa, America and Asia increased significantly relative to 2020 (+17,300, +47.6%).

In 2020, a total of 18,400 new residence permits were issued to third country nationals, 7,900 or 30% less than in 2019. Of these, 15,000 were permanent (settlement permits): 5,500 or 26.7% less than 2019, and 3,400 temporary residence permits, a decline vs 2019 by -2,400 (-42%). In addition, 10,400 residence titles were transferred to a settlement title (1,400 less than in 2019, i.e., -11.8%) This means that, in 2020, all in all 25,400 settlement permits were issued (including status change), compared to 32,200 in 2019. Also, in 2020, 500 temporary residence permits were issued on the basis of status change, somewhat less than in 2019, raising the number of new temporary resident permits in 2020 to 3,900 (-2,500 vs 2019).

In 2021, a total of 32,900 new residence permits were issued to third country nationals, 6,700 or 25% more than in 2020. Of these, 27,200 were permanent (settlement permits): 6,700 or 32.7% more than 2020, and 5,800 temporary residence permits, a rise vs 2020 by 2,400, (+71.2%). In addition, 12,900 residence titles were transferred to a settlement title (2,600 more than in 2020, i.e., +24.8%) This means that, in 2021, all in all 40,100 settlement permits were issued (including status change), compared to 25,400 in 2020 (+14,700, +58%). Also, in 2021, 500 temporary residence permits were issued on the basis of status change, about as many as 2020, raising the number of new temporary resident permits in 2021 to 6,300 (+2,400, +60.5% vs 2020).

Of the 15,000 new settler permits in 2020, 54.1% (8,100) were issued on the basis of family ties, and 5,800 for work (38.5%), largely r-w-r cards, blue cards and r-w-r card plus (i.e., labour migrants such as highly skilled and skilled third country workers and graduates of Austrian universities). In addition, 1,100 residence permits (7.3%) were granted on humanitarian grounds. Of the 3,400 temporary migrants, the largest share went to students and their family members (2,900, 79.8%), followed by special cases of temporary salaried employees and their family members (16%). Extensions of temporary permits were largely granted to students and their families (12,000, 96% of all extensions).

Of the 27,200 new settler permits in 2021, 40% (10,800) were issued on the basis of family ties, and 9,500 for work (35%), largely r-w-r cards, blue cards and r-w-r card plus (i.e., labour migrants such as highly skilled and skilled third country workers and graduates of Austrian universities). In addition, 1,200 residence permits (4.4%) were granted on humanitarian grounds. Of the 5,800 temporary migrants, the largest share went to students and their family members (4,800, 83%), followed by special cases of temporary salaried employees and their family members (13%). Extensions of temporary permits were largely granted to students and their families (11,000, 86% of all extensions).

January 2022 the new order of the shortage list for R-W-R-cards came into force (BGBl II 2021/573), extending the federal list by 10 occupations vs 2021 to 66 – no occupations were taken off the list of 2021; further, all provinces except Vienna added other occupations to a local shortage list; the local list is very diverse in recognition of the local socio-economic and demographic specificities. For the year 2023 the shortage list was extended further to 100 occupations; in addition, 58 regional occupations in short supply were added.

In 2021, an amendment of the Foreign Worker Act was accepted by parliament facilitating access to annual residence and employment permits for third country 'permanent' seasonal workers who work regularly (3 years within the last 5 years: 2017-2021) in tourism or agriculture/forestry (Stamm-Saisonniers). The red-white-red-card was adapted to include this group of workers.

The Ministry of Labour issues annually an order specifying the quota for seasonal work; in 2021 the was set at 4,309 workers plus 119 harvesters. For 2022, the seasonal worker quota was raised to 5,035, plus 119 harvesters, 636 places more than in 2021. The quota for 2023 was raised again to 6,568 seasonal workers, of which 119 harvesters, 1,400 (+27%) above the quota of 2022. In addition, from January 2022 onwards, 'permanent' seasonal workers (Stamm-Saisonniers) are allowed to register for a prolongation for another year with the Labour Market Service – in 2022 16 third country migrants were registered in this capacity by the LMS. These registered seasonal workers may access seasonal work for a maximum of 9 months without labour market testing. They are not included in the seasonal worker quota. The national quota for harvesters tends to be surpassed regularly, but this is compatible with the EU-Directive. The chamber of labour and the unions were against the increase of the seasonal worker quota and requested better working conditions in these jobs instead, thereby potentially raising domestic labour supply for these jobs.

After a strong reduction of asylum applications since 2015 (88,300), the inflow of asylum seekers increased in 2020 again, albeit slightly. In 2021, however, asylum applications rose significantly to 38.600 (+25.800, +200% vs 2019), and reached 'alarming' levels in 2022, as Austrian politicians saw themselves as the gatekeepers of EU-borders. All in all, 108,800 asylum applications were registered by the end of December 2022, not taking displaced persons from war-torn Ukraine into account, as they receive temporary protection without having to undergo asylum procedures. The major inflow of asylum seekers in 2022, largely apprehended at the border to Hungary, Slovakia and Serbia, tends to be the result of an outflow of Afghanis (24,240) and Syrians (19,150), but also of India (19,505), from Turkey and the Balkans, where they had been residing for some time in the hope of improved living conditions in the war-torn source countries but also the reception centres of the temporary host countries. The educational attainment level of youth and young adults is particularly poor as they had often been excluded from education and training and the formal labour market. Tunisia (12,665) and Morocco (8,470) are increasingly important source countries of asylum seekers. As a response, the Austrian Prime-Minister reached an understanding with Serbia's president, to end visa-free entry of Tunisians and Indians to Serbia, thereby reducing irregular inflows of these nationalities via Serbia to Austria.

The number of asylum seekers and other eligible persons receiving basic income support amounted to 78,900 in 2017, declined to 61,200 in 2018, further to 26,700 in 2021, but rose again to 30,200 in 2022. By December 1, 2022, the number of asylum seekers and other eligible groups for basic income support rose to 92,560; the large rise was due to the access of Ukrainian displaced persons to basic income support. They represented 60% of the basic import support recipients (55,500) in December 2022.

The share of unaccompanied minors among basic import support recipients was highest in 2016 with 8.3%, declined to 2.6% in 2020, but rose to 1,500 (4.9%) in 2022. The majority of unaccompanied minors in income support at the end of 2022 were from Syria (52%), followed by Afghanistan (23%) and the Ukraine (12%).

In 2020, Austria granted asylum to 13,200 asylum seekers (29.2% of all decisions of 2020), of which 8,100 according to the Geneva Convention, 2,500 subsidiary protections, and 2,600 on humanitarian grounds. In 2021, 19,400 positive decisions were taken, of which 12,000 according to the Geneva Convention (18%), 4,300 received subsidiary protection status (6%), and 3,100 the humanitarian right to remain (5%). In 2022, 21,300 positive decisions were taken, of which 13,400 according to the Geneva Convention (9%), 5,500 (4%) received subsidiary protection status, and 2,405 (2%) got the right to remain on humanitarian grounds.

The Russian war of aggression against the Ukraine, beginning 24 February 2022, triggered a substantial outflow of Ukrainians, largely women and children. By the end of 2022 more than 120,000 had arrived in Austria, and 90,994 registered with the authorities. Of this group some 56,000 received basic income support (BBU). The overwhelming majority lives in Vienna. The Ministry of Education informed that some 12,000 Ukrainian children and youth attend Austrian schools since autumn 2022. The number of employed wage and salary earners amounted to 13,100 by the end of November 2022, 70% of them women. In addition, 744 were self-employed (62% women); and some 2,400 had taken up casual employment, among them 83% women. These numbers show that only about one third of the approximately 60,000 Ukrainians of working age were in employment. There is a fairly even share of low-skilled and highly-skilled Ukrainians registered at the Labour Market Service (40% vs 36%), while the majority of jobs Ukrainian workers are in, are in the low-skill segment, possibly as a result of lacking German language competence and social network effects.

According to the Austrian Ministry of the Interior the number of apprehensions of irregular migrants on the territory reached a low of 19,300 in 2019. In 2020 the number of apprehensions rose in the wake of covid-induced increased border controls to 21,600 and further to 41,600 in 2021. Maybe not surprising, the largest number of apprehensions in 2020 concerned citizens of neighbouring countries, in the main from Hungary (4,900), Italy (3,200), and Germany (1,100). In 2021, the largest numbers were again third country citizens, in particular from Syria (4,500), Afghanistan (2,300) and Morocco (1,500). One particular target of cross-border police cooperation has been the capture of people smugglers. The number of apprehensions of smugglers amounted to 311 in 2020 and rose to 441 in 2021. The composition of nationalities of the smugglers is changing slowly with citizens from Syria, Austria, Iraq, Romania and Turkey leading the numbers in 2020, in 2021 in addition Serbs. The number of victims of smuggling increased in 2020 to 4,800, the majority from Syria (2,000), Afghanistan (1,300), Iraq (313), Bangladesh (159), Morocco (152), and Turkey (100). In 2021, the numbers rose significantly to 15,900, the largest numbers originating from Syria (7,400), Afghanistan (3,600), Pakistan (700), Somalia (600), and India (500).

In 2019, a Federal Agency for the Reception and Support of asylum seekers has been decided upon by law (BBU-Errichtungsgesetz, BGBL_2019_I_53); the law came into effect beginning of 2020, amongst great opposition by NGOs. It afforded an amendment of the asylum law 2005 and the basic support law 2005. The Federal Agency for Care and Support Services is a private limited company (https://www.bbu.gv.at/). The Agency has the exclusive responsibility for the provision of accommodation, care as well as legal counselling for asylum seekers in the federal reception system. The Agency started to function at full capacity in 2021. The Constitutional Court decided in December 2022 to open a procedure against the agency, to examine the legal ramifications, in particular the accordance with Article 47 of the Charter of Fundamental Rights of the EU.

In January 2021, 3 girls less than 13 years old, who attended school in Austria and who hardly knew their countries of origin, were deported with family members to Georgia and Armenia by the Ministry of the Interior as their asylum application had been rejected. An ensuing public outcry and massive support by class mates and the general public triggered the establishment of an Independent Commission for the Protection of the Rights of Children and the wellbeing of children in Asylum and Alien Law in Austria (https://www.bmj.gv.at/themen/Kindeswohlkommission.html). Their report was published in July 2021, proposing various changes in procedures and practices to effectively ensure the wellbeing of children and youth in cases of asylum decisions. One year after deportation at least one of the girls is back in Austria on the basis of a school-visa, living with foster parents. The Commission analysed the asylum situation in July 2022, claiming that no recommendation of the commission had been implemented. The claim was supported by a new case, in which a 13-year-old pupil was deported to Azerbaijan, after having lived in Austria for 5 years.

As of September 2020, an amendment of the Citizenship Act 1985 allows direct descendants of individuals persecuted under Austrofascism and National Socialism to acquire Austrian citizenship while keeping their original one. Former citizens of one of the successor states of the former Austro-Hungarian monarchy, as well as stateless individuals whose main residence was in Austria are eligible. This option has been taken up by 6,400 persons; it is one of the are cases where dual citizenship is accepted in Austria.

In 2021, the Austrian Parliament decided on a strategy to fight all forms of antisemitism by coordinating existing structures and developing additional ones to foster Jewish life in Austria https://www.parlament.gv.at/PAKT/VHG/XXVII/III/III_00256/imfname_886249.pdf (National Action Plan against Antisemitism)

In December 2020 the parliament decided upon a law on the prevention of hate speech in the internet (Hass-im-Netz-Bekämpfungsgesetz – HiNBG).

From 2021 onward the Labour Market Service is employing the „Arbeitsmarktchancen-Assistenz-System" (AMAS), an algorithm grouping registered unemployed into three different categories, on the basis of their past employment record. The objective is to differentiate their employability and need for different types of active labour market policy measures by their degree of immediate, intermediate and difficult employability. The objective is to provide assistance above all to the middle category, while long-term unemployed are expected to need very specific support and the first group hardly any. An evaluation of the computer-assisted decision model relative to the provision of active labour market policy measures is envisaged.

In 2019 the School Education Act has been amended, forbidding girls in primary school (up until the age of 10) to wear a headscarf in school. This legislative reform has been considered unconstitutional by the Constitutional Court in December 2020 and was therefore abandoned.

In June 2022, the European Court of Justice concluded that the indexing of family benefits to the living costs of the country in which the children of migrants, who work in Austria, live, - Austrian practice since 2019 - was not in conformity with EU-law. As a result, the respective Austrian law was lifted in July 2022, and payments of arrears became due. The parents mostly concerned are from the EU13-MS.

During the summer of 2020 a summer school has been implemented for the first time to compensate for the loss of school time as a result of the pandemic. This was to help children of poor socio-economic background, many of them migrants, to catch up in subjects they missed out on due to home-schooling; the success of this initiative has led to the integration of summer schools into the regular school system. Accordingly, in summer 2021 summer schools were available again; the take up increased to 37,000 students, after 22,500 in 2020. A strong focus is on German language acquisition, reading, writing and understanding, as well as mathematics.

In July 2020 the transition regulations relative to labour mobility of Croatians came to an end after 7 years, opening free access to labour migrants from Croatia to Austria, also for unskilled workers.

In 2020, Austria adopted a Brexit Implementing Regulation specifying detailed rules for the (continued) right of residence of United Kingdom citizens and their family members who planned to stay in Austria beyond 31 December 2020.

Introduction: The economy and the labour market 2020-2022

The positive economic development which Austria experienced from 2013 until 2019 came to an abrupt end in 2020 as a consequence of the Covid-19 pandemic; the economic lockdown in spring 2020 (from March 16 to end of April), followed by a lock-down light from November 17 to December 6 resulted in a massive decline in GDP growth to -6.7% in 2020. Even though a further lockdown was implemented from December 26 2020 to February 7 2021 the negative impact of covid on economic growth subsided in 2021, allowing a recovery of economic growth to 4.6% on an annual average in 2021. The economic growth prospects for 2022 continued to be good even though the Russian war of aggression on the Ukraine brought economic growth to a halt towards the end of 2022. The negative impact of the war in the Ukraine in Austria, in particular on energy prices, could not stop the dynamics of economic recovery, allowing an annual growth rate of 4.7% in 2022. The negative consequences did, however, already affect the second half of 2022 and will eventually reduce economic growth in 2023. Stagflation will be the consequence, flowing from the combination of economic stagnation (real GDP growth frate of +0.3%) and continuing high inflation (2023: +6.5%, after 8.5% in 2022). The economic sanctions of the EU affected Austria more than most EU-MS due to the high dependence on Russian gas – 80% of Austria's gas came from Russia.

Austria started to loosen covid-protection regulations from February 2021 onwards as a response to rising public discontent, featuring in regular demonstrations and rioting. Austria had planned to introduce an obligatory vaccination against covid for all by mid-March 2022, but abandoned this plan in response to substantial public protests. In autumn 2021 the government lifted practically all covid-restrictions as the vaccination rate reached satisfactory levels: by mid-2022 some 80% of the population had a valid certificate of vaccination or recovery from Covid. The lifting of restrictions allowed the return to former economic life and personal freedom, all that in spite of high and rising Corona-infection rates. By mid-December 2022 some 484 cases per 100,000 population were registered (https://covid19-dashboard.ages.at/dashboard.html), but the severity of the disease decreased just as the need for intensive care (66 cases by January 3, 2023).

Economic development

Global economic growth suffered severely from the Covid-Pandemic in 2020, resulting in a decline of global GDP by -3.3% vs 2019 (after +2.6% in 2019); in 2021, a rebound to 5.9% could be achieved according to the OECD (2022), but the Russian war of aggression against the Ukraine with its concomitant price rises and ruptures in supply chains results in an economic slowdown to 3.1% in 2022.

All major trading partners of Austria, with the exception of China, experienced a decline in economic growth in 2020. In the USA economic growth declined by -3.5% while it slumped by -6.2% in the EU27. The decline in economic growth in Austria was in the lower third of the EU27.

The economic development differed for Austria's major trading partners, with Germany (-4.9%) faring better than Austria, but Italy (-8.9%) and France (-8.1%) doing worse. Countries with an important tourism industry tended to be affected more severely than countries with a focus on industrial production, accounting for the split in economic growth rates between Southern European EU-MS and Central and Eastern EU-MS. In all regions, an expansive fiscal and monetary policy averted an even worse situation.

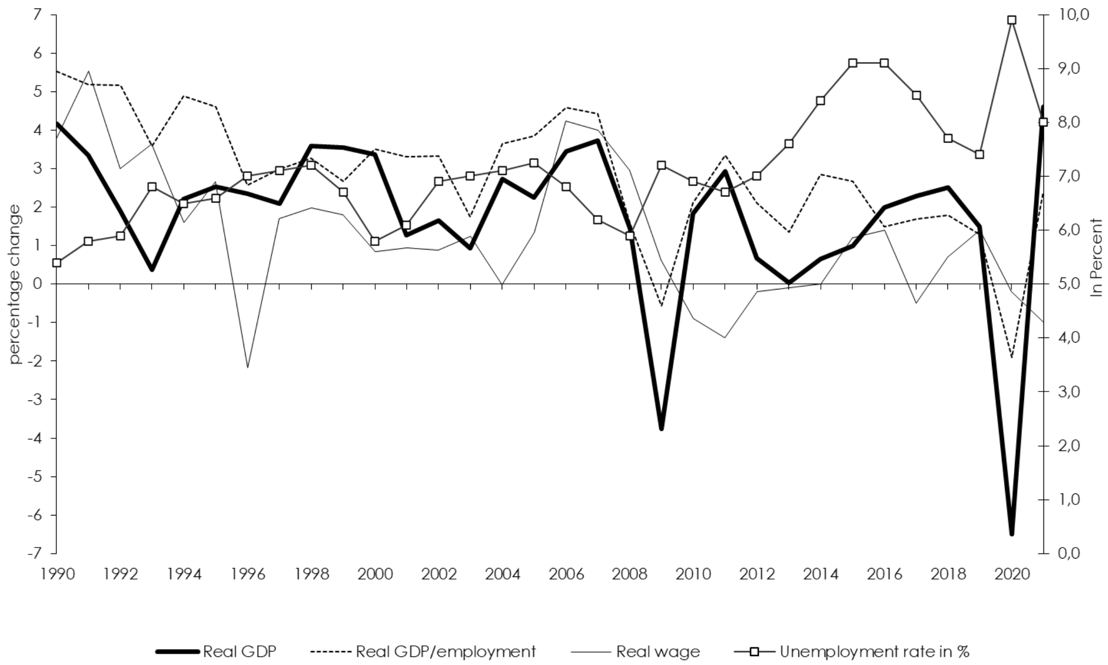
In 2021 global economic growth continued to be affected by the covid-pandemic, particularly in the Euro-area and Japan, but also there, pre-covid levels could be reached by the end of 2021. The major trading partners of Austria had a mixed performance, with Germany (+2.6%) faring worse than Austria (4.6%), but Italy (+6.7%) and the CEECs (+6.0%) doing better.

In 2022 global growth is projected to slow down while it remained high in Austria, even though major trading partners, above all Germany (+1.8%), Italy (+3.8) and the CEECs (+4.8%) were severely affected. The latter are particularly hit by the war in the Ukraine via strong energy and food price rises, breaks in traditional trade flows and substantial inflows of Ukrainian refugees.

In Austria, foreign trade growth declined significantly in the course of 2020. Exports declined by 10.4% and imports by -10.2%. The trade balance was positive in 2020, largely due to price effects, as import prices declined more than export prices. Accordingly, international trade stabilised economic development, countering the decline of GDP-growth flowing from the break-down of tourism, but also of goods production. Manufactured goods production declined by -7%, construction by -3%, but tourism by -40%. There were, however, also sectors which did well during the pandemic, in particular financial services and real estate (+5%).

In 2020, the inflation rate had an unstable development in the course of the year with a deflationary bend in the second half of the year, largely as a result of a slump in crude oil prices. On average, however, the inflation rate declined only slightly vs 2019 to 1.4%. Private consumption slumped in 2020 (-8.5%) as disposable income declined (only income from wealth, wage income remained stable) and households raised their savings rate to 15%, after 8.2% in 2019. Also, investment demand declined (-5.2% vs 2019), particularly in machinery and equipment while investment in construction and housing remained fairly stable and investment in R&D, computer programmes and the like increased. The massive support of the public sector offered to firms (compensation for revenue loss as a result of lock-downs) and employees (short-time work) in 2020 resulted in an increase of the public sector deficit. On the revenue side, reduced tax revenues and social security contributions aggravated the budget situation, leading to an increase in the public sector deficit to 8.3 % of nominal GDP (after a positive rate of 0.6% of GDP in 2019). This value was the highest since the beginning of documentation in 1954. Public sector debt rose as well, peaking at 83.9% of GDP by the end of 2020. The current account balance which stood at 2.1% of GDP in 2019, declined somewhat to 1.9% in 2020.

Figure 1: Macro-economic indicators
1990-2021



Source: Statistics Austria, Austrian Labour Market Service, Federation of Austrian Social Security Institutions, WIFO. Own calculations.

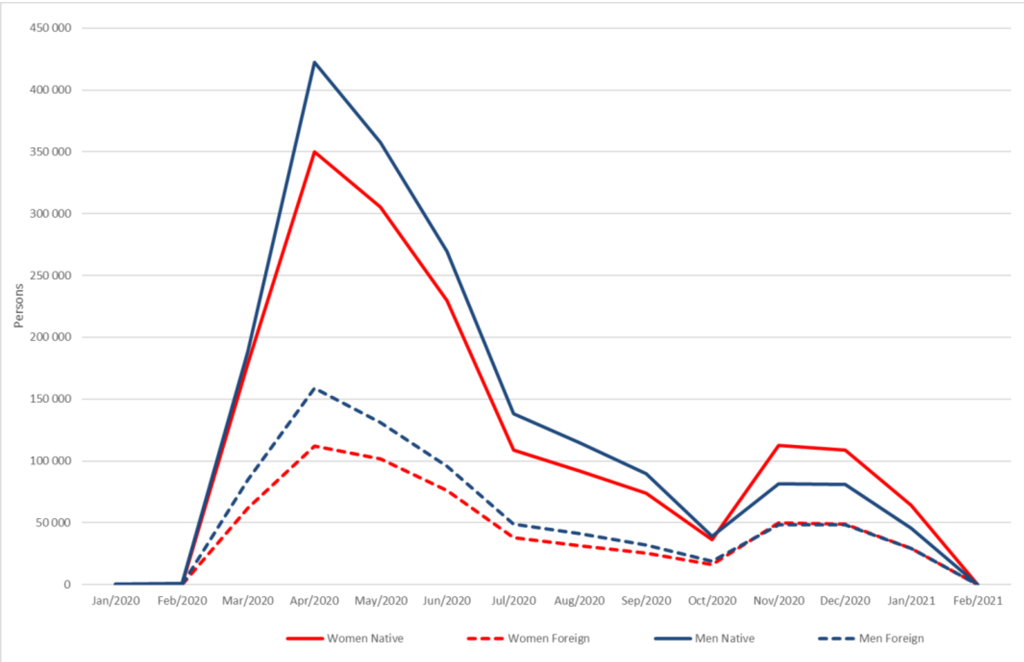
In 2021, economic growth recovered quickly in the first half of the year, but lost momentum in the second half. Since the Covid-vaccination rate did not surpass a level of 70% of the population, Covid-infection-rates rose again substantially in autumn, choking the economic upswing, together with supply chain hold-ups, high and rising commodity prices, and renewed uncertainties relative to Covid-mutations and their potential impact. All that said, economic growth reached 4.6% in 2021, with consumer demand being the major contributor (+3.6% vs 2020), but investment demand picking up as well (+8.7%). International trade recovered, with exports increasing by 9.6% in real terms, and imports by 13.7%. But the current account balance was slipping to 0.4% of GDP in 2021. The inflation rate has been rising significantly in the second half of 2021 reaching 2.8% in 2021 on an annual average.

In 2022, the Austrian economy did well in the first half after which the upswing ended abruptly, affecting trade and industrial production. In addition, high energy prices and the unstable international situation dampened consumer demand and investment. Also, the construction sector was weak for some time due to high building costs - with price rises in 2021 and 2022 of 10% each flowing from rising energy costs and shortage of raw materials. Real disposable income is stagnating and households are forced to dissave.

Labour market developments

In 2020 labour market developments were marked by economic lock-downs and measures to combat the Covid-pandemic. The economic decline caused total labour demand (including self-employed) to take a deep dive by 80,500 (-1.9%) after a rise of 58,000 (+1.4%) in 2019. Unemployment increased sharply by 108,300 (+36%), largely due to severe labour shedding of wage & salary earners (-80,100, -2.1% vs 2019). Employment declines could have been even harsher had the government not decided on a massive implementation of short-time work: over the year 2020 1.2 million workers went on short - time work sometime during the year, i.e., a third of the workforce. 44% of all short-term workers were women. Foreign workers were more affected than natives: 43% vs 31%.

Figure 2: workers on short-time-work by nationality during the covid-pandemic 2020



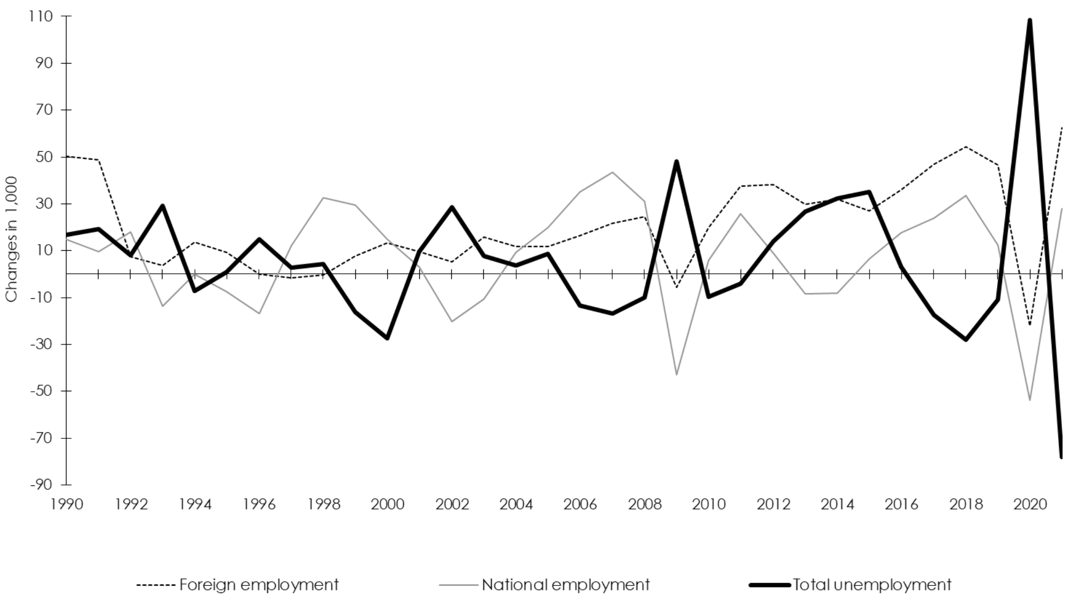
Source: Austrian Labour Market Service, special provision of data. Own calculations.

With the economic recovery in 2021 the labour market situation improved rapidly. Employment (wage & salary earners) recovered, raising the number of employees by 87,800 (+2.4%) vs 2020. At the same time the number of registered unemployed declined by 77,900 (-19%) with hardly anyone continuing on short-term work. As a result, the unemployment rate declined to 8% but continued to be higher than in 2019 (7.4%), the year before the Corona pandemic. (Figure 2 and Figure 3, Table 1)

In 2020, total labour supply continued to grow, albeit by less than the previous years (+27,800 vs +47,200). The dimension of the labour supply increase is reminiscent of the early years of the 1990s due to a combination of factors: one being unbroken labour inflows from abroad, particularly from other EU-member states, another being a continued rise in labour force participation rates of women, a third being the result of the implementation of effective barriers to early retirement and disability pensions, and the fourth being the entry of refugees into the labour market. In 2020, on an annual average 34,400 refugees (of whom 5,200 or 15% with subsidiary protection status) were registered as unemployed (3,800 or 12.4% more than 2019). (BKA, 2021:54)

In 2021, total labour supply continued to follow the rising trend, albeit at a slower pace than in the two previous years (+13,200, + 0.3%). The rise in labour supply was solely due to rising numbers and participation rates of older persons (50+), while the share of youth declined. In addition, the increase resulted solely from rising numbers of foreign workers.

Figure 3: National and foreign labour[1]
1990-2021



Source: BaliWeb - Austrian Labour Market Service, Federation of Austrian Social Security Institutions. - 1 Including formerly employed persons who are currently on parental leave or military service but excluding unemployed in education and training measures.

In 2020, the major bulk of the employed are, as usual, wage and salary earners; their numbers declined by 80,100 or 2.1% vs 2019) to 3.7 million in 2020 (including persons on parental leave and conscripts). (Table 1) In 2020, nominal gross monthly wages (including supplementary payments) of wage and salary earners per capita rose by 2.2% (vs +2.9% in 2019). In real terms, i.e., taking the inflation rate (consumer price index) into account, this implied a rise in the real wage per capita by 0.8% (after +1.3% in 2019). The monthly nominal gross income of wage and salary earners (full-time equivalent) amounted to 3,923 € per capita on average (+1.4% vs 2019). Labour productivity (GDP/employment) has been positive but with a declining growth rate since 2014. Real productivity growth per employee has fallen by 1.9% in 2020, compared to a rise by 1.3% in 2019, but the hourly labour productivity increased by 2.5%. (Figure 1)

The sudden decline in labour demand raised unemployment of native as well as foreign workers. The unemployment rate rose to 8.4% for natives (after 6.4% 2019) and to 15.3% for foreign workers, after 10.8% in 2019. The unemployment rate is calculated on the basis of registered unemployment in % of the total labour force excluding self-employed, which is the traditional Austrian calculation of unemployment rates (based on administrative data, Figure 1). The EU-wide harmonised unemployment rate, based on the Labour Force Survey, rose to 5.4%, after 4.5% in 2019. The unemployment rate of foreign workers was more than double the rate of natives (11.5% vs 4.0%). Thus, Austria's unemployment rate continued to be below the average rate of the EU; in 2020, the EU27-average amounted to 7.1%; countries with lower unemployment rates than Austria belonged to CEECs, but also in Germany (3.9%) and the Netherlands (3.8%) the rates were lower.

Total employment (including self-employed and family helpers) amounted to 4.2 million in 2020 (-80,500 or -1.9% vs 2019), of whom 893,700 (21.2%) foreigners. The number of foreign wage and salary earners has more or less continuously increased between 1999 and 2019 (with a slight dip (-5,500, -1.3%) in 2009), but declined in 2020 by more than in the economic recession of 2009. The number of foreign wage and salary earners reached 777,300 in 2020 (-22,200, -2.8% vs 2019). The number of Austrian wage and salary earners has been less dynamic over the same time span, with transitory employment declines in 2002, 2003, 2009, 2013, 2014 and again 2020. In 2020, their employment fell by 57,900 (-1.9%) to 2.9650 million. Consequently, the share of foreign citizens in wage employment declined to 20.9%, after 21.1% in 2019. Self-employment was more resilient for foreign workers than for natives. While the number of foreign self-employed rose continuously between 2008 (the first year of continuous data availability) and 2020, namely from 43,800 to 116,400 (+72,600, +165%), the number of self-employed Austrians remained at more or less the same level with 372,500 (2020) over that time span. Accordingly, the share of foreign self-employed in total self-employed doubled over the last 9 years, reaching 23.8% in 2020.

The number of self-employed persons remained fairly stable in 2020 vs 2019 with 488,900 in 2020. The largest number of self-employed foreigners are from the EU13 (77,100), while only 22,100 are from third countries and 15,500 from the EU14. This is largely due to the focus of women of CEECs on work in the personal service sector, largely as domestic helpers and domestic care workers for the elderly.

In 2021, employment growth more than compensated for the losses incurred by the covid pandemic in 2020, thus allowing higher employment levels than in 2019, the year before the pandemic. The share of foreign citizens in total employment rose to 22.3%, after 21.2% 2020.

The unemployment rate declined as well but not to the former level of 2019. The unemployment rate of foreign workers declined more than proportionately, reducing the divide between foreign and native workers to 5.1 percentage points (after 6.9 in 2020).

Table 1: National and foreign labour force (wage and salary plus self-employed) and unemployment rate of wage and salary earners

	Annual average			Change 2019/2020		Change 2020/2021	
	2019	2020	2021	Absolute	Percent	Absolute	Percent
Total labour force	4 587 871	4 615 674	4 628 853	27 803	0,6	13 179	0,3
Austrian labour force	3 575 783	3 581 277	3 557 013	5 494	0,2	-24 264	-0,7
Foreign labour force	1 012 088	1 034 397	1 071 840	22 309	2,2	37 443	3,6
Total employment[1]	4 286 544	4 206 035	4 297 111	-80 509	-1,9	91 076	2,2
Austrian wage&salary	2 997 820	2 939 894	2 965 309	-57 926	-1,9	25 415	0,9
Foreign wage & salary	799 483	777 270	839 634	-22 213	-2,8	62 364	8,0
Austrian selfemployed	373 003	372 454	373 768	-549	-0,1	1 314	0,4
Foreign selfemployed	116 238	116 417	118 400	179	0,2	1 983	1,7
Total unemployment	301 327	409 639	331 742	108 312	35,9	-77 897	-19,0
National unemployment	204 960	268 929	217 936	63 969	31,2	-50 993	-19,0
Foreign unemployment	96 367	140 710	113 806	44 343	46,0	-26 904	-19,1
	2015	2016	2017	2018	2019	2020	2021
Total unemployment rate	9,1	9,1	8,5	7,7	7,4	9,9	8
National unemployment rate	8,1	8,0	7,5	6,7	6,4	8,4	6,8
Foreign unemployment rate	13,5	13,5	12,5	11,3	10,8	15,3	11,9

Source: BaliWeb, own calculations. –[1] Including formerly employed persons who are currently on parental leave or military service but excluding unemployed in education and training measures.

Labour migration of citizens from Central, Eastern and South-Eastern European EU-Member States to Austria gained momentum with the end of every transition regulation. The first boost set in with EU-8 enlargement countries in spring 2011 (the other two - Malta and Cyprus - never had transition regulations imposed upon), when the number of wage and salary earners of the EU10-MS increased by 19,500 or 28% to 88,500 in 2011; the rise gained momentum in 2012 and slowed down without ever falling to the growth rates of the years with transition regulations, i.e., 2004-2010. Accordingly, between 2010 and 2021, the wage-employment of citizens from EU10-MS more than doubled (+159,900, +231%) reaching an all-time-high of 228,900 in 2021. The employment decline in 2020 was thus short-lived and more than compensated in 2021.

The same happened with EU2-MS (Bulgaria and Romania) when the transition regulations fell in July 2013. The number of workers from Bulgaria and Romania increased as a consequence by 38.3% (+11,000) in 2014, reaching a level of 39,700. In what followed, the numbers continued to rise substantially, raising employment levels of citizens of the EU2-MS to 82,700 in 2021. This meant that the employment of citizens from the EU-2 countries more than doubled between 2012, the year before the end of the transition regulations, and 2021 (+56,400, +214.1%).

Table 2: Employment of foreign workers by citizenship, annual average.

	Foreign workers Total	EU15/EEA +CH	EU-12	Croatia	Third Country Citizens	EU15/EEA +CH	EU-12	Croatia	Third Country Citizens	Foreign worker share
						In % of total				
1994	291 018	19 954	44 681		226 384	6,9	15,4		77,8	9,5
1995	300 303	22 472	44 834		232 998	7,5	14,9		77,6	9,8
1996	300 353	24 455	44 001		231 898	8,1	14,6		77,2	9,9
1997	298 775	26 094	43 325		229 357	8,7	14,5		76,8	10,1
1998	298 582	28 078	43 170		227 334	9,4	14,5		76,1	10,0
1999	306 401	30 902	44 431		231 068	10,1	14,5		75,4	10,1
2000	319 850	33 694	46 327		239 829	10,5	14,5		75,0	10,5
2001	329 314	37 022	48 221		244 071	11,2	14,6		74,1	10,7
2002	334 432	40 830	49 985		243 617	12,2	14,9		72,8	11,0
2003	350 361	44 856	52 275		253 231	12,8	14,9		72,3	11,5
2004	362 299	54 934	55 533		251 832	15,2	15,3		69,5	11,8
2005	374 187	63 829	59 339		251 018	17,1	15,9		67,1	12,0
2006	390 695	73 282	63 016		254 397	18,8	16,1		65,1	12,4
2007	412 578	82 962	69 877		259 740	20,1	16,9		63,0	12,8
2008	437 055	94 150	78 863		264 041	21,5	18,0		60,4	13,3
2009	431 552	96 851	81 847	15 193	237 661	22,4	19,0	3,5	55,1	13,3
2010	451 276	103 743	89 477	16 053	242 003	23,0	19,8	3,6	53,6	13,8
2011	488 934	110 540	112 129	17 001	249 264	22,6	22,9	3,5	51,0	14,7
2012	527 062	115 119	142 642	17 750	251 551	21,8	27,1	3,4	47,7	15,6
2013	556 752	119 666	165 139	18 607	253 340	21,5	29,7	3,3	45,5	16,4
2014	588 722	122 894	191 327	20 479	254 022	20,9	32,5	3,5	43,1	16,8
2015	615 682	126 343	211 148	22 573	255 618	20,5	34,3	3,7	41,5	17,4
2016	651 690	131 408	231 266	25 044	263 972	20,2	35,5	3,8	40,5	18,2
2017	698 512	137 946	254 814	28 054	277 698	19,7	36,5	4,0	39,8	19,1
2018	752 892	145 561	280 014	31 404	295 913	19,3	37,2	4,2	39,3	20,1
2019	799 483	152 665	299 847	34 589	312 383	19,1	37,5	4,3	39,1	21,1
2020	777 270	146 928	287 148	36 596	306 598	18,9	36,9	4,7	39,4	20,9
2021	839 631	156 066	311 646	43 301	328 618	18,6	37,1	5,2	39,1	22,1

Source: Ministry of Labour: Amis (Arbeitsmarktinformationssystem). https://www.dnet.at/bali/Datenbank/DB_Be.aspx

Also, the inflow of Croatians into the Austrian labour market is getting more dynamic as a result of EU membership, even though transition regulations applied until July 2020. In 2010 16,100 Croatians were employed in Austria; the numbers rose to 43,300 in 2021 (+27,200, +170%). Their numbers did not even take a dip in 2020. (Table 2)

The inflow of workers from EU-15/EFTA/CH countries, largely from Germany, continued to rise, albeit at a somewhat reduced pace, raising the number of waged-employees from these countries (except Austria) to 156,100 in 2021 (+52,300, +50.4% vs 2010). Accordingly, the number of employees from the EU15/EFTA/CH represented 18.6% of all foreign employees in 2021.

The employment growth of third country citizens gained momentum from 2016 onwards, which may not come as a surprise, given the rise in the numbers of refugees and increasing efforts to get them into employment. In 2020, their employment declined somewhat but picked up again in 2021, raising their employment numbers to 328,600, +22,000 (+6.7%) vs 2020. The share of third country citizens in foreign employment declined, however, as former third country citizens like the Croatians joined the ranks of EU citizens. Accordingly, the share of third country citizens in total foreign employment declined from 54% in 2010 to 39.1% in 2021. In contrast, the share of citizens from EU-enlargement countries (East and South-East of Europe) rose from 23.4% in 2010 to 42.3% in 2021. (Table 2)

In 2020, unemployment numbers rose for natives as well as foreign workers. The number of unemployed foreign workers rose by 44,300 or 46% to 140,700, while the number of registered Austrian unemployed increased by 64,000 or 31.2% to 268,900. In 2021 the economy, and with it labour demand, picked up again, reducing unemployment numbers by 19% (-77,900). Both, native as well as foreign workers, profited from the upswing, and their unemployment numbers declined in relative terms almost equally, in absolute numbers by 51,000 in the case of natives, and by 26,900 in the case of migrants.

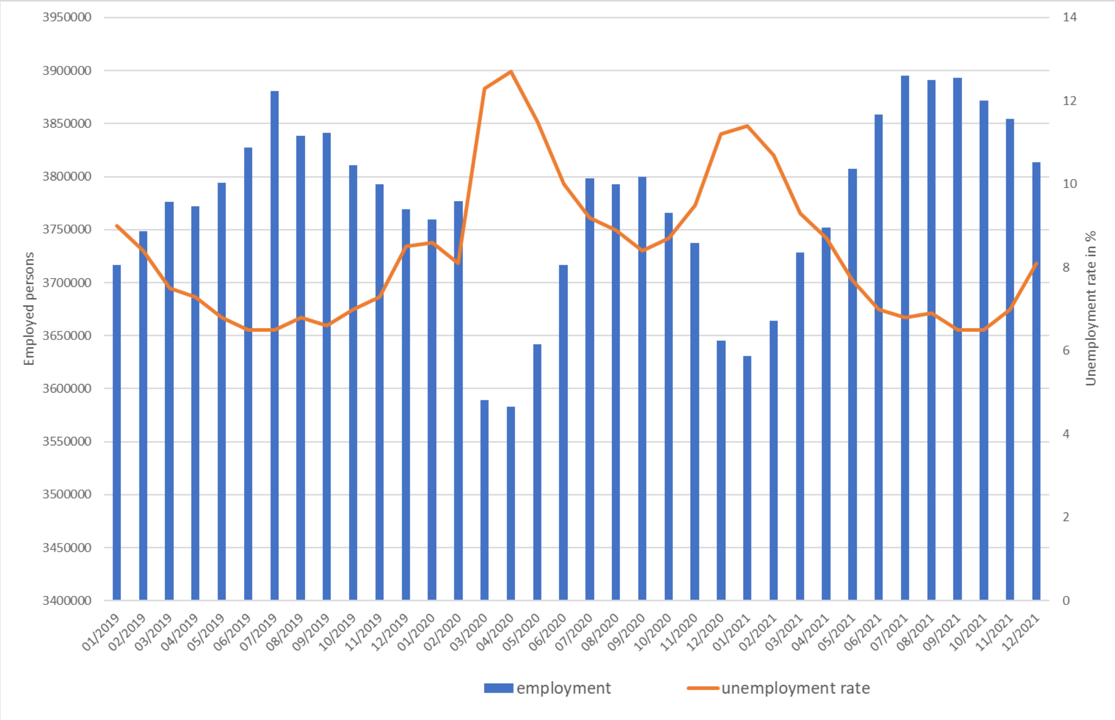
The unemployment rate of wage and salary earners - the traditional national calculation of the unemployment rate which excludes the self-employed from the labour supply base (which is based on administrative data) - amounted to 9.9% in 2020 and 8% in 2021, after 7.4% in 2019. The unemployment rate declined for natives less than for foreign workers in relative terms, reaching a level of 8.4% 2020 and 6.8% in 2021 for natives, and 15.3% 2020 and 11.9% in 2021 for foreigners.

The effect of Covid-19 on the economy and the labour market in more detail:

The COVID-19 pandemic caused a temporary shutdown of large parts of the economy in March 2020 and again in November and December 2020. As a result, the worst recession since the end of World War II started to unfold in the course of 2020. Real GDP and employment declined by 6.7 percent and 2.1 percent respectively, and the unemployment rate rose to 9.9 percent on an annual average. Employment started to fall and unemployment to rise as a result of Covid-19 in March 2020. The number of employees declined abruptly by 189,000 or 5% to 3.6 million in April 2020 vs 2019; the number of unemployed increased by more than that, namely by 200,000 or 76%, as labour supply continued to increase.

In order to limit job losses, Austria offered short-time work programmes for employers (Kurzarbeit). By the end of April 2020 one million employees went on short-time work. Over the whole year of 2020 1.242 million received a short-time-work subsidy. The uptake of this offer was particularly high in tourism (30% of all jobs), as well as arts/sports/cultural events (27%). But also trade and manufacturing of particular goods went on short-time-work, namely some 17% of all workers. Foreign workers constituted 27% of all workers on short-time-work. (Figure 2)

Figure 4: Declining employment and rise in unemployment rate due to Covid-19 in Austria 2020 and recovery 2021



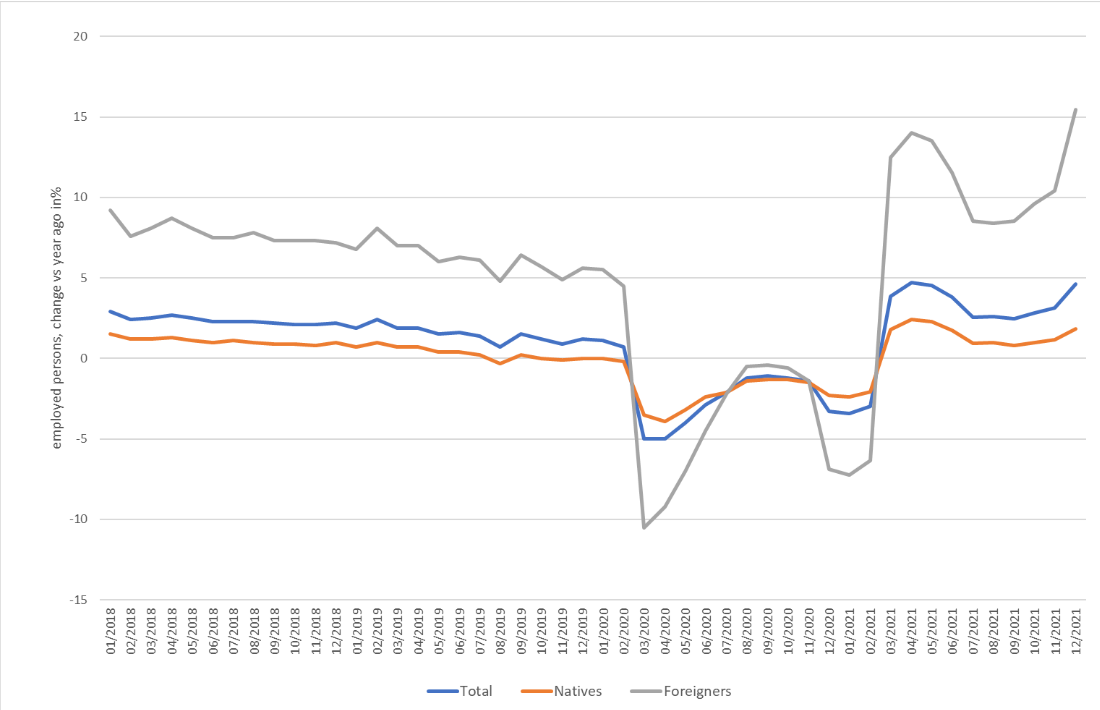
Source: Ministry of Labour: Amis (Arbeitsmarktinformationssystem). https://www.dnet.at/bali/Datenbank/DB_Be.aspx The national definition of the unemployment rate does not include self-employed in the employment base and takes only unemployed registered with the labour market service into account.

The groups most hard hit were foreign workers with an employment decline of 10.5% (-82,300) vs a year ago to 705,200 as early as March 2020, compared to a decline of natives by 4% (-105,000) to 2.9 million. The hardest hit were workers from EU-MS in Central and Eastern Europe, the EU10, with employment declines in March 2020 by 17% (-38,000) vs a year ago, followed by the EU2 (Bulgaria and Romania) with -10% (-7,000) and third country citizens with -8% (-24,000).

As the corona-infection rates subsided in the summer months of 2020, social distancing rules were loosened, the economy picked up again and so did employment. But by November 2020 the infection rate had picked up again as the vaccination rate did not go beyond 65%. As a result, a renewed lock-down was decided upon pulling employment down again such that, by the end of December 2020, employment levels were 3.3% lower than a year ago (-123,600); third country citizens continued to be the most affected by employment declines, followed by EU10 migrant workers, while migrants from the EU15 and EFTA countries as well as Croatia did not experience any declines. These latter groups of migrants are more than proportionately highly skilled and tend to work in economic sectors less affected by the economic shutdown. Many of them can work from home.

Third country seasonal workers in tourism saw a significant decline in employment in 2020, accounting for a large component of the decline in foreign employment of third country citizens. But restrictions on immigration also hampered the inflow of third country migrants, particularly students of higher education, largely the effect of travel restrictions imposed by countries of origin.

Figure 5: Impact of Covid-19 on employment by citizenship: change vs year ago in%: 2018-2021



Source: dnet.at/bali.

Under these circumstances it may come as a surprise that the number of seasonal workers in agriculture did not decline but increased, even though unemployment was on a steep upward curve. This goes to show that migrant farm labour cannot be easily substituted by domestically available workers. The difficult working conditions, low wages and unusual working hours may be part of the explanation, the skills required another, and the facilitation of inflows - as farm workers were declared essential workers - a third aspect. Austria was flying in Eastern Europeans for harvesting, largely Romanians and Ukrainians – keeping the system of seasonal work alive despite the crisis. In addition, care-workers were flown in from Bulgaria, Croatia, and Romania. While two years ago the then right-wing Austrian government had introduced measures to reduce the family allowance for many of these Eastern European workers, one was prepared to offer bonus payments for care-workers who were prepared to stay longer.

The unemployment rate, calculated on the basis of administrative data, increased abruptly in March 2020 to 12.3%, after 8.1% (seasonally adjusted) in February 2020. Foreign workers were particularly hard hit with a rise to 20.1%, after 11.7% in February. In April the unemployment rate peaked at 12.7%, (foreign workers 20.9%) but declined thereafter to eventually 11.2% (foreign workers 17.9%) by December 2020.

In 2021, the labour market situation improved with the end of lockdowns and economic recovery. But it can be taken from Figure 5 that foreign workers experienced much greater employment fluctuations than natives in real as well as absolute terms.

In response to the challenges of Integration flowing from the corona-pandemic, the expert council on the integration of migrants (to the Minister of Integration in the Federal Chancellery) drew up a policy brief, suggesting steps to improve the labour force participation of migrants and thereby stabilize their income. (Expert Council on Integration, 2020) Building on the lessons learned from corona, namely that this pandemic accelerated digitalization and the implementation of automation in work processes, up- and re-skilling of low-skilled migrants has become more important than ever. The dearth of health care workers in the domestically available labour force, which became apparent in the corona crisis, enticed the facilitation and promotion of education and training of migrant women, many of them refugees. Many of them had acquired competences in these occupations, at time sonly informally in their home countries, but could have their competences upgraded fairly quickly during the pandemic.

I. Migration Flows

The scope of flow analysis of migration is widening in Austria as population registers have been increasingly harmonised and centralised. Thus, from 2001 onwards, inflows and outflows of nationals and foreigners by various nationalities have been made available on a national as well as regional basis.

In addition, detailed flow data exist for certain groups of migrants, in particular foreigners of third country origin. Flow data are the result of administrative procedures flowing from the planning and monitoring of various categories of third country migrants, mainly asylum seekers, foreign workers and, since the early 1990s, family members (family formation and re-unification). With the introduction of a more universal legislation on aliens (since mid-1993, revised 1997, amended 2002/2003/2005/2011/2013/2016/2017/2018/2019/2020), flow data on family reunification of third country citizens (non-EU/EEA-citizens) became available.

The inflow of third country foreigners is differentiated by legal status, the main categories are:

a) Foreign workers (seasonal and annual workers, cross-border workers and commuters), wage and salary earners or self-employed;

b) Third country workers (between 2003 and mid 2011 only highly skilled workers on the basis of a cap, thereafter without a quota for various skills on the basis of points);

c) Family reunification;

d) Third country foreign students;

e) Asylum seekers;

f) Others.

Annual quotas of residence permits are imposed on an increasingly smaller group of third country migrants, since 2011 basically only third country family migration of third country citizens residing/working in Austria; the quotas are determined by the governors of the federal states together with the Federal Minister of the Interior and the Federal Minister of Labour.

1 Legal and institutional framework and policy reforms

Administrative procedures in the migration field are guided by three regulatory institutions – the Federal Ministry of the Interior, the Federal Ministry of Labour and the Federal Ministry of Foreign Affairs. While the first regulates the inflow and residence status of third country immigrants and short-term movers, the second regulates access to the labour market, albeit of an increasingly smaller and very specific group of workers, and the third is in charge of visa issuing procedures (including temporary worker visa for stay and work of less than 6 months) and development policies - the latter in coordination with the Federal Chancellor. The interaction and co-ordination of policy concerning immigration is laid down in Federal Laws. The Chancellery/Prime minister has the position of a mediator in certain situations. Between 2010 and 2013, the State Secretariat for Integration, established in the Ministry of Interior in 2010, was responsible for the coordination of integration measures in Austria. In 2014, in consequence of federal elections and a reorganisation of ministerial competences, the Secretariat of Integration was dismantled and the integration section moved from the Ministry of Interior to the Ministry of Foreign Affairs, together with the then Minister of Foreign Affairs who formerly was Secretary of State of Integration, Sebastian Kurz. In 2019, after a reshuffle of responsibilities resulting from the formation of a coalition government between the conservatives and the green party, the Ministry of Integration moved to the Chancellery (Ministry of Integration, Women, Family, Youth and Religious Affairs and Media).

In 2014, the Ministry of the Interior established a Migration Council to draw up a strategic long-term migration policy in Austria. By the end of 2015 the council presented a paper (bmi, 2016) which led to the **establishment of a coordination unit and a (temporary) migration commission**, composed of migration experts. They took up work in 2016 and terminated it in 2019 with a report establishing a road-map for a sustainable migration policy in Austria, which remained unpublished. In 2017 a **migration-centre** has been established in Melk, a city along the Danube in Lower Austria, with the title: **"Migration mc²",** to indicate that migration becomes increasingly dynamic as modern communication technology goes global (Webinger 2018). The centre was opened in 2018; it is being managed by the University for Teachers' Education of Lower Austria and meant to be a meeting point for people interested in migration in general and for school classes in particular.[1] In addition, a migration museum has been established by the Ministry of the Interior, in cooperation with various political and civil society actors, in the 10th district of Vienna in November 2019 (MOMA, Museum of Migration Austria); that district has a long history of labour migration; the opening of a digital version was in February 2020. But federal funding is limited, Covid-19 a major barrier for visitors, therefore only special exhibitions are organised, funded by MusMig and other civil society cultural organisations. Also, the city of Vienna is planning a Migration-Museum, beginning with a workshop of ideas in early 2020 (http://mimu.at/). Until today all these efforts have not come to fruition, though.

The inflow of economic (labour) migrants of third country origin is being regulated by quotas since July 2011 whereupon it substituted **a point system of economic immigration for third country citizens**; the quotas for third country migrant workers have been abandoned. However, even before 2011 the majority of third country citizens had been able to enter outside a quota regulation, namely:

1. persons working for foreign media with sufficient income,
2. artists with sufficient income,
3. wage and salary earners who may access the labour market without labour market testing (*specific groups of persons defined in the foreign employment law*),
4. Third country partners or dependents (minors) of Austrians and citizens of the EEA.

In 2005, migration legislation has been revised fundamentally, affecting asylum law, the regulation of residence and settlement of foreigners and Alien Police Law (Asylgesetz 2005, Niederlassungs- und Aufenthaltsgesetz 2005 – NAG, Fremdenpolizeigesetz 2005). The regulations of the residence status and the access to work have been overhauled, coordinated by the two legislative bodies and in accordance with EU directives. The redrawing of legislation was to a large extent due to EU-efforts to coordinate migration policy and to harmonise legislation, in this case for EU citizens and their third country family members. (Table 3)

Family reunification of third country citizens who are partners of or are dependent children of an Austrian or EU/EEA citizen (core family) has always been uncapped[2]. Also, third country

[1] For more see https://www.ph-noe.ac.at/de/forschung/forschung-und-entwicklung/migration-und-schule/was-bedeutet-migration-mc2

[2] Until legislative reform in 2011, the permanent residence permit (which was issued on the basis of family reunion) could be transferred to a permanent settlement permit in its own right after 4 years of residence. From mid 2011 onwards family members can apply for the red-white-red-plus-card which gives them free access to the labour market straight away. For a detailed account of legislation, quotas, and actual inflows see annual reports to the

citizens with the settlement right in another EU country (after 5 years of legal residence), may settle in Austria outside a quota (Daueraufenthalt-EU).

Until 2011, the inflow of settlers from third countries and of their third country family members was regulated by quotas. It applied to highly skilled third country settlers with a work contract and family re-unification with third country citizens. The new residence and settlement law (NAG 2005) introduced a minimum income requirement for family reunification (family sponsoring[3]), in line with regulations in other immigration countries overseas. This amendment has reduced the inflow of migrants with low earning capacities who want to join a partner in Austria who himself/herself is living off welfare benefits (long-term unemployment benefits (Notstandshilfe) and social assistance). In addition, **forced and/or arranged marriages** are a target of control. Accordingly, in 2010 legislative reform came into effect **raising the age of the partner** who wants to enter Austria on the basis of **family reunification to 21**. This is a controversial element of policy reform as it may hamper integration given the postponement of entry of the partner.

Access to the labour market is granted to settlers and to temporary residents according to the rules of the Foreign Worker Law (Federal Ministry of Labour). Persons residing less than 6 months for purposes of work in Austria are granted a work-visa and do not require a temporary resident permit (from 2006 onwards). Only for stays beyond 6 months is a residence permit required.

Accordingly, the quota system for family reunification of third country citizens with third country citizens continues to be based on an annual quota. In the area of labour migration, the **highly skilled third country citizens (Schlüsselarbeitskraft**) quota category for work, and their third country family members, came to an end in July 2011. Instead, in **July 2011, a policy reform of skilled worker inflows came into effect. It brought an end to quota regulations for highly skilled workers of third countries and introduced a point system of immigration**. The annual inflows follow the rules of a so-called Red-White Red-Card which aimed at raising the inflow and settlement of skilled and highly skilled third country citizens.

In that context family reunification (Familiennachzug) quotas continue to apply for citizens of third countries, who are residing in Austria on the basis of a quota. (Figure 6) One may distinguish between 5 types of family reunion quotas (NAG 2005/NLV2020):

1. Third country citizens with permanent settlement rights in another EU country (Daueraufenthalt-EU) who want to come to Austria for the purpose of work (§8/1/3 NAG) or who want to settle in Austria without accessing the labour market (§49/1 NAG). This is a new quota in the revised residence law of 2005 and has been applied for the first time in 2006. The quota was set at 350 in 2006; due to the limited uptake the cap has been

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Ministry of the Interior, e.g., *Biffl – Bock-Schappelwein* (2007/8/9/10/11/12/13), Zur Niederlassung von Ausländern und Ausländerinnen in Österreich, Ministry of Interior download site.

[3] The sponsor has to document a regular income commensurate with the minimum wage.

reduced to 113 in 2012, raised thereafter again and reached 153 in 2018, where it remained unchanged until 2021.

2. Family members of third country citizens (§46/4 NAG), where the sponsor has the permanent residence rights in Austria (the age of dependent children was raised from 15 to 18 years); the inflow quota for 2011 was 4,905, i.e., the same as in the two preceding years. The quota was raised slowly to 5,220 in 2018, reduced again slightly to 5,135 in 2019 and further to 5,130 in 2020, where it remained in 2021. This continues to be a rather tight cap for family reunification but does not seem to lead to queuing, i.e., a build-up of open requests abroad.
3. Transfer of residence title – Status changes (Zweckänderung)[4]: Third country citizens, who have a permanent residence permit as family members without access to work and no right to the red-white-red-plus card[5] may have this title transformed to one allowing access to the labour market (§§47/4 and 56/3 NAG – this refers to - among others - non-married partnerships, relatives outside the core family). This is a quota introduced in 2006, meant to facilitate labour market integration of more distant family members of settlers, who have resided in Austria for less than 5 years. The cap was set at 645 in 2006 and continuously reduced to 160 in 2009. It turned out that this cap was somewhat tight; it was raised again in 2011 to 190. With the introduction of the red-white-red card mid-2011, this group of third country migrants may have their status transferred to a red-white-red-plus-card, which allows free access to the labour market. The quota has been continually raised, reaching 302 in 2018, where it stayed in 2019. In 2020 it was reduced to 292, where it remained in 2021.
4. Third country citizens and their family members who settle in Austria without wanting to enter the labour market (§§ 42 and 46 NAG); the regulations were amended in the residence law of 2005, requiring the proof of regular monthly income (double the minimum of unemployment benefits as regulated in § 293 ASVG). The quota was raised to 240 in 2011 (after 235 in 2010 and 230 in 2009). In this category the cap tends to be rather tight; it was therefore raised to 265 in 2012 and further still, reaching 450 in 2017. For 2018, the quota was reduced again slightly to 445, where it remained unchanged till 2021.
5. Highly skilled workers (**until mid-2011** §§2/5 and 12/8 AuslBG and § 41 NAG), their partners and dependent children (§46/3 NAG)[6]; for 2010 the inflow quota was fixed at 2,645, more or less the same level as in the years before and the same as 2011. The cap has never been reached on a national level; but some regions had set the cap too tightly and had to raise the cap over time. The actual inflows of highly skilled workers of third countries were low and fairly stable over time, rising between 2006 and 2010 from 548 to 610. Thus,

[4] More about status changes of immigrants in Buschek-Chauvel and Chahrokh (2015).

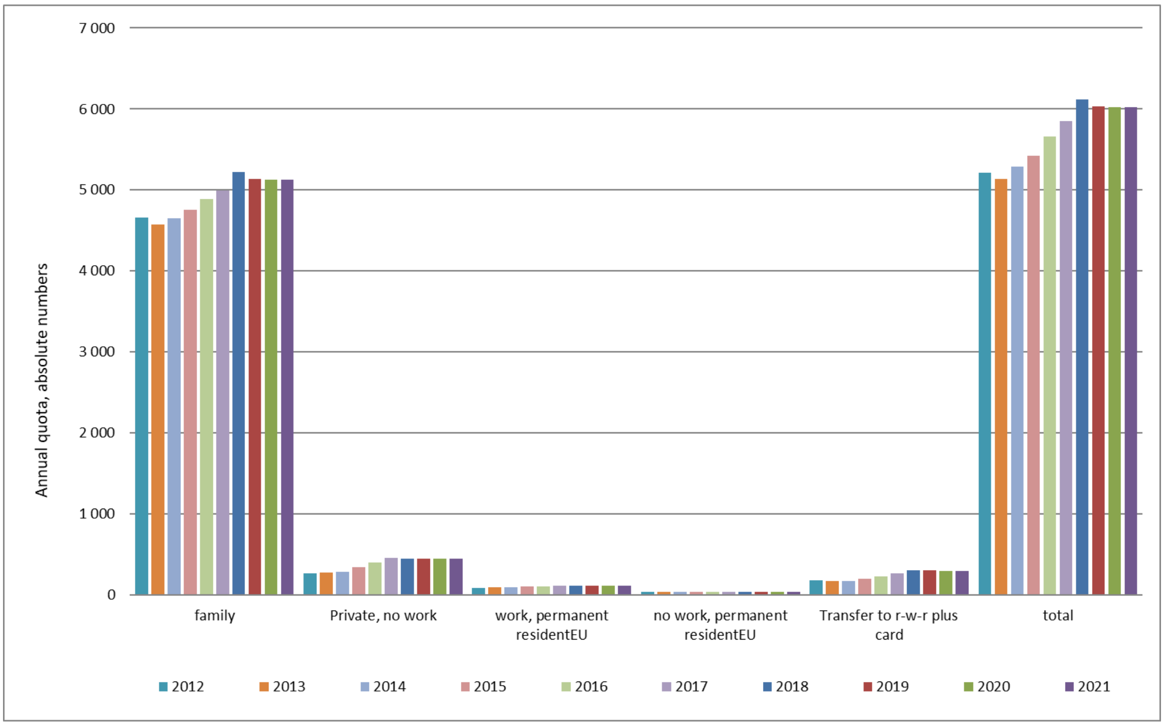
[5] The name of the card refers to the colour combination of the Austrian flag.

[6] The point system or red-white-red card is the new control system in place, abandoning the quota system.

highly skilled migration is not affected by cyclical economic fluctuations of demand but follows an autonomous trend in line with international economic integration. In addition to the highly skilled workers their family members entered under the cap. Their numbers amounted to 416 in 2010, which is also only slightly more than in 2006 (302) – they were allowed to access work on the basis of labour market testing.

Thus, the quota system for third country family migration continues to be complex, the basic logic being the linkage of the residence and labour rights of the family members of third country citizens to the status/title of the 'anchor', i.e., the third country citizen with the residence title in Austria who requests the reunification with family members. Figure 6 provides some insight into the remaining quota system, which applies to fairly small groups of third country migrants. The total number of quota places has been rising since the introduction of the new system (2012: 5,213), reaching 6,120 in 2018, declining slightly in 2019 to 6,035 and further to 6,020 in 2020 and 2021. This annual inflow cap continues to be substantially lower than in 2011 (8,145), the year of transition; the difference is due to the introduction of the red–white-red card for third country wage and salary earners and for their family members via the red-white-red plus card.

Figure 6: Quota system and annual cap by category, 2012-2021



Source: Ministry of the Interior, Settlement Order 2021, NLV-2021.

Introduction of a Point System (Red-White-Red card)

The inflow of third country labour migrants had been regulated by regulatory reforms from the early 1990s until 2011, upon which a point system has been introduced, modelled after the Canadian system. Restrictions on migration had been implemented in the 1990s in view of Austria joining the EU in 1995. Austria expected a major increase in the number of EU-migrants in the wake of free mobility of labour. Therefore, the inflow of third country migrants was to be curtailed in order not to disrupt the highly regulated Austrian labour market. Accordingly, labour supply inflows of third country migrants were limited to highly skilled migrants (Schlüsselkraftverfahren), family migration and inflows on humanitarian grounds.

In mid-2011 a point system of immigration came into effect, referred to as "Rot-Weiss-Rot-Karte" (red-white-red card), which replaced the key-skills quota and widened the scope for third country workers to access the Austrian labour market. The system in place today differentiates between 7 types of skills respectively categories: highly skilled persons, persons with scarce occupational skills, persons with other (medium to higher) skills, third country graduates of Austrian universities, self-employed key workers, persons with the residence title permanent settlers-EU in another EU-MS (Daueraufenthalt – EU), since 2017 also start-up founders. In 2019, the parliament agreed on the amendment of the alien employment act and the residence act, introducing a new category, namely third country youth who work and study as apprentices in Austria (dual education stream which involves also employment). But this draft law did not find its way into legislation because the government Kurz 1 (December 2017- May 2019, FPÖ-ÖVP-coalition government) was dissolved before the law was signed, and the expert-led transition government (2019-2020) as well as the incoming coalition government (green party and ÖVP from 2020 until today) did not address this issue yet. With the inflow of Ukrainian refugees in 2022 this may change quickly as the chamber of commerce put it on the political agenda, given a pronounced scarcity of apprentices.

Highly skilled third country citizens wanting to work in Austria have to obtain at least 70 points out of 100 possible points. Points are given in four domains: for educational qualifications and honorary recognition of competences, for occupational experience, for language skills and for age. An additional advantage in terms of points is successful university graduation at bachelor level (since 2017) or above in Austria. In 2019, the minimum number of points needed was reduced to 65 for specific occupations in great demand, among them various engineering degrees (electrical, mechanical, data-processing), chartered accountants, medical doctors.

In the area of scarce occupational skills every year a scarcity list is drawn up. To obtain the card one has to have 55 of a maximum of 90 points, in addition to a job offer at the legal minimum wage or above. Since 2019, provinces may add more occupations beyond the federal list, if they can proof the regional scarcity.

In the case of ‘other higher skills’ a minimum of 55 points out of 90 has to be reached; in addition, the potential third country migrant worker has to have a job offer with a certain minimum income: from January 2022, the minimum gross monthly wage has to be €1,030 for single persons, 1,625 für a family of two and for every child an additional €159. In 2019, the point system was adapted for skilled workers over 40 with work experience to be able to acquire the necessary points.

Third country graduates of an Austrian university get preferential treatment if they want to acquire a red-white-red card: they do not have to go through the point system and they may stay in Austria for up to 12 months after graduation to look for a suitable job.

Third country start-up founders can obtain a red-white-red card if they have a minimum of 50 points out of a maximum of 85. They have to invest a minimum 0f €50,000, of which 50% own capital.

In addition, a red-white-red-card can be issued to self-employed if they invest a minimum of €100,000 or if they create jobs in Austria or if they contribute to the sustainability of existing jobs, or if they transfer know-how or introduce new technology. After two years the holder of this card can transfer to the title settlement permit (Niederlassungsbewilligung) or transfer to a red-white-red-card for dependent employment.

Two types of cards may be issued, the R-W-R Card and the R-W-R Card plus. The first grants settlement rights and access to work with a specific employer (employer nomination) **for the first two years of employment;** after two years the ‘Plus’ card may be obtained which allows settlement and free access to work anywhere in Austria. Family members of RWR Card holders get a R-W-R-plus Card, allowing them to work in Austria. The R-W-R-Card Plus is issued for 1 year, unless the person has already resided legally in Austria for 2 years and fulfilled the requirements of the integration contract – then the card is issued for 3 years.

In addition to the R-W-R Card a **Blue card** can be obtained, requesting university education and income surpassing 1.5 times the Austrian average gross annual wages of full-time employees (2022: €66,593 gross annual wages).

In addition, third country citizens who do not yet have an employer who nominates them may turn to the Austrian Embassy/Consulate for a job search visa. The Austrian embassy issues the visa if the required points are achieved. The Labour Market Service (LMS) informs the Embassy and is the gatekeeper for immigration of potential third country job seekers. The required forms can be downloaded from the website of the Ministry of the Interior as well as a special website for potential third country immigrants (www.migration.gv.at).

In 2021, the Austrian Business Agency has been given the task to better coordinate the various administrations, the employers and the labour market service to raise the efficiency of the matching process (www.workinaustria.at). This is part of a larger reform package of the Red-White-Red-Card, which is going to feed into a legislative reform in 2022. The aim is to compound all regulations, which are currently included in various laws, into one law, to establish a one-stop-shop and digital platform which is servicing the potential employers as well as job seekers; in addition, it is planned to implement a monitoring system to control the duration and efficiency of the search processes, thereby aiming at reducing bureaucracy and speeding-up matching. Some aspects of the reform package have already been implemented by the end of 2021, expecting to work full swing by mid-2022. The one-stop-shop has been integrated in the existing Austrian business agency (https://aba.gv.at/services/work-in-austria) with the information platform already in place (https://www.workinaustria.com/en/). The agency is linked to EURES (https://ec.europa.eu/eures/public/index_en) and can thus access job offers anywhere in Europe.

In the context of labour migration and access to employment, the following settlement and temporary residence permits are most relevant:

- settlement permit: worker- R-W-R card from 2011 onwards
- settlement permit: R-W-R-plus card from 2011 onwards
- temporary residence permit – intercompany transfers (Rotationskraft)
- temporary residence permit – persons on business assignments of third country firms without a registered office in Austria (Betriebsentsandter - GATS)
- temporary residence permit – special cases of paid employment specified in the Foreign Employment Law, the most important being for researchers.
- temporary residence permit – students of higher education

For the above permits, access to the labour market is issued together with the residence permit in a so called "one stop shop procedure", which means that the settlement permit and the work permit are issued in a single procedure. In addition, third country nationals who have a residence permit without the explicit right to work may obtain a work permit on the basis of an employer nomination scheme, i.e., after labour market testing.[7]

Until the reform of the Foreign Employment Act in 2013, access of third country citizens to the labour market was capped by a quota (Bundeshöchstzahl für bewilligungspflichtige Beschäftigung[8]). The latter was set by the Ministry of Labour meaning that the sum of employed and unemployed third country foreigners, who work on the basis of a work permit, should not exceed 8% of the total dependent labour supply (§14 AuslBG). In some special cases a work permit could be granted by the governor beyond this quota up to a limit of 9% of total labour supply (wage and salary earners plus registered unemployed). This regulation has been abandoned by the amendment of the Foreign Employment Act in 2013, as it had

[7] Art. 4b Foreign Employment Act

[8] The abandonment of the federal and state caps on the share of foreign labour came into effect in January 2014.

lost meaning with the introduction of the R-W-R-card which basically offers unlimited access to the labour marked for skilled third country migrants.

The point system brought about major changes. While third country 'key workers' did not have to prove university education until mid-2011 but instead only a certain minimum income[9], thereby effectively excluding young third country university graduates with low earning power, this is no longer the case. It is also no longer necessary to prove prior work. In 2010, the numbers of third country employees allowed to settle as key workers with fairly high income amounted to some 600 persons (sum over the year); in addition, their partners and dependent children settled, adding 420 settlement permits. Thus, a sum of some 1,000 'key workers' plus family members entered in 2010. In 2011, the year of transition from the old to the new system, their numbers rose slightly to some 1,200 – adding key workers (plus family members) and R-W-R-card holders. In 2013, the second full year of the new system, 1,177 R-W-R-cards were granted. By 2016, the fifth full year of the point system, all in all 1,801 R-W-R-cards were issued, either for the first time (1,088), or prolonged (69), or transferred from another title (442). In addition, some 150 blue cards were issued. This goes to show that the annual inflow of highly skilled or skilled third country migrants has more than tripled since the introduction of the point system (to some 2,000 persons). This is still less than expected at the time of the introduction of the point system, when hopes were for 5,000 new red-white red-cards in 2016 (see Biffl et al. 2010:28). The major critique with the card was that it involved too much red tape.

Accordingly, in 2013, the foreign worker act was amended, allowing the employer in Austria to apply for the card (as was the regulation of the former key skills model), thereby reducing waiting periods and costs to the potential migrant, and promoting the uptake. **As this reform was considered too limited, the incoming coalition government of ÖVP and FPÖ (conservative and freedom party), headed by the Federal Chancellor Sebastian Kurz, amended the red-white-red-card-system in 2018 to make it even less bureaucratic and to widen the list of scarce occupations from 27 to 45 in 2018, taking provincial scarcities into account. While unions and the chamber of labour were against this reform, employers were in favour**.

Amendments to the R-W-R-Card in 2017, 2018 and 2021

In the more recent legislative reforms of the R-W-R-card, which came into effect in October 2017, various aspects were addressed. A major aspect refers to university graduates: from 2017 onwards also bachelor- and PhD-graduates are eligible for the R-W-R-card. In addition:

- the job search period for university graduates has been extended from 6 to 12 months based on a regular residence title,

[9] The minimum income was set at 60% of the maximum for social security contributions, i.e. 34.500 € per annum in 2011.

- students (bachelor, master, PhD) may work for 20 hours per week (formerly 10 hours for bachelor students),
- university graduates may work during their job-search period (20 hours per week) without labour market testing,
- a new category of R-W-R-cards was introduced for founders of business start-ups (criteria encompass innovative products etc., personal management involvement, business plan and start-up capital of €50.000),
- specifications of RWR-cards for self-employed in order to better distinguish them from founder start-ups, namely an investment capital of at least €100,000 or the creation of jobs/ protection of existing jobs and regional/local added economic benefit;
- the point system for skilled migrants in scarce occupational groups has been adapted by giving less weight to age; accordingly, workers over the age of 40 may access this type of permit under certain conditions as well,
- the R-W-R-card is issued for 2 years (until 2017 only one year) for a specific employer; after that the RWR-plus card may be issued with unlimited access to the labour market;
- the RWR-card for self-employed is also valid for two years and may be transferred to a settlement permit thereafter, or to a RWR-card in case of status change from self-employed to wage and salary earner.
- The minimum income level to be obtained by the third country migrant worker was reduced.
- In addition, since 2018 a rental contract is no longer required before the issue of the red-white-red-card.

The outcome of these legislative reforms was a rise in the inflow of R-W-R-card holders from 1,087 in 2016 to 1,669 in 2018 (+582, +53% vs 2016). The number of prolongations augmented even more from 69 in 2016 to 1,050 in 2018, i.e., +981 or +1,422%. In addition, a significantly larger number of transformation of titles to a R-W-R-card took place, amounting to 3,157 in 2018, after 616 in 2016. Accordingly, in 2018 a total number of 5,876 R-W-R-cards were issued, thereby reaching the target initially hoped for. In 2019, the number of R-W-R-cards issued for the first time continued to increase to 1,909 (+240, +14.4% vs 2018), but the number of prolongations declined to 171, just as the number of transfers (920) such that, all in all, the number of R-W-R-cards issued in 2019 amounted 3,000 (-2,876, -49% vs 2018). In 2020, the number of R-W-R-cards issued for the first time declined in the wake of Covid to further to 1,274 (-635, -33% vs 2019), but the number of prolongations increased slightly to 229, while the number of transfers decreased slightly to 856: all in all, the number of R-W-R-Cards issued in 2020 amounted to 2,359 and was thus lower than in 2019 (-641, - 21%). In 2021, the number of R-W-R-Cards issued increased again to 1,788 (+514, +40%), but the number of prolongations declined to 191, just as the number of transfers (to 820), which resulted in a slight increase of R-W-R-cards vs 2020 by 400 (+18%) to 2,799. This means that the change in legislation and administrative procedures of 2018 could only boost skilled migrant worker inflows temporarily.

The inflow of blue card holders gained momentum in 2018, raising the numbers to 246 and further to 286 in 2021. Hardly any prolongations of the blue cards occur (18 in 2018 and 20 in 2021).

BREXIT: regulations for British citizens in Austria after the referendum 2016

With the referendum of 23 June 2016, the citizens of the United Kingdom (UK) decided against continued membership in the EU. This had implications for the 11,200 British citizens who resided in Austria at that time. As the UK ceased being a member of the EU by 1 February 2020, the British residents in Austria became third country citizens. During a transition phase, i.e., until 31 December 2020, they continued to be treated as EU-citizens, meaning that conditions for entry, residence and work remained unchanged. From 1 January 2021 a new residence title came into effect, flowing from article 50 of the EU treaty. This article allows Austria and the UK a maximum of two years to establish the new regulation[10]. This meant that UK-citizens had to apply for a residence permit, the Brexit-Article 50 EUV, whereby the requirements remained the same as for EU-citizens. This means that those who had resided in Austria before January 2021 were treated like any other citizen of the EU, meaning that they could obtain a settlement permit after 5 years of legal residence; if they had resided in Austria for 5 years already, they could obtain an open-ended residence permit which is valid for 10 years. After that time, the card has to be renewed. UK citizens who apply for a residence permit in Austria after January 2021 for the first time cannot apply for the Brexit-residence title but are treated like any other third country citizen.

To facilitate the application for the Brexit-permit, the chancellery implemented a website: www.bundeskanzleramt.gv.at/themen/brexit and a brexit-hotline. The ministry of social affairs, health, and consumer protection organised various information events in English across Austria, in cooperation with the British embassy during 2019 and 2020. These efforts were successful such that by the of 2021 8,400 British citizens had received a Brexit-article 50 or other permanent type of residence permit.

Intercompany transfers, posted workers and other 'Special' cases of employment

Depending on the length of stay, intercompany transferees and persons on business assignment need a work permit (if the duration of stay exceeds six months), or a job

[10] Withdrawal Agreement: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12019W/TXT(02)&from=EN

confirmation for residence of less than 6 months (for the work visa D[11], which is issued by the embassies).[12]

According to the requirements of the Directive 2005/71/EC researchers have to provide a hosting agreement of a registered research institution. They do not need a work permit - just as any other activity exempt from work permit regulations in the Foreign Employment Act).[13]

Thus, persons with a residence permit on the basis of 'special cases of paid employment activity' are exempt from permit requirements in the foreign employment act. Among the activities stated are inter alia diplomats, as well as their domestic service providers, representatives of religious groups, internationally renowned researchers, mariners/employees on cross border ships, top managers as well as their family members and household service providers (au-pair).

Legislative reforms for Inter-Company-Transfers and posted workers in 2017

In a quest to combat wage and social dumping, the government passed a draft bill in April 2016, which required an amendment to the Foreign Employment Act and came into effect in October 2017. The major focus of the amendment was on intercompany transfers (ICT-Rotationsarbeitskraft) and posted workers (Entsendung); in the latter case, foreign enterprises post workers to carry out a service in Austria – the employer has to apply Austrian Labour Law (wages, working hours, vacation) and ensure equal treatment relative to Austrian workers.

The **legislative reform on intercompany transfers** (Rotationsarbeitskraft) represents the **implementation of the EU Directive (2014/66/EU) on Intra-Corporate Transferees** (ICT). The Directive refers to third country Managers, Specialists (key personnel) and Trainees, who are seconded temporarily from a third country employment base to one or multiple-concern entities within the EU. The objective of the ICT-Directive is to harmonise the admission arrangements and conditions of the various EU Member States and to facilitate the mobility of employees of international concerns within the EU. In Austria, the ICT-temporary employment and residence permit follows the logic of the R-W-R-card in case of intra-company transfer periods of more than 90 days - then a 'mobile ICT' is issued. Immediate family members receive access to the labour market under the condition of labour market testing. The 'mobile ICT' category replaces the former ICT category (Rotationsarbeitskraft). The maximum duration of stay for ICT-managers and specialists is three years, for trainees one year.

[11] Art. 24 Settlement and Residence Act. For more on temporary business migration see Biffl 2014.

[12] Art. 18 Foreign Employment Act

[13] Art. 67 Settlement and Residence Act

Seasonal and other forms of temporary employment

Immigration of workers to Austria is highly regulated; in case of transitory seasonal demands for workers the Federal Ministry of Labour may admit temporary workers, based on an annual cap regulated by decree for third country citizens as well as persons from Croatia, for whom transition regulations applied until 2020 (they received preferential treatment, just as asylum seekers, when wanting to access seasonal work); seasonal workers tend to be admitted in tourism as well as agriculture and forestry.[14] Until 2017, i.e., before legislative reforms of seasonal work came into effect – a result of the integration of the Seasonal Workers Directive (2014/36/EU) into Austrian law, the work permit was limited to six months but could be extended by a further six months if this was foreseen in the regulation, after twelve months the seasonal worker was not allowed to apply for a further permit for two months in order to prohibit settlement via this channel. With the **implementation of the seasonal worker directive (BGBl. I Nr. 66/2017),** the

- **maximum duration of employment** of a seasonal worker is 9 months (within 12 months) – beforehand it was 12 months within 14 months
- the employer has to certify in the application for a seasonal worker that **adequate housing** is provided and that the rent will not be automatically deducted from the wages
- introduction of **visa** for formerly visa-free seasonal workers; but visa may be issued for 5 years in case of less than 90 days' work (Visa C); for work beyond 90 days visa maybe issued inland by the police directorate (Visa D).
- Visa D may be issued for 9 resp. 12 months (formerly max 6 months)

For a work permit to be granted labour market testing is required, i.e., the potential employer has to prove that he is unable to fill that seasonal post by domestic labour, unless the person is a 'core-seasonal worker'[15]. Core seasonal workers have to prove that they have been working for up to 4 months in the last 5 years as seasonal workers in tourism or agriculture/forestry. They may be employed without going through the quota proceedings but they continue to need a seasonal work permit. More than 60% of the 'Core seasonal workers' (Stamm-Saisonniers) are from the Ukraine and Kosovo; 80% of them tend to come regularly to the same employer in Austria.

In 2021, an amendment of the Foreign Worker Act was accepted by parliament facilitating access to annual residence and employment permits for third country 'permanent (core)' seasonal workers who work regularly (3 years within the last 5 years: 2017-2021) in tourism or

14 Art. 2 Settlement Regulation

15 Regulated in§ 5 AuslBG, BGBl. I Nr. 25/2011, which came into effect May 1, 2011.

agriculture/forestry (Stammsaisonniers). The red-white-red-card was adapted to include this group of workers. In 2022 16 were actually working with a R-W-R-card on this basis in Austria.

The annual quotas (Kontingente) are set by the Minister of Labour. In 2013, the quota in agriculture and forestry was set at 6,535 (4,275 in agriculture & forestry and 2,260 for harvesting) and in tourism (at 1,780 in the winter season and at 1,275 for the summer season). The quotas have been reduced in 2012 and 2013 due to the opening of the seasonal labour market for the EU-8 citizens (end of transition regulations). In 2014 the quotas have been reduced again as Bulgaria and Romania received free mobility of labour rights, therefore seasonal work permits were no longer required for them. The quota for seasonal work was set at 4,000 employment contracts for 2018, plus 600 contracts for harvesting.[16] The quota remained unchanged in 2019, but was raised in 2020 to 4,400 plus 200 harvesters. In 2021 the quota hardly changed, encompassing 4,309 workers plus 119 harvesters. For 2022 the seasonal worker quota was raised to 5,035, plus 119 harvesters. This means that the seasonal quota was raised by 636 places vs 2021. The quota for 2023 was set by the Minister of Labour at 6,568 places, 1,400 (27%) above the level of 2022[17]. In addition, from January 2022 onwards, 'permanent' seasonal workers (Stammsaisonniers) may register a prolongation for another year with the Labour Market Service. These registered seasonal workers may access seasonal work for a maximum of 9 months without labour market testing. They will not be included in the seasonal worker quota. The national quota for harvesters tends to be surpassed regularly, but this is compatible with the EU-Directive. [18] The chamber of labour and the unions were against the increase of the seasonal worker quota requesting better working conditions in these jobs instead, thereby potentially raising domestic labour supply for these jobs.

Seasonal work is often the only way for asylum seekers to access the labour market as wage/salary earners in private industries. In **July 2012, asylum seekers under the age of 18 were allowed to take up apprenticeship education and thus part-time work with an employer, in March 2013 the age limit was extended to 25 years of age, thus allowing also young adults to work (plus education/training) as an apprentice**. **This provision was abandoned in October 2018 by the coalition government – against massive protest by employers, the Chamber of commerce, opposition parties and NGOs. The Minister of Interior Herbert Kickl (FPÖ) argued that apprenticeship education and training does not protect against deportation in case of a negative asylum order. As a consequence, in a quest to execute deportations of asylum seekers with negative asylum orders, also apprentices were increasingly brought outside of the country towards the end of 2018.** In 2019, the Aliens Police Act 2005 was amended, temporarily suspending the regulation to return asylum seekers in

[16] https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2018_II_23/BGBLA_2018_II_23.pdfsig

[17] See BGBl. 489, „Saisonkontingentverordnung" https://www.ris.bka.gv.at/eli/bgbl/II/2022/489/20221222

[18] For more see. Humer and Spiegelfeld, 2020; Biffl and Skrivanek, 2016.

apprenticeships in case of a negative decision. Thus, the asylum seekers could finish their apprenticeship in Austria; but no further employment has been envisaged after the certificate as of yet. **But asylum seekers under the age of 25 may again take up apprenticeships from June 2021 onwards.**

However, asylum seekers may become self-employed in special occupations not covered by trade law, e.g., as journalists, artists, sports and language trainers. Asylum seekers may also take up work in charitable and non-profit institutions as well as community services for a reduced hourly wage so that their earnings are not deducted from their welfare benefits. They may earn 110 euro per month in addition to their benefits; in case they earn more, their welfare receipts are reduced by the surplus. These regulations have been fiercely debated in 2016. Strong opposition was voiced against the objective to raise the numbers of asylum seekers taking up these low-wage, largely unskilled, jobs. Instead, preference was to be given to education and training measures to raise their skills and competences and thereby their employability**.** The Integration-Year Act 2017, which primarily addresses the labour market integration of refugees and recipients of subsidiary protection and - for this target group - came into effect in September 2017, may also be applied to asylum seekers with a high probability of getting their request granted – this part of the law came into effect in January 2018. This legislation was a response to the above critique. It offers asylum seekers with a high probability of recognition to access active labour market policy measures. However, the implementation of this law is somehow hindered by the limited labour market policy budget for this target group.

Family migration and policy reform

Third country origin family members of EEA nationals or Austrian nationals are granted free access to the labour market. As skill mismatch and labour scarcities surfaced increasingly after 2005, migration policy was reformed. The adaptation of the **migration model in favour of inflows of skilled labour** became part of the government programme 2008-2013 (Regierungsprogramm: 105-112)[19]. In October 2010 the social partners agreed on the **reform of migration policy, by introducing the so called 'Rot-Weiss-Rot-Karte' (Red-White-Red-Card)**. The implementation in July 2011 required amendments to the Foreign Worker Act (AuslBG) and the Settlement and Residence Act (NAG2005). This decision was backed up by research on the expected impact of this migration policy reform on economic and employment growth. (Biffl et al. 2010). As the administrative costs were high for migrants - the application had to be handed in at the Austrian embassy abroad – changes to the legislation were requested by employers. Accordingly, in December 2012 an amendment to the foreign worker law was proposed by the Ministry of Labour allowing the employer to organise the

[19] For more see the section on Migration and Integration: http://www.bka.gv.at/DocView.axd?CobId=32965

paper work in Austria, thereby reducing the administrative work for prospective third country employees. The law was adopted and came into effect on April 18, 2013.

Family members of R-W-R-Card and Blue Card holders receive the **R-W-R- Card-Plus**. Not only family members of the R-W-R and Blue card qualify for the R-W-R-Card-Plus but also third country family members of third country citizens with permanent residence titles and certain temporary titles, e.g., researchers and scientists and skilled self-employed. Holders of the R-W-R-Card-Plus have unlimited access to the labour market and need no work-permit according to the Foreign-Employment Act. Family members have to document A1 German language competences (EU reference scale for language competences)[20] when first applying for the card.[21]

Accreditation and validation of skills acquired abroad

In order to promote the employment of migrants commensurate with their acquired skills[22], the National Assembly adopted a decision to ease skills recognition of university graduates from third countries in April 2012. The decision was based on a five-point programme elaborated by the Minister of Science and Research in cooperation with the then State Secretary for Integration. The decision facilitated the validation (regarding non-regulated professions) and accreditation (regarding regulated professions) of third-country graduates' degrees through increased information provision, improved services and shorter procedures.[23] In December 2015 a law on the right to accreditation and acknowledgement of one's skills acquired abroad went into the parliament for consultation (Anerkennungs- und Bewertungsgesetz, AuBG[24]). The bill was modelled after the German one (in effect in 2012, see BMBF 2014**). The Austrian counterpart came into effect on April 12, 2016.** Since then, an annual statistic of accreditations and/or validations of foreign certificates, diplomas and degrees is provided by Statistics Austria.

Between October 2016 and October 2021 34,700 persons got at least one qualification, which was obtained abroad, validated or accredited. Two third were women. 54% of the qualifications validated/accredited referred to university degrees. Annually the majority of cases were in the area health and social services. Of the 34,700 validations/accreditations 53% (18,400) obtained their qualifications in another EU-MS or an EFTA country. A further 22% (7,700) got their education in a European third country (including Turkey), followed by 5,900

[20] http://europass.cedefop.europa.eu/resources/european-language-levels-cefr

[21] More about family migration in Lukits (2016)

[22] A quarter of all foreign born is employed below their skill level (Statistics Austria 2015)

[23] Basic research into skills recognition procedures in Austria was undertaken by Biffl et al 2012 and a website was developed in consequence for guidance of migrants: www.berufsanerkennung.at

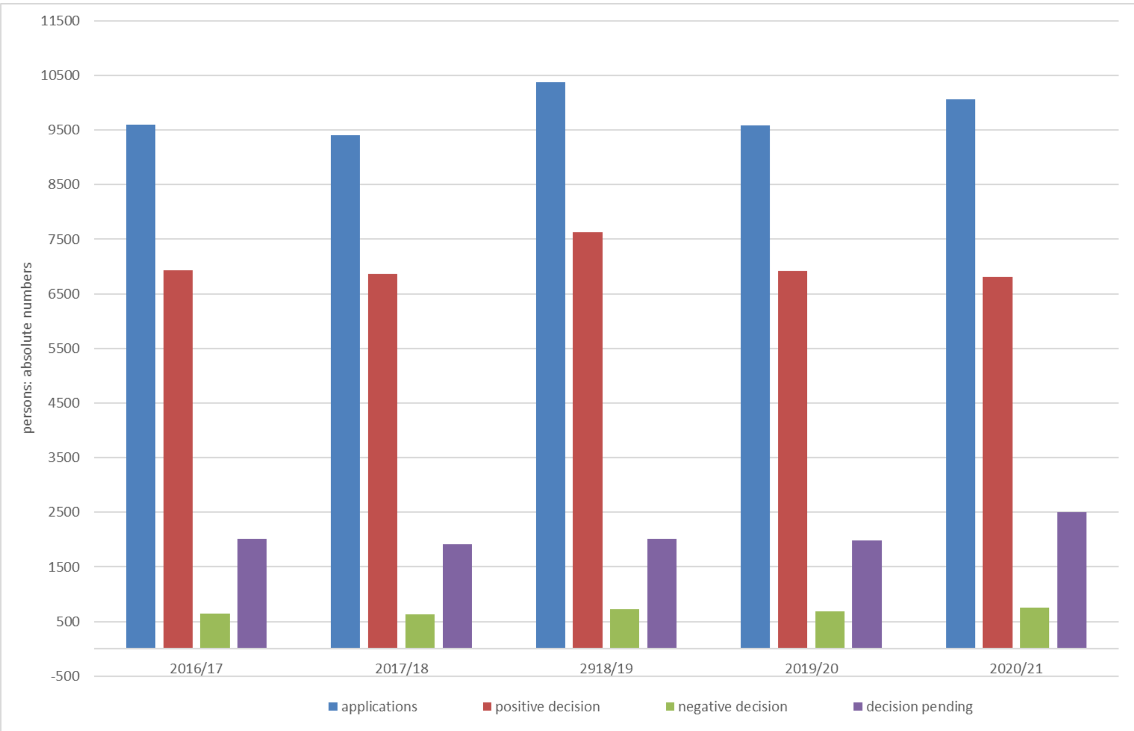
[24] The whole title: Bundesgesetz über die Vereinfachung der Verfahren zur Anerkennung und Bewertung ausländischer Bildungsabschlüsse und Berufsqualifikationen.

(17%) from Asia. Small numbers pertained to certificates/diplomas/degrees obtained in the Americas, Africa or Oceania.

Between October 2019 and 2020 9,600 applications were registered with one or the other responsible authority, of which 72.2% (6,900) were accredited/validated within that period and 700 or 7.1% rejected. For the remaining applications the procedures were not terminated over that time span or were withdrawn by the applicant. The majority of accreditations/validations concerned health and social services occupations (38.8%), followed by qualifications in engineering, manufacturing and construction (16.1%), and 12.9% (2020) in the area of business, law, and administration. This composition by discipline remained fairly stable over time.

Between October 2020 und 2021 10,100 applications were filed at one or the other authority, of which 68% (6,800) were positive. More than half were university degrees, of which two third to women. As in the previous years the majority pertained to health and social services (37%), followed by qualifications in engineering, manufacturing and construction (17%), and 11% in the area of business, law, and administration, followed by pedagogy (9%).

Figure 7: Accreditation/validation of qualifications acquired abroad: applications and decisions taken or pending (2016-2021)



Source: Statistics Austria. Cases between October 1st and September 30th the following year.

Compulsory education or training for under 18-year-olds

Austria has a fairly high proportion of youth in the age group 15-19 that is neither in employment, nor in education and training measures (NEET). In 2016 the share amounted to 5.1% compared to 6.1% in the EU28 on average. In absolute numbers this amounts to some 5,000 youth annually. Youth of migrant background had a particularly high share (8.3%; EU28: 9.1%). In order to reduce the number of NEETS under the age of 18, legislative reforms were undertaken in 2016 (Ausbildungspflichtgesetz – APflG, BGBl. Nr. 62/2016). According to this law, which came into effect in July 2017, all youth (with settlement rights) finishing compulsory education in the school-year 2016/2017 or later, have to continue education or engage in further training in order to raise their employability and life chances.

The types of education and training measures eligible are:

- All types of upper secondary education
- Vocational education & training, in particular apprenticeships (also modular)
- Participation in active labour market policy measures
- Participation in courses leading to school leaving certificates
- Participation in education and training measures for youth needing assistance (disabled youth)
- Employment providing development perspectives.

A coordination agency has been put in place on federal level, linked to points of coordination on state level.[25] Parents or legal guardians are obliged to inform the regional coordination agencies if their child does not commence one of the above activities 4 months after ending compulsory schools or dropping out of schools. Also, public schools and other institutions like the Labour Market Service and social-services (for disabled) have to inform the agency. Sanctions will come into effect in case of non-compliance as soon as July 2018 – as a measure of last resort. A special website has been set up to raise awareness and act as an information platform (https://ausbildungbis18.at/)

As a consequence, the number of early school-leavers in one or the other education and training measure amounted to some 20,000 annually since 2017, of whom somewhat more than 50% male. This meant that in 2019 7% of male 15–17-year-olds attended a further education or training course and 6.5% of female teens.

One may say that this policy has been successful, as the share of 15-24-year-old youth who are NEET has declined from 2016-2019 from 7.7% to 7.1%. In 2020 and 2021 their share

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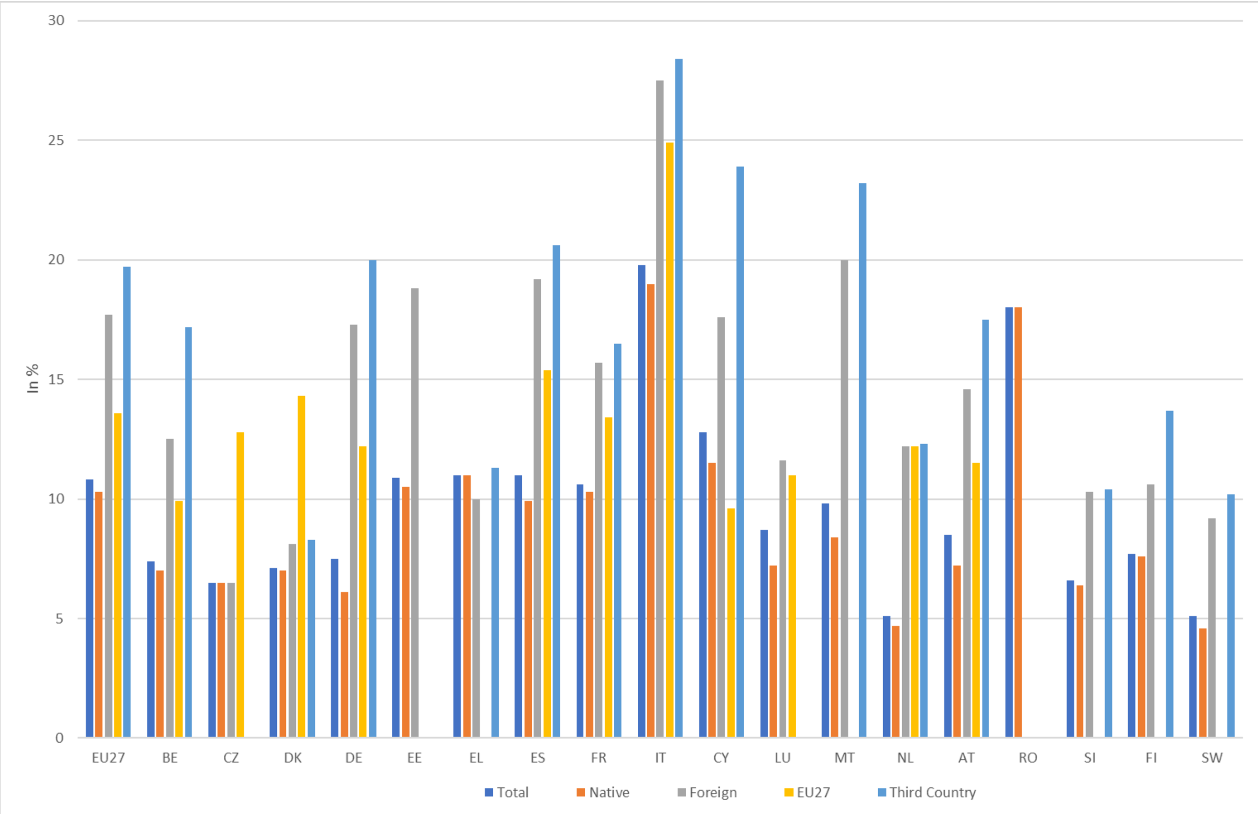
[25] The coordination on federal level was between the then Ministry of Education, Science & Research, the Ministry of Labour, Social Affairs, Health and Consumer Protection, The Ministry for Women, Families and Youth and the Ministry for Digitalisation and Economic Development: https://www.ausbildungbis18.at/

increased again to 8.5%, possibly as a consequence of the Corona-pandemic. In 2021 the proportion of youth not in employment, education and training (15-24) was lower than in the EU-27 average (10.8%), but somewhat higher than in Germany (7.5%), and even more so than in the Netherlands and Sweden (both 5.1%). In all countries third country citizens have the highest share of NEETs amongst their 20–24-year-olds, above all in Italy, Spain and Malta, but also in Austria, France and Belgium. Also, citizens from another EU-MS tend on average to have higher shares of NEETS than the national average.

Figure 8: Youth not in employment, education and training (NEET, 15-24 years) by citizenship in selected EU-MS 2021



Source: Eurostat (SDG_08_20A)

Asylum legislation and procedures

As a response to **the humanitarian crisis in the Middle East**, Austria decided for the first time to implement **a resettlement programme in summer 2013[26].** The Austrian government initiated a Humanitarian Admission Programme (HAP I) by resettling 500 Syrian refugees to Austria. In

[26] The refugees entering on a resettlement ticket are not included in the number of asylum seekers as they are accepted as refugees before entering Austria.

spring 2014, the Austrian government decided to expand the programme by introducing HAP II, adding another 1,000 resettlement places. Both programmes, HAP I and HAP II, have adopted a shared admission scheme for Syrian refugees: one part of the quota was filled by UNHCR quota-refugees who were already registered in the region, with a focus on particularly vulnerable groups. The other part was directed towards the Christian community in Syria, helping to bring in refugees with family ties in Austria. Additionally, the possibility of direct application for refugees with family members in Austria was introduced during HAP II. IOM was organizing the transfer of the refugees to Austria and also delivering pre-arrival Cultural Orientation Trainings in the transit countries. HAP I was completed in December 2014 with a total of 504 refugees being resettled. HAP II started to bring in refugees by October 2014. All in all, 1,317 refugees were admitted to Austria within the HAP programme by the end of 2015 (of whom 780 UNHCR-cases and 537 as family members). (Kratzmann, 2016) In 2016 Austria announced the implementation of a third Humanitarian Admission Programme (HAP III) of some 400 Syrian refugees for the period 2016/17. At the end of 2016, the third humanitarian resettlement programme (HAPIII) started with a focus on vulnerable Syrian refugees from camps in Jordan (200 persons) and Turkey (200 persons). Preferential treatment was given to refugees who have family members residing in Austria. All in all, 760 third country nationals were resettled in Austria in 2015, the numbers declined to 200 in 2016 and rose again to 380 in 2017. Resettlement was discontinued in 2018.

Austria, in view of the imbalance between resettlement commitments made by different Member States, and the on-going crisis in the Mediterranean, proposed a resettlement programme initiative “Save Lives” (presentation before the European Parliament December 2014). The aim of this programme was to establish an EU-wide resettlement programme which could potentially encompass all Member States that would be based on a binding distribution key (calculated according to a fixed formula). This initiative was not successful. Rather, in April 2014, the Council of the European Union and the European Parliament adopted a Regulation setting up a new financial instrument for the period 2014-2020, the Asylum, Migration and Integration Fund (AMIF), which merged the previous European Refugee Fund, the European Return Fund, and the European Integration Fund, implemented within the framework of the Multi-annual Financial Framework 2007-2013. The AMIF foresees special financial incentives which support resettlement. By 2018, resettlement has become an EU-wide issue, resulting in a Union Resettlement Framework for EU resettlement. In addition, a regional development and protection programme (RDPP) has been implemented, providing protection to displaced persons and their host communities, as well as promoting socio-economic development, aiming at reducing asylum flows to Europe. Funding is available in various EU funds: in particular AMIF, European neighbourhood Instrument (ENI) and the European Union Emergency Trust Fund for Africa. The aim of the latter fund is to ”…address root causes of irregular migration and displaced persons in Africa”[27]

[27] For more see: https://ec.europa.eu/trustfundforafrica/index_en

In addition, in 2015, the European Commission drew up a European Agenda on Migration, aiming at reducing irregular migration in the EU.[28] **One outcome was an action plan on the return of irregular migrants.[29] In June 2017, Austria implemented the three re-integration programmes promoted by the EU: RESTART II managed by IOM-Austria; IRMA plus managed by Caritas Austria, and ERIN managed by the Ministry of the Interior. In June 2017 Austria joined the European Repatriation Network (ERIN), which is headed by the Repatriation and Departure Service (R&DS) of the Ministry of Security and Justice of the Netherlands**.

In order to let deeds follow words, the Austrian government spent more money on potential source countries of asylum seekers in the form of development assistance. National financial contributions supported refugees and internally displaced people in hosting countries. Projects were implemented in Afghanistan, Ethiopia, Jordan, Lebanon, Pakistan and Uganda to support direct provision of basic care and assistance for refugees and to help host communities.

In the wake of the substantial inflow and transit of asylum seekers in 2015, the **Austrian government decided upon a reform of asylum legislation (April 2016, followed by reforms 2017 & 2018)**. The major aspects of the first amendment refer to the duration of asylum proceedings, the period of protection (review after 5 years) and access to welfare payments.[30] Accordingly, the period of protection/residence of recognized refugees (according to the Geneva Convention) is from 2016 onwards limited to three years, after which persons may be expected to return if the source country can be considered safe for the person in question. Family reunion is becoming more difficult, above all for persons with subsidiary protection status. In addition, an emergency decree was to allow the refusal of entry at the border to potential asylum seekers, if a certain upper limit (in 2016: 37,500 asylum seekers) was reached. Persons who manage to enter clandestinely and file an asylum application in Austria may continue to do so if a referral to the source or transit country is unfeasible.

Table 3: Evolution of the legal migration framework in Austria

1961	Raab-Olah-Accord between the Chamber of Commerce and the Trade Union Congress: the foundation for recruitment of foreign workers
1975	Foreign employment Law (AuslBG 1975) substituting regulations dating back to the 1930s

[28] https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

[29] https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_from_the_ec_to_ep_and_council_-_eu_action_plan_on_return_en.pdf

[30] More on the reception of refugees in Austria and access to welfare services (Koppenberg 2014), For an overview of Asylum and Migration policies and recent changes see IOM (2015)

1988	Amendment to the Foreign Employment Law
1990	Alien Law and amendment to the Foreign Employment Law
1993	Alien Law, Residence Law and amendment to the Foreign Employment Law
1994	EEA-Agreement
1995	Amendment to the Residence Law
1996	Amendment to the Foreign Employment Law
1998	Alien Law 1997
2003	Amendment to the Alien Law 1997 (Fremdengesetznovelle 2002)
2005	Reframing of Migration Legislation 2005: Alien Police Law 2005, Settlement and Residence Law 2005, Asylum Law 2005
2010	Amendment of various Alien Acts (Fremdenrechtsänderungsgesetz 2009) – impact on Asylum Law (AsylG 2005), Alien Police Act (FPG 2005), The Fees Act 1957, Basic Income/Services Provision Act - Federal State (GVG-B 2005), Residence Act (NAG), Citizenship Act 1985 (StBG), Acquittance Law 1972 (deletion from criminal record)
2011	Amendment of Migration Legislation (Fremdenrechtsänderungsgesetz 2011), largely regulations on legal advice in Alien Law procedures
2012	Law on the implementation of a Federal Agency of Alien Affairs and Asylum (BFA-Bundesamt für Fremdenwesen und Asyl) BFA-Einrichtungsgesetz – BFA-G) BGBl. I Nr. 87/2012
2013	Amendment to the Settlement and Residence Law (NAG 2005) and the Foreign Employment Act (AuslBG (BGBl 2013/72) incorporating EU Directive 2011/98/EU
2013	Amendment to the BFA-Law relative to administrative procedures, coming into effect January 2014 (asylum procedures and alien affairs from now on the responsibility of the newly established BFA (Bundesamt für Fremdenwesen und Asyl)
2016	Amendment of procedures for the accreditation of qualifications and skills obtained in third countries (Anerkennungs- und Bewertungsgesetz AuBG), enacted in 2016.
2016	Amendment of asylum regulations on access to social services and residence status (changes in Asylum Law 2005, Alien Act 2005, BFA-Act), came into effect June 2016
2017	Integration Act (Integrationsgesetz IntG) focussing on right to language and orientation courses and duty to cooperate (integration as a two-way-process), came into effect in June and October 2017
2017	Integration Year Act (Integrationsjahrgesetz IJG) focusses on provision of active labour market policy measures for refugees - came into effect in September 2017, and for asylum seekers January 2018
2017	Amendment of various Alien Acts ((Fremdenrechtsänderungsgesetz FRÄG 2017) – impact on Foreign Employment Act, Settlement and Residence Act, Alien Police Law, Asylum Law, BFA-Law, Basic Services Law (for asylum seekers), Border Control Act, – came into effect October 2017.

2018	Amendment of various Alien Acts (Fremdenrechtsänderungsgesetz FRÄG 2018) – impacts on the Settlement and Residence Act, the Alien Police Act 2005, Asylum Law 2005, BFA-(asylum) Procedures Act, BFA-Establishment Act, Basic Services Act 2005, Citizenship Act 1985, University Act 2002/2005, Foreign Employment Act, Registration Act 1991, Civil Status Act 2013, Civilian Service Act 1986, Security Police Act. The main aim was to tighten asylum procedures, to demand asylum seekers to contribute financially to their subsistence costs, to access mobile phone contents to speed up identity checks, and to make the take-up of Austrian citizenship more difficult
2019	Establishment of a Federal Agency for Care and Support Services June 2019 (Bundesagentur für Betreuungs- und Unterstützungsleistungen - BBU-Errichtungsgesetz), which came into effect in 2020, and afforded changes to the Asylum Law 2005 and the Basic Support (of asylum seekers) Law 2005. The agency is a private limited company and substitutes counselling services of NGOs.
2019	Amendment to the Alien acts due to Brexit
2020	Amendment of the Citizenship Act 1985 to give direct descendants of persons persecuted under Austrofascism and National socialism preferential access to Austrian citizenship.
2020	Amendment of the Alien Acts as a result of Covid-19, allowing electronic submission instead of a personal application for applications of extension or status change of permits.
2021	Amendment of the Foreign Worker Employment Act and the Settlement and Residence Act to grant core seasonal workers access to seasonal work outside the annual quota.
2022	Displaced Persons' Act (BGBl. II Nr. 92/2022) transfers the Directive 2001/55/EC relative to temporary protection of displaced persons into Austrian Law, applicable to the mass inflow of Ukrainian refugees.

As the current system of burden sharing between the federal state and the Bundesländer relative to the welfare allowances for refugees ended December 2016, a renewal was pending. In 2017, only financial allowances were provided; in future, it was suggested, to reduce the financial allowances and to provide in kind allowances where feasible, e.g., housing, as housing costs differ significantly between the Bundesländer. The provision of welfare benefits is linked to the signing of an integration contract. Some of the major points of that contract are: adherence to the rules of the Austrian democracy, the inadmissibility of violence (also in the family), the precedence of state law over religious regulations, the equality of men and women, the willingness to acquire the German language, to work and to accept the core values of the Austrian society.

In November 2017 legislative reforms on asylum came into effect; changes comprised the following:

- Regional housing restriction (§ 15c. (1) AsylG): accordingly, asylum seekers are to remain in the federal state which pays out the basic assistance (Grundversorgung), otherwise sanctions are to be applied.
- Fixed accommodation (§ 15b AsylG): asylum seekers are to remain in a specified accommodation for the duration of the procedures; private quarters continue to be eligible.
- Sanctions for denied asylum cases in case of unwillingness to leave the country within the given time frame (§120 Abs.1 FPG).

In addition, asylum seekers may work in private households on the basis of a services cheque (simple types of jobs) after three months into asylum proceedings (since April 2017). In 2018, the gist of the reform was on accessing mobile phone data to speed up asylum proceedings; in addition, factors were identified which may lead to the denial/de-recognition of the refugee status, e.g., return to the source country to join Jihad warriors. A legal change became effective in September 2018 to make it possible to detain asylum seekers pending removal whose stay represents a potential danger for public order or safety when there is a risk of absconding and detention is a proportionate measure. The change resulted from a ruling by the Supreme Administrative Court that found that the previous legal situation did not conform to the requirements for detaining individuals during international protection procedures as set out in Union law.

It is also becoming more difficult for refugees to acquire the Austrian citizenship, by raising the duration of legal residence from 6 to 10 years. More recently legislation is underway aiming at the reduction of the minimum living allowance (Mindestsicherung or Sozialhilfe) in case migrants were not participating sufficiently in integration measures.

Another topic related to migration surfaced towards the end of 2018, namely femicide. Austria is amongst the EU-MS with the highest number of femicides per capita. The majority of the perpetrators are migrant men (80% in 2017/18);[31] the most recent ones were spectacular killings by refugees and asylum seekers. As a result, the minister of Interior, Herbert Kickl, mused about de-recognising the refugee status in case of such severe criminal acts and returning them to the source countries. His statements were interpreted by national and international (opposition) politicians, NGOs as well as the Austrian President Van der Bellen as an attack on the Human Rights Convention and the Charter of Fundamental Rights of the European Union.

An institutional reform worth mentioning took place in the Ministry of Interior according to which all aspects of alien affairs were bundled into one section: Section V Alien Affairs, headed by Peter Webinger, beginning January 2019. Within that Section a new division for

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[31] Christina Pausackl & Lisa Edelbacher: Profil, 14. 1. 2019: Frauenmorde in Österreich: "Ich schlachte dich ab wie ein Schwein" https://www.profil.at/oesterreich/frauenmorde-oesterreich-10590171

Return, Reintegration and Quality Development (V/10) was established, to strengthen bilateral and multilateral relations with third countries.

In 2019, a Federal Agency for the support of asylum seekers has been decided upon by law (BBU-Errichtungsgesetz, BGBL_2019_I_53); the law came into effect beginning of 2020. It afforded an amendment of the asylum law 2005 and the basic support law 2005. The Federal Agency for Care and Support Services is a private limited company. The Agency has the exclusive responsibility for the provision of accommodation and care for asylum seekers in the federal reception system. It will also provide legal counselling, return counselling and assistance, as well as human rights observers, interpreters and translators. The Agency is expected to work at full capacity as of 2021. Towards the end of 2022 the Federal Constitutional Court started an investigation procedure of the law[32], as the bundling of all support procedures of asylum seekers, including legal advice, in one hand raised questions of compatibility with EU regulations as well as the Austrian Constitution (division of power).

In September 2020, an amendment of the Citizenship Act 1985 offered dual citizenship rights to direct descendants of individuals persecuted under Austrofascism and National Socialism. Former citizens of one of the successor states of the former Austro-Hungarian monarchy, as well as stateless individuals whose main residence was in Austria are eligible. The facilitation of access to the Austrian citizenship to this specific group of persons was welcomed by many: in response the number of persons adopting the Austrian citizenship while continuing to live abroad rose to 6,448 in 2021, after 200 in 2020.

2 Migration flows by category

Population flows of nationals and foreigners

Austria experienced three waves of significant net immigration since the early 1980s; the first in the mid to late 1980s, to a large extent triggered by asylum seekers (at first from Poland – Solidarnosz, later from Yugoslavia) culminating in 1991 with 76,800 net immigration; the steep rise towards the end of the 1980s is the combined effect of the fall of the Iron Curtain and German reunion on the one hand and civil war in Yugoslavia on the other. German reunion gave a boost to Austrian economic growth; the favourable employment opportunities attracted many migrants from traditional source countries as well as Central and Eastern European Countries (CEECs, see *Biffl,* 1996). The unprecedented rise in population inflows of the late 1980s and early 1990s triggered a revision of Alien Law in Austria. The legislative reform brought about the introduction of immigration legislation which was modelled after US-regulations.

[32] Prüfungsbeschluss E 3608/2021 ua https://www.vfgh.gv.at/rechtsprechung/pruefungsbeschluesse.de.html

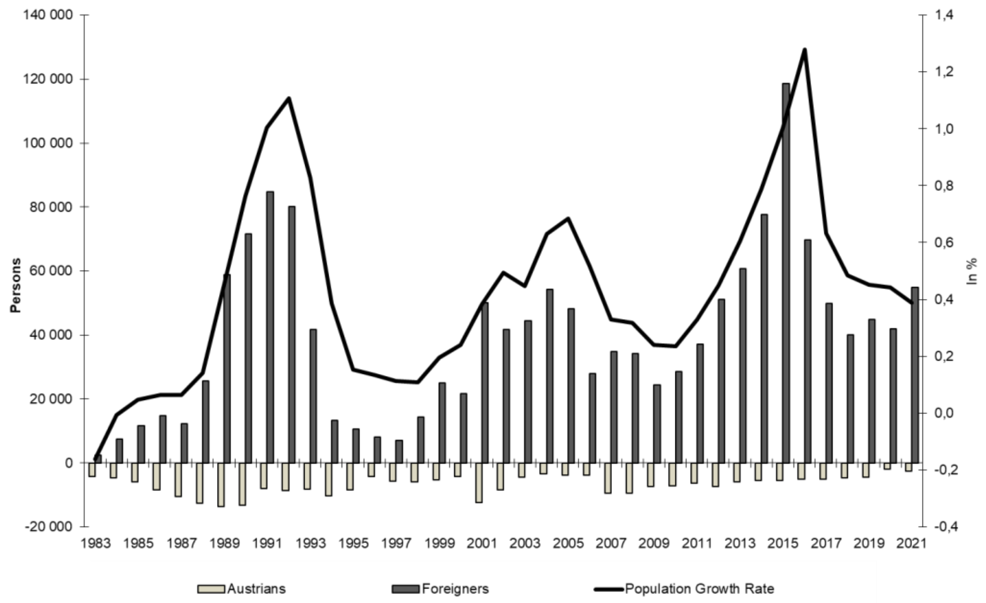
The second wave of immigration set in towards the end of the 1990s and reached its peak in 2004 with net immigration of 50,800. After that net population inflows declined to 20,600 in 2009, i.e., by 59% versus 2004. The slowdown of inflows was transitory, at the beginning due to restrictive migration policy (transition regulations for the new EU12-MS), later as a result of the severe economic recession in 2009; the renewed economic upswing in 2011 in combination with the end of transition regulations triggered a third wave of immigration, which was augmented by unprecedented refugee inflows from the Middle East. The peak was reached in 2015, as a result of continued inflows from EU-MS and the significant refugee inflows from the Middle East and Afghanistan. Accordingly, net inflows amounted to 113,100 in 2015. While the second wave of inflows had been largely due to the echo-effect of the first one of the early 1990s – through the acquisition of Austrian citizenship and thus easier family reunion, as family reunification of an Austrian citizen with a third country national is possible outside quota restrictions, the third one was the combined effect of the end of transition regulations and refugee inflows.

The large inflow of third country nationals in the late 1990s and early years of 2000 fuelled another legislative reform (Alien Law 2005, see chapter on legal ramifications above). Thus, also Austrian citizens had to face barriers to family reunification/formation with third country citizens if they had no regular (minimum) income (dependent children face no entry barriers as they are covered by family allowance/child benefits). The restrictions in combination with the declining echo effect resulted in a reduction of net inflows of migrants from 50,800 in 2004 to 24,100 in 2006. In 2007 and 2008, net immigration of foreigners picked up again, reaching a level of 24,700 in 2008. The ensuing economic downturn affected net inflows of foreigners in 2009, reducing them to 17,100. In 2010 immigration picked up again; in combination with the large inflow of asylum seekers in 2014 and even more so 2015 the net inflow of foreign citizens amounted to 118,500 in 2015; this was a rise vs 2014 of 40,100 (+52%). **The substantial inflow of asylum seekers triggered reforms in asylum regulations and intensified border controls in cooperation with the neighbouring countries (Hungary and Balkans) in 2016** (for more see chapter on legal ramifications above)**.** As a consequence, inflows of asylum seekers declined substantially in 2016, and thus net inflows of foreigners. Accordingly, net inflows declined by more than half vs 2015 to 64,700. In 2017, net migration continued to decline in view of an increasingly hostile immigration policy, reaching a low of 44,600 and thus the level of 2012. As the restrictive asylum policy continued well into 2018, net population inflows declined further to 35,300 in 2018 (-9,300 or 20% vs 2017). While the restrictive asylum policy continued to prevail in 2019, net immigration picked up again to 40,600 in 2019 (+5,300, + 15% vs 2018), further to 52,500 in 2021 (+11,900, +29% vs 2018), and to 108,800 in 2022.

The change in paradigm of immigration policy in 1992, which was a shift from labour migration to family migration, resulted in increasingly supply driven rather than demand driven immigration flows. Thus, the mismatch between skills supplied and demanded increased. Accordingly, employers demanded reforms in immigration policy, basically the promotion of labour migration at the upper end of the skill level. The government took the issue on and implemented the first tier (highly skilled) of a three-tiered point-based labour immigration model in 2011. The second tier (skilled migrants) was implemented in 2012. The third tier for low skilled workers has never been implemented, as there are no scarcities of unskilled labourers in Austria. This is largely the result of increasing inflows of unskilled workers from the EU-12 after the end of transition regulations, and, more recently, of refugee inflows from less developed regions. This was a new development from a historical perspective, since Austria had traditionally received refugees largely from European (often neighbouring) countries, most of them highly skilled.

Net immigration flows are the result of significant net-immigration of foreigners; Austrians, in contrast, are on balance emigrating. In 2021, the total net immigration of 52,500 was a result of a net inflow of foreigners of 55,000 and a net outflow of Austrians of 2,500. (Figure 9)

Figure 9: Net migration of Austrians and Foreigners
1983-2021



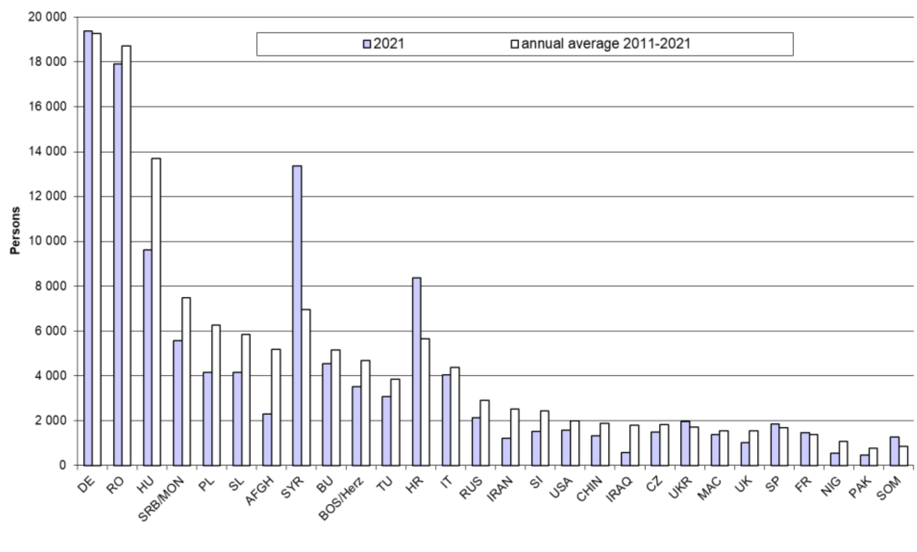
Source: Statistics Austria.

It can be taken from Figure 10 that the country composition of inflows changed over time somewhat, but on average the most important countries of origin of migrants between 2011 and 2021 were - apart from Germany - Central, Eastern and South-Eastern European countries. The influx of substantial numbers of persons from the Middle East (Syria, Iraq, Iran) and from the Far East (Afghanistan), largely asylum seekers, gained momentum in 2015 but subsided since 2018. Also, persons from Africa (Nigeria, Somalia) are increasingly entering Austria.

The net flow figures can be disaggregated into gross flows by gender and citizenship. In 2021, gross inflows amounted to 154,200 (of whom 139,500 foreigners) and outflows to 101,700 (of whom 84,600 foreigners). The net migration rate (net migration per 1,000 inhabitants) which had declined from a high of 6.2 in 2004 to a low of 2 in 2009 rose to an unprecedented rate of 13.1 in 2015 as a result of the substantial refugee inflows, and declined again to 5.9 in 2021. Male net migration rates are generally higher than female rates; in the wake of the refugee inflow of 2015 the male rate rose to 16 in 2015, the female rate to 10.3; from 2016 to 2021, with the decline of refugee inflows, the net migration rates of men eventually fell to 6.9 in 2021 and for women to 4.9.

There is a significant difference between Austrian citizens and migrants. While the migration rate of foreign citizens amounted to 99.2 per 1000 foreign inhabitants in 2015, declining to 35.4 in 2021, it is negative in the case of Austrians but insignificant relative to the population size (-0.3) in 2021. (Table 4)

Figure 10: Inflows of top 28 nationalities into Austria 2021 and on average 2011-2021



Source: Statistics Austria.

Source countries of migrants

Of the 154,200 population inflows from abroad in 2021, more than half of them (58%, 89,800) came from the EU plus EEA/CH. The inflow of citizens from the EU/EEA/CH was thus somewhat lower than in 2015 (92,000). The inflow of third country citizens decreased, however, vs 2015 (118,500) significantly more to 64,400, just as the inflow of third country citizens from Europe (2021: 21,100 vs 2015: 27,400). The inflow of foreigners from Asia remains dynamic at 25,100 in 2021, even though significantly lower than in 2015 (68,500). The inflows from the Americas (2021: 4,500), from Africa and Oceania are declining as well, albeit at a much smaller level.

Table 4: Migration flows in Austria: 2011-2021

Total Population											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total											
Inflows	124 619	140 358	151 280	170 115	214 410	174 310	154 749	146 856	150 419	136 343	154 202
Outflows	93 914	96 561	96 552	97 791	101 343	109 634	110119	111555	109806	96279	101714
Net migration	30 705	43 797	54 728	72 324	113 067	64 676	44 630	35 301	40 613	40 064	52 488
Men											
Inflows	69 379	78 212	83 480	96 014	126 712	97 876	84 412	80 804	83 048	76 754	89 914
Outflows	54 297	56 377	55 385	56 434	58 897	64 369	63 798	64 978	64 139	55 970	59 463
Net migration	15 082	21 835	28 095	39 580	67 815	33 507	20 614	15 826	18 909	20 784	30 451
Women											
Inflows	55 240	62 146	67 800	74 101	87 698	76 434	70 337	66 052	67 371	59 589	64 288
Outflows	39 617	40 184	41 167	41 357	42 446	45 265	46 321	46 577	45 667	40 309	42 251
Net migration	15 623	21 962	26 633	32 744	45 252	31 169	24 016	19 475	21 704	19 280	22 037
Net migration											
Total	*3,7*	*5,2*	*6,5*	*8,5*	*13,1*	*7,4*	*5,1*	*4,0*	*4,6*	*4,5*	*5,9*
Men	*3,7*	*5,3*	*6,8*	*9,5*	*16,0*	*7,8*	*4,8*	*3,6*	*4,3*	*4,7*	*6,9*
Women	*3,6*	*5,1*	*6,1*	*7,5*	*10,3*	*7,0*	*5,4*	*4,3*	*4,8*	*4,3*	*4,9*
Foreigners											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total											
Inflows	109 921	125 605	135 228	154 260	198 658	158 746	139 329	131 724	134 966	121 311	139 543
Outflows	72 812	74 394	74 508	76 517	80 141	89 026	89 556	91 707	90 010	79 410	84 574
Net migration	37 109	51 211	60 720	77 743	118 517	69 720	49 773	40 017	44 956	41 901	54 969
Men											
Inflows	62 324	68 633	73 234	85 952	116 748	88 167	74 894	71 491	73 652	67 750	81 143
Outflows	41 547	43 067	42 098	43 725	46 380	52 322	51 998	53 551	52 826	46 259	49 805
Net migration	20 777	25 566	31 136	42 227	70 368	35 845	22 896	17 940	20 826	21 491	31 338
Women											
Inflows	52 612	56 972	61 994	68 308	81 910	70 579	64 435	60 233	61 314	53 561	58 400
Outflows	32 026	31 327	32 410	32 792	33 761	36 704	37 558	38 156	37 184	33 151	34 769
Net migration	20 586	25 645	29 584	35 516	48 149	33 875	26 877	22 077	24 130	20 410	23 631
Net migration											
Total	*39,9*	*52,5*	*58,7*	*70,4*	*99,2*	*53,3*	*36,4*	*28,3*	*30,8*	*27,8*	*35,4*
Men	*44,4*	*52,1*	*59,8*	*75,8*	*115,4*	*53,1*	*32,6*	*24,7*	*27,9*	*28,0*	*39,4*
Women	*44,6*	*52,9*	*57,6*	*65,0*	*82,2*	*53,5*	*40,4*	*32,0*	*33,8*	*27,6*	*31,2*
Austrians											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2 020	2 021
Total											
Inflows	14 698	14 753	16 052	15 855	15 752	15 564	15 420	15 132	15 453	15 032	14 659
Outflows	21 102	22 167	22 044	21 274	21 202	20 608	20 563	19 848	19 796	16 869	17 140
Net migration	-6 404	-7 414	-5 992	-5 419	-5 450	-5 044	-5 143	-4 716	-4 343	-1 837	-2 481
Men											
Inflows	9 971	9 579	10 246	10 062	9 964	9 709	9 518	9 313	9 396	9 004	8 771
Outflows	12 496	13 310	13 287	12 709	12 517	12 047	11 800	11 427	11 313	9 711	9 658
Net migration	-2 525	-3 731	-3 041	-2 647	-2 553	-2 338	-2 282	-2 114	-1 917	-707	-887
Women											
Inflows	5 301	5 174	5 806	5 793	5 788	5 855	5 902	5 819	6 057	6 028	5 888
Outflows	8 535	8 857	8 757	8 565	8 685	8 561	8 763	8 421	8 483	7 158	7 482
Net migration	-3 234	-3 683	-2 951	-2 772	-2 897	-2 706	-2 861	-2 602	-2 426	-1 130	-1 594
Total	*-0,9*	*-1,0*	*-0,8*	*-0,7*	*-0,7*	*-0,7*	*-0,7*	*-0,6*	*-0,6*	*-0,2*	*-0,3*
Men	*-0,7*	*-1,0*	*-0,8*	*-0,7*	*-0,7*	*-0,6*	*-0,6*	*-0,6*	*-0,5*	*-0,2*	*-0,2*
Women	*-0,8*	*-1,0*	*-0,8*	*-0,7*	*-0,8*	*-0,7*	*-0,8*	*-0,7*	*-0,6*	*-0,3*	*-0,4*

Source: Statistics Austria.

Table 5: Inflows and outflows by source and destination countries 2021

Source-/Host-Country	Total			Austrian Citizens			Foreign Citizens		
	Inflows from abroad	Outflows to abroad	Net	Inflows from abroad	Outflows to abroad	Net	Inflows from abroad	Outflows to abroad	Net
Total	**154 202**	**101 714**	**52 488**	**14 659**	**17 140**	**-2 481**	**139 543**	**84 574**	**54 969**
EU-, EFTA	**89 848**	**65 776**	**24 072**	**3 846**	**6 709**	**-2 863**	**86 002**	**59 067**	**26 935**
EU-MS (26)	**86 555**	**61 600**	**24 955**	**3 041**	**4 856**	**-1 815**	**83 514**	**56 744**	**26 770**
EU-MS before 2004 (13)	**36 960**	**24 894**	**12 066**	**2 635**	**4 010**	**-1 375**	**34 325**	**20 884**	**13 441**
Germany	23 867	14 660	9 207	2 049	2 791	-742	21 818	11 869	9 949
France	1541	1389	152	83	125	-42	1458	1264	194
Greece	1064	868	196	31	82	-51	1033	786	247
Italy	4 214	3 114	1100	100	231	-131	4 114	2 883	1231
Netherlands	1242	893	349	71	136	-65	1171	757	414
Spain	2 154	1591	563	115	229	-114	2 039	1362	677
EU-MS since 2004 (13)	**49 595**	**36 706**	**12 889**	**406**	**846**	**-440**	**49 189**	**35 860**	**13 329**
Bulgaria	4 260	3 194	1066	46	61	-15	4 214	3 133	1081
Croatia	6 885	2 644	4 241	27	84	-57	6 858	2 560	4 298
Poland	4 113	3 937	176	45	103	-58	4 068	3 834	234
Romania	17 081	13 110	3 971	87	159	-72	16 994	12 951	4 043
Slovakia	4 175	3 152	1023	44	42	2	4 131	3 110	1021
Slovenia	1584	1118	466	13	27	-14	1571	1091	480
Czech Republic	1638	1307	331	49	93	-44	1589	1214	375
Hungary	9 248	7 644	1604	71	188	-117	9 177	7 456	1721
EFTA, assoc.States, UK	**3 293**	**4 176**	**-883**	**805**	**1 853**	**-1 048**	**2 488**	**2 323**	**165**
Switzerland	1478	2 361	-883	512	1371	-859	966	990	-24
United Kingdom	1563	1562	1	247	397	-150	1316	1165	151
Third Countries	**64 354**	**35 938**	**28 416**	**10 813**	**10 431**	**382**	**53 541**	**25 507**	**28 034**
Europe (incl. Turkey)	**21 086**	**14 332**	**6 754**	**898**	**1 379**	**-481**	**20 188**	**12 953**	**7 235**
Bosnia-Herzegovina	3 930	2 301	1629	86	129	-43	3 844	2 172	1672
Kosovo	1035	476	559	39	51	-12	996	425	571
Northmacedonia	1431	697	734	13	25	-12	1418	672	746
Russian Federation	2 018	1342	676	47	54	-7	1971	1288	683
Serbia	5 870	4 974	896	132	233	-101	5 738	4 741	997
Turkey	3 592	3 002	590	539	838	-299	3 053	2 164	889
Ukraine	1894	931	963	25	25	-	1869	906	963
Africa	**4 651**	**2 440**	**2 211**	**455**	**422**	**33**	**4 196**	**2 018**	**2 178**
Egypt	759	403	356	198	147	51	561	256	305
Morocco	315	194	121	13	12	1	302	182	120
Nigeria	475	500	-25	33	61	-28	442	439	3
Somalia	1276	236	1040	6	13	-7	1270	223	1047
America	**4 849**	**3 563**	**1 286**	**639**	**919**	**-280**	**4 210**	**2 644**	**1 566**
Northamerica	**2 413**	**2 160**	**253**	**351**	**585**	**-234**	**2 062**	**1 575**	**487**
USA	2 019	1768	251	306	493	-187	1713	1275	438
Latinamerica	**2 436**	**1 403**	**1 033**	**288**	**334**	**-46**	**2 148**	**1 069**	**1 079**
Asia	**25 069**	**8 337**	**16 732**	**632**	**796**	**-164**	**24 437**	**7 541**	**16 896**
Afghanistan	2 185	1117	1068	14	15	-1	2 171	1102	1069
China	1062	909	153	54	52	2	1008	857	151
India	1602	799	803	52	54	-2	1550	745	805
Iraq	585	614	-29	31	37	-6	554	577	-23
Iran	1252	562	690	49	38	11	1203	524	679
Syria	13 288	592	12 696	21	17	4	13 267	575	12 692
Oceania	**340**	**358**	**-18**	**67**	**130**	**-63**	**273**	**228**	**45**
Unknown	**8 359**	**6 908**	**1 451**	**8 122**	**6 785**	**1 337**	**237**	**123**	**114**

S: STATISTICS AUSTRIA.

In 2021, 25 percent of foreign inflows originated from an EU-13-MS (before 2004: 34,300), in the main Germany (21,800), followed by Italy (4,100); 35% came from the EU-13-MS (since 2004: 49,200). The largest numbers came from Romania (17,000), followed by Hungary (9,200), Croatia (6,900), Bulgaria (4,200), and Slovakia and Poland (ex aequo 4,100). In contrast, 38.4% or 53,500 inflows came from third countries, after 54% or 106,700 in 2015. The largest numbers originated from Asia (24,400), in the main from the Middle East, followed by China, India and Afghanistan.

The inflows from European third countries decline somewhat to 20,200 or 14% of all foreign inflows. The major source countries continue to be Serbia (5,700), Bosnia-Herzegovina (3,800) and Turkey (3,100).

The inflows from North America and Latin America remained fairly stable over the last couple of years (2,100 each in 2021, in toto 3% of all foreign inflows). The migrant inflows from Asia have subsided after the refugee inflows of 2015 but remained at a higher level than before 2015. In 2013, the inflows stood at 14,900, rising to 22,400 in 2014. In 2015, the increase to 67,700 was abrupt but subsided to 36,800 in 2016 and further to 24,400 in 2021. The main source region was Syria (13,300) due to family reunion with the accepted refugees from this war-torn country, followed by Afghanistan (2,200), Iran (1,200), India (1,600), and China (1,000). Inflows from Africa are beginning to decline, in particular from Nigeria, reducing their share in inflows of foreign citizens to 3%. The inflows from Oceania are small and slightly declining (0.2% in 2021).

The more recent inflow dynamics represent a major shift away from 'old' EU-MS towards the new EU-MS in the East and South-East. Inflows from Turkey had slowed down in the wake of the economic recession of 2009 but picked up somewhat in 2011, losing momentum again thereafter.

Of all the 84,600 outflows of foreigners in 2021, 70% or 59,100 are directed towards the EU/EEA/CH. This development goes to show that there is much mobility between Austria and the EU/EEA/CH. **The balance between inflows and outflows of foreigners between the EU/EEA/CH countries and Austria results in net immigration to Austria of 26,900, representing 49% of the net foreign population inflows of 2021**.

The largest proportion of outflows into the EU/EEA/CH regions goes to the new EU-13-MS, namely 35,900, while only 20,900 are directed towards the 'old' EU-13-MS. The balance between inflows and outflows is in both cases positive and almost the same (13,300 respectively 13,400 net migration to Austria).

The German population in Austria is largely a floating population with a high proportion flowing in and out, the net effect being 9,900 or 18% of all net inflows of foreigners in 2021; the situation is similar in the case of Italy with a net inflow of 1,200. **The largest net inflows from the 'new' EU13-MS in 2021 originated from Croatia with 4,300 or 7.8% of all net foreign migration to Austria, followed by Romania (4,000, 7%). Third in line was Hungary with net migration to Austria of 1,700 or 3% of all foreign net migration, followed by Bulgaria (1,100) and Slovakia (1,000)**. (Source: Statistics Austria.

Table 5) This is an indication of settlement tendencies in Austria rather than high cross-country mobility.

If we compare the migration inflows of third country citizens based on the population register (53,500) with the number of settler resident permits granted to third country citizens in the course of 2021, it can be established that 75% of the gross inflows of third country citizens received a settler permit by the Ministry of Interior (40,124). (Source: Statistics Austria.

Table 5 and Table 11)

A fairly new feature emerged in the last couple of years, namely that Turkish migrants were increasingly returning to Turkey such that, in 2012, only a small net inflow of 937 Turks occurred. However, in 2013, net immigration from Turkey started to rise again to 1,300. This was a transitory phenomenon, as net inflows declined again in 2014 to 530, but 2015 and 2016 saw again a rise in net immigration from Turkey to some 800 persons; in 2017 the net inflow declined again to some 300, but in 2018 it turned negative, i.e., net outmigration of Turkish citizens to Turkey. In 2019, a net inflow of 592 materialised again, increasing to 889 in 2021. While dynamic economic growth in Turkey tended to motivate Turkish migrants to return to Turkey, increasing refugee inflows from Syria to Turkey and political unrest in the border regions of Turkey do not seem to raise the propensity to migrate to Austria. This may be the result of a certain political animosity against Austria as critical voices against Erdogan make the media in Austria and Turkey.[33]

While net inflows from North America and Latin America tend to be fairly small and stable over time (2021: 1,600), this is not the case for Asia. **The net inflow of migrants from Asia doubled in 2014 versus a year ago to 14,600, exploded 2015 to 60,200 and subsided to 23,700 in 2016, further to 7,600 in 2017 and 2,500 2019, but rose again significantly in 2021 to 16,900, marking the end of covid-induced migration decline. The country with the most pronounced net inflows is Syria (12,700 in 2021).** (Source: Statistics Austria.

Table 5)

Entries and departures of refugees

Asylum issues lie within the competence of the federal government. The Federal Asylum Office in the Federal Agency of Alien Affairs and Asylum (BFA – Bundesamt für Fremdenwesen und Asyl), which resorts to the Ministry of Interior (bmi), is the first instance in asylum proceedings (Art. 58 Asylum Act). Appeals against decisions of the Federal Asylum Office could until January 2014 be addressed to the Asylum Court, an independent court established in 2008 (Art. 61 para 1 Asylum Act). As of 1 January 2014, the Federal Asylum Office was replaced by the Federal Office for Alien Affairs and Asylum[34] which is also responsible for certain alien police proceedings (Act on the Restructuring of the Alien

[33] Turkish hacker attacks against Austrian media and institutions. https://www.oe24.at/oesterreich/politik/Erdogan-Internet-Krieg-gegen-OeSTERREICH/273582014

[34] This court replaced 194 offices that were responsible for alien and asylum law issues.

Authorities)[35]; and includes also the Administrative High Court (Bundesverwaltungsgericht), the last instance in matters on asylum and alien law. The Asylum Court is an integral part of the Administrative High Court; in the preparation of the structural and institutional reform of legal proceedings in public administration, the Asylum Court acted as the hub for the reform process[36].

The assistance and financial support of asylum seekers and other foreigners in need of help is regulated in the Basic Assistance Act on federal level (Grundversorgungsgesetz - Bund 2005 - BGBl. Nr. I 100/2005 idF BGBl. I Nr. 122/2009) and in specific legislation of the Provinces, which are to guarantee uniform standards across the country. A burden sharing between the federal state and the 'Bundesländer' is ensured by an agreement specified in the law (GVV, Art. 15a B-VG (BGBl. Nr. I 80/2004). Apart from asylum seekers, recognized refugees, who have obtained asylum, continue to receive basic support for the first four months after recognition of their status. Basic support/assistance (Grundversorgung) consists of board and lodging, health and care services, information and (legal) advice, access to education and training, clothing, etc. and pocket money). **In the beginning of 2017, the number of asylum seekers and other eligible persons receiving basic income support amounted to 78,900, declined to 61,200 in 2018 and further to 26,700 in 2021. By December 1, 2022, the number of asylum seekers and other eligible groups for basic income support rose to 92,560; the large rise was due to the inflow of Ukrainian refugees/displaced persons. They made up 60% of the basic import support recipients (55,500), being temporary protection recipients. The share of unaccompanied minors was highest in 2016 with 8.3% of all basic import support recipients, but declined thereafter to 2.6% in 2020, and declined further to 2.4% by the beginning of December 2022. The majority of unaccompanied minors in income support at the end of 2022 were from Syria (52%), followed by Afghanistan (23%) and the Ukraine (12%).**

With the amendment of the Asylum Procedures Act (BFA-Verfahrensgesetz (BFA-VG), BGBl. I Nr. 24/2016) in 2016, regulations on counselling of asylum seekers and on the duration of the right to stay (Asyl auf Zeit) have been amended resp. specified. Accordingly, persons applying for asylum after November 2015 no longer receive permanent settlement rights but get the right to stay for three years upon which their status may be transferred into a permanent stay unless specified factors suggest a denial.

The significant influx of asylum seekers and refugees in 2015 put the asylum authorities under pressure to raise the number of staff in the asylum courts to speed up procedures[37]. In the beginning of 2015, the Federal Office (BFA) had a staff of some 689 persons. In 2015 their numbers were augmented by 206 or +30% to 895, according to the Federal Office of Alien

[35] Verwaltungsgerichtsbarkeitsnovelle, BGBl. I No. 87/2012.

[36] For more see website: http://www.asylgh.gv.at/site/7814/default.aspx

[37] More about the asylum procedures in http://www.bfa.gv.at/bmi_docs/1954.pdf

Affairs and Asylum[38]. In the course of 2016, the Federal Office augmented their staff in charge of asylum cases to 1,284. In addition, 7 new regional offices were opened in 2016. The BFA increased personnel by another 142 to 1,426 in 2017.[39] In order to harmonise procedures, a curriculum was tailored to the needs of the authority.

As asylum applications lost momentum in 2016, largely as a result of the deal between the EU and Turkey, but also as a consequence of actions by the Austrian Ministries of Foreign Affairs, of the Interior and of Defence against illegal border crossings, the inflows more than halved vs 2015 and continued to decline until 2019 to 12,900, whereupon they started to rise again, reaching a high of 39,900 in 2021 (+27,000, +210% vs 2019).

In 2022 the number of asylum seekers went through the roof, reaching a level of 101,800 by the end of November, thereby surpassing the inflow of 2015 (88,300) by far. There are three source countries with unexpected increases in inflows, namely India (17,910), Tunisia (12,495), and Pakistan (7,565). In order to curb the inflow of 'irregular' migrants the Austrian chancellor (Karl Nehammer) managed to convince his Serbian counterpart (Aleksandar Vucic) to implement visa requirements for Indian (by beginning of January 2023) and Tunisian (by end of September 2022) citizens.[40] The reason being that many Indian and Tunisian citizens used the easy entry route of Serbia to then cross the Austrian border illegally to enter the Schengen space. When caught at the border they tend to request asylum in Austria. India has accepted to take Indian citizens back, who entered Austria illegally. This is one aspect of a migration and mobility partnership contract signed early in January 2023 between Austria and India. The cooperation between Austria, Serbia and Hungary did not receive unanimous support by the public since Hungary is seen as the major source of irregular migrants into Austria, as the latter are encouraged to pass through Hungary without registration.

Entries of refugees

From the mid-1980s onwards, the number of asylum seekers has been rising, at first steadily and towards the end of the 1980s abruptly – an experience Austria shared with other western European countries. By the end of December 1991 27,300 asylum seekers were registered in Austria. This was the starting point for a reform of the asylum legislation (Asylum Law 1991) – to a large extent induced by the intergovernmental co-operation within EU-member countries and the then prospective EU-Membership of Austria, to harmonise aspects of admission policies for foreign migrants in general and asylum seekers in particular. Major amendments to the asylum legislation took place in 1997, 2003, 2005, 2009, 2011, 2016, 2017, 2018, 2019 and 2021 – partly a consequence of EU-wide coordination of asylum legislation and procedures

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[38] See http://www.bfa.gv.at/files/Statistiken/BFA_Jahresbilanz2015_web.pdf.

[39] For more see the annual report by the BFA: http://www.bfa.gv.at/files/Statistiken/BFA_Jahresbilanz_2016.pdf

[40] For more see Wenzel 2023: https://www.oe24.at/oesterreich/politik/aktuell/visa-stopp-fuer-inder-und-tunesier-kanzler-feiert-asylbremse/540964798

and thus harmonisation - the latter largely to restrain numbers, partly as a response to the large asylum inflows of 2015, largely aiming at speeding up procedures, but also to restrict inflows and to constrict asylum conditions. The most recent adaptations of procedures were triggered by the covid-pandemic to reduce physical contact.

In January 2010, a comprehensive revision of the Alien Laws came into effect. Several changes to tighten alien police and asylum legislation were introduced. The amendments redefined the offences which may lead to detention of asylum seekers, and introduced the possibility to deprive, under certain conditions, delinquent refugees and beneficiaries of subsidiary protected status. Finally, the legal framework for granting residence permits to rejected asylum seekers based on humanitarian grounds was redefined. With July 2011 a one-week mobility restriction outside the asylum reception centre was introduced for new arrivals of asylum seekers. From October 1, 2011 onwards, asylum seekers who have had their claim rejected by the asylum court are automatically provided with legal counselling and support on further steps to take by one of the following NGOs: Diakonie, Volkshilfe or Human Rights Austria.

The first major reform of the asylum legislation, which had come into effect in 1992, resulted in a significant reduction of the number of asylum seekers in Austria. The legislative reform, institutional restructuring and reform of public funding of asylum seekers while they wait for the outcome of the asylum procedures, have all contributed to the reduction of inflows of asylum seekers. By the end of 1992 only 16,238 asylum seekers were registered, –11,100 (–40.5 percent) versus 1991. The downward trend continued until 1993, when a low of 4,744 asylum registrations was reached. The decline in asylum applications took place at a time when substantial numbers of citizens of former Yugoslavia entered Austria as 'de facto refugees'.

From April 1992 until mid-1995 an estimated number of 100,000 refugees from former Yugoslavia had fled into Austria. The total number of persons receiving shelter and/or financial support over that time span amounted to 84,000. The major inflow took place in 1992 with 50,000 Bosnians, followed by 20,000 in 1993, 10,000 in 1994 and 4,000 until mid-1995. By the end of December 1997 some 5,800 Bosnians remained in the financial care of the federal government and the states ("Bund-Länder-Aktion"). The promotion of the Federal Ministry of the Interior of return migration of Bosnians, who had remained in refugee camps, gained weight in 1997. Some but not all took up the opportunity for a subsidised return to Bosnia. By mid-1998, the end of the right to reside in Austria, the remaining Bosnians received permission to stay in Austria on humanitarian grounds.

As far as asylum applications are concerned, a slight rise set in 1994 and plateaued at 7,000 in 1996. In 1998 the number of asylum seekers rose again and reached 20,100 in 1999 as Kosovars fled into Austria. The invasion of Kosovo by Serbia and the resulting flight of Albanian Kosovars to neighbouring regions resulted in a rise of asylum applications, quite in contrast to the former refugee inflows from Bosnia. This goes to show that applications for asylum are guided by many factors, among them also institutional ones.

The Albanian Kosovars tended to choose the asylum route, because they thought they could never return to their country of origin. In contrast, Bosnians had hoped to return at some stage and therefore only claimed refuge. As it turned out, hardly any Bosnians returned to their country of origin, while Albanians tended to return, in relative terms, to a larger extent (largely due to the rejection of asylum by the Austrian authorities).

Table 6: Asylum seekers in Austria by the end of the year: 1953-2021

1953	1,723	1988	15,790
1954	2,283	1989	21,882
1955	1,941	1990	22,789
1956	169,941	1991	27,306
1957	58,585	1992	16,238
1958	3,599	1993	4,744
1959	3,439	1994	5,082
1960	5,178	1995	5,920
1961	4,116	1996	6,991
1962	3,458	1997	6,719
1963	3,435	1998	13,805
1964	3,611	1999	20,129
1965	4,247	2000	18,284
1966	3,805	2001	30,127
1967	3,872	2002	39,354
1968	7,334	2003	32,359
1969	9,831	2004	24,634
1970	3,085	2005	22,461
1971	2,075	2006	13,349
1972	1,838	2007	11,921
1973	1,576	2008	12,841
1974	1,712	2009	15,821
1975	1,502	2010	11,012
1976	1,818	2011	14,416
1977	2,566	2012	17,413
1978	3,412	2013	17,503
1979	5,627	2014	28,027
1981	34,557	2015	88,340
1982	6,314	2016	42,285
1983	5,868	2017	24,735
1984	7,208	2018	13,746
1985	6,724	2019	12,886
1986	8,6394	2020	14,775
1987	11,406	2021	39,930

Source: Statistics Austria, Statistical Handbook of the Republic of Austria.

After a temporary slowdown of asylum inflows in the year 2000, inflows of asylum seekers rose rapidly until 2002, partly as a result of the crisis in Afghanistan. In 2002 the number of asylum seekers peaked at 39,400. Ever since then the numbers of applications for asylum declined steadily. In 2007 only 11,900 asylum applications were filed, 25,100 or 67.8 percent less than in 2002. The sharp reduction in the numbers of asylum seekers between 2002 and 2007 was largely the result of Austria moving from a Schengen country at the border to one within a larger Schengen region (Dublin Convention).

It became therefore increasingly difficult to apply for asylum in Austria as one tended to have to pass through another Schengen country before reaching Austria. The neighbouring countries are considered 'safe havens', implying that asylum seekers crossing through one of these countries may be returned rightfully to these countries as first countries of asylum. It is increasingly recognised that some of the countries of transition of asylum seekers cannot be considered ‘safe havens’, however. Accordingly, public pressure was mounting in Austria in 2010 to revisit and adapt current Austrian practices of refoulement, triggered off by some spectacular cases which were caught by the media, where family members and children were separated and deported to some of the countries concerned. As a result, since then refoulement cases are receiving more critical attention.

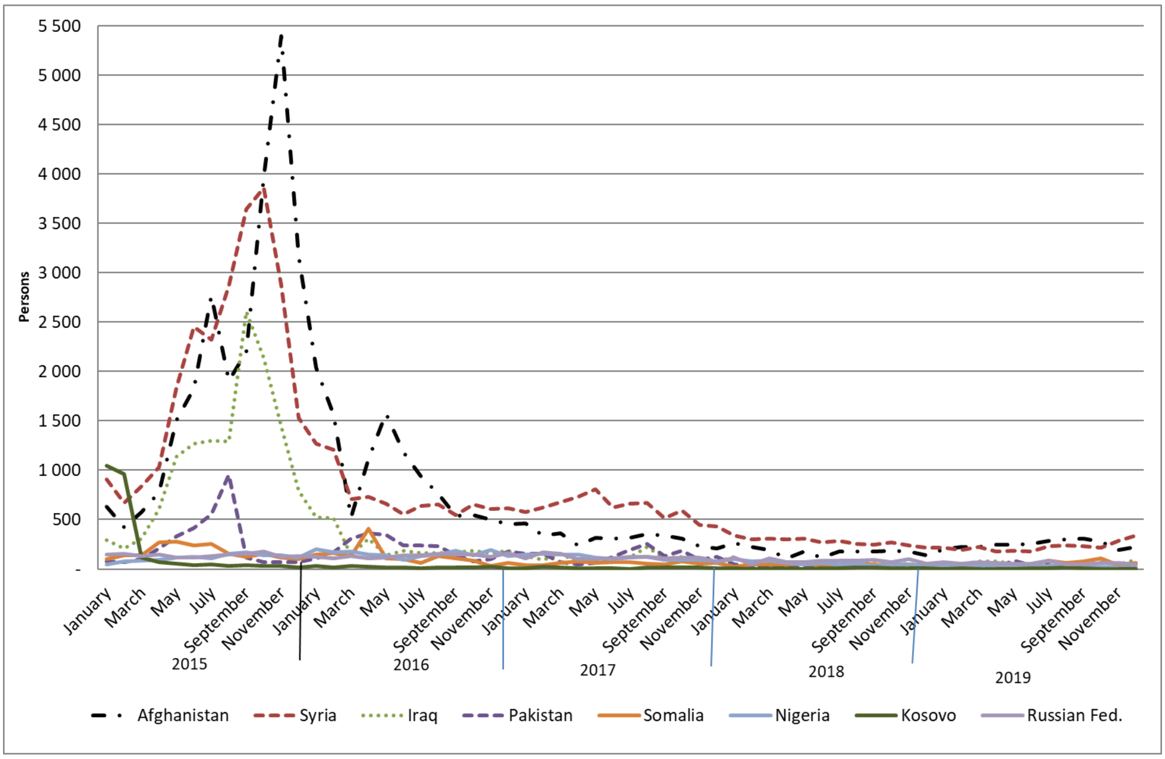
As it turned out, the Schengen border did not prevent inflows of asylum seekers from rising in the longer term. Already in 2008, the number of asylum seekers increased for the first time since 2002 to 12,841 and continued to rise ever since. By the end of December 2012, the applications for asylum reached 17,400. In 2013 the inflow of asylum seekers stabilised at the high level of 2012 (17,503), but in 2014 figures started to rise again, reaching 28,000, +10,600 or 60% versus 2013. In 2015 a real wave of asylum seekers arrived in Austria, many of them passing through Hungary and still not wanting to register in Austria, as they hoped to get to Germany or, to a lesser extent, to Sweden. As a result, 88,340 asylum seekers registered in Austria while some 500,000 passed through Austria direction Germany. (Figure 11) In 2015, Austria was the number four in terms of absolute numbers of asylum seekers in Europe, after Germany (476,500), Hungary (177,100) and Sweden (162,500), followed by Italy (84,100), France (75,800), and ex aequo Belgium and the Netherlands (45,000).

In the course of 2015 asylum applications went through the ceiling. Not only did the applications rise exorbitantly, as can be taken from Figure 11, but the transit through Austria increased to such an extent that special buses and supplementary trains had to be organised to take the refugees from the Austrian borders in the East and South-East (Hungary, Croatia, Slovenia) across Austria to the border of Germany, as most of the refugees wanted to go to Germany or Sweden. Registration and reception centres were overcrowded and bypassed as the Austrian authorities lost control over the events. Without the help of NGOs, the refugee influx would have turned into a veritable humanitarian crisis, just as in many countries of the Balkans where the refugees had passed through.

The large inflows of 2015 were in the main the result of refugee inflows from the Middle East, in particular from Syria. But refugees from Afghanistan continued to flow in in rising numbers as well, and the flows from the Russian Federation, other Asian and African countries did not slow down. The only slowdown Austria experienced in 2015 was the flow from citizens of the

Balkans; Kosovars and others had to accept that in this new environment chances to get refugee status granted dwindled rapidly.

Figure 11: Monthly asylum applications from 2015 to 2019 by major source countries

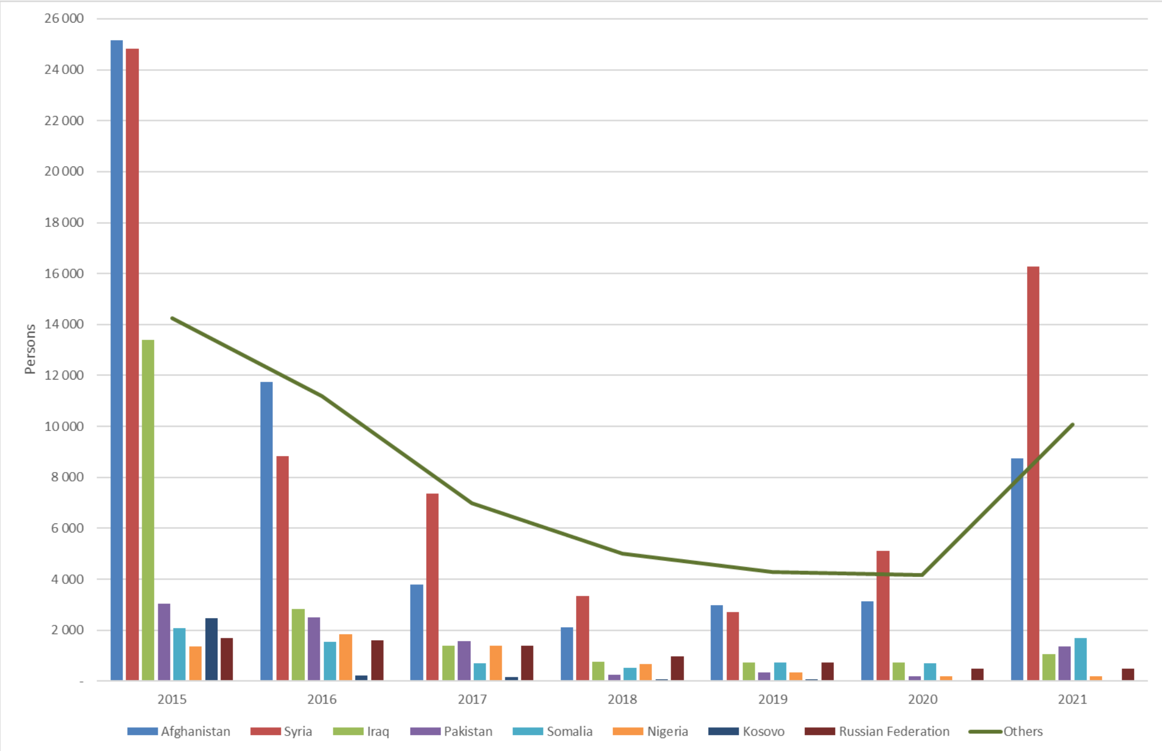


Source: Statistics Austria.

Early in January 2016, the Austrian government decided to curb the inflow of asylum seekers by setting a ceiling to a maximum of 1.5% of the population for a planning period of four years, amounting to 37,500 for 2016. To operationalise this objective, fences were put up along the Southern borders, i.e., in Spielfeld (Styria) to block inflows from Slovenia. The construction of a fence and screening facilities had been finished by the beginning of 2016, while discussions on implementing similar devices on the Brenner Pass (Tyrol) to block inflows from Italy began to surface in January 2016. The fences were highly contested in the Austrian general public, particularly the plans on the Brenner Pass to Italy. Fears surfaced that the fences could signal the end of Schengen or the virtual exclusion of Greece from the Schengen area as the Balkan route of refugees was to be blocked or at least highly controlled by the neighbouring Balkan countries. These speculations were fuelled by visits of the Austrian Minister of Foreign Affairs Sebastian Kurz to the Balkans in February 2016. In the end, no additional fences were put up but regular traffic controls were introduced on the various borders of Austria.

The concerted actions to contain refugee inflows resulted in a substantial decline of asylum seekers by the end of 2016, namely to 42,285. This was a reduction by 46,100 or 52%. The strict border controls as well as less tolerance of residence of irregular migrants, largely rejected asylum cases, and enforcement of their return to the source countries as a deterrent, contributed to a further decline of asylum inflows, reaching a low of 24,700 by the end of 2017 (-17,600 or 42% vs 2016) and 12,900 by the end of 2019 (-11,800; -48% vs 2017). The number of asylum seekers in 2019 was the lowest since 2010. But 2020 put an end to this decline, partly as a result of reduced covid-induced border controls. By the end of 2021 the numbers of asylum seekers reached 39,900, almost as many as in 2016. And 2022 saw a further increase to more than 100,000.

Figure 12: Asylum seekers by major source countries 2015-2021



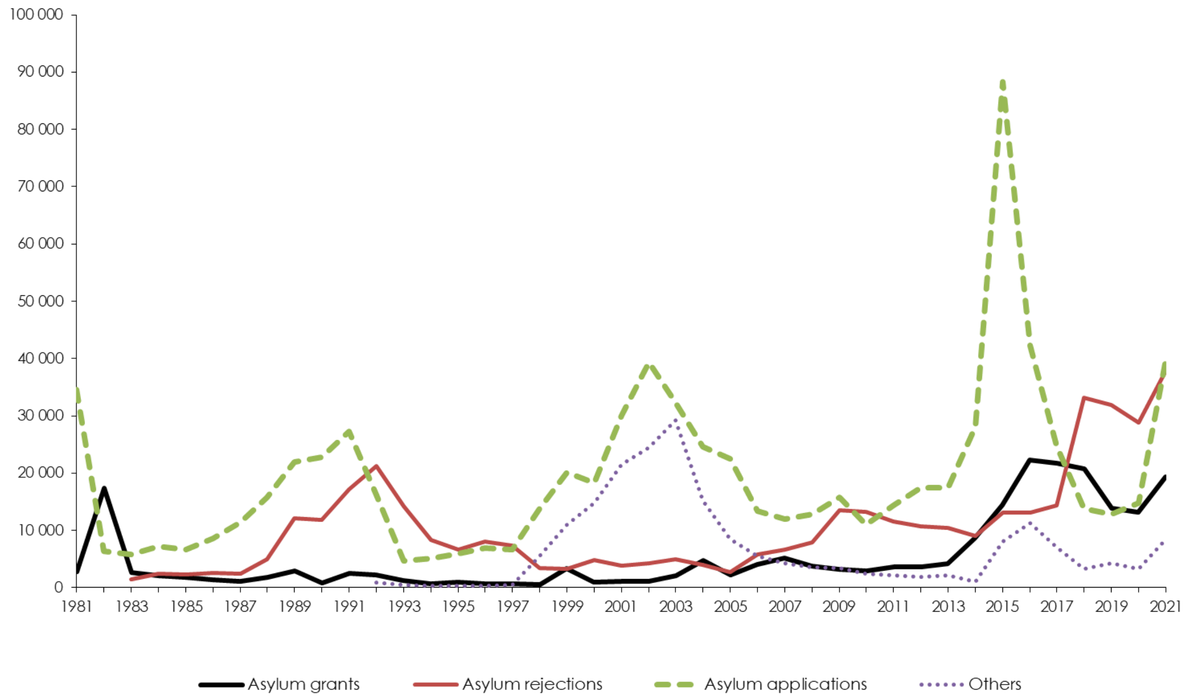
Source: Statistics Austria.

Figure 12 provides some insight into the inflow of asylum seekers from 2015 to 2021 and the main countries of origin. The largest numbers of asylum seekers in 2015 originated from Afghanistan (25,100), followed by Syria (24,800), Iraq (13,400), Pakistan (3,000), and Kosovo (2,500). In 2016, the largest groups remained the same with Afghanistan in the lead (11,700), followed by Syria (8,800), Iraq (2,800), Pakistan (2,500), Iran (2,500) and Nigeria (1,900). In 2021 the rank order changed somewhat with Syria taking the lead (16,300), followed by Afghanistan (8,700), Somalia (1,700) Pakistan (1,400). Inflows from Nigeria, Iraq and the

Russian Federation declined significantly, while the numbers from Morocco (1,900), Turkey (921) and Tunisia (500) picked up.

In 2022 mid-year (Eurostat Data), Austria had a ratio of asylum applications (AA) per 100,000 inhabitants of 366, i.e., more than three times the EU27 average ratio of 91. There was only one country with significantly higher per capita ratios than Austria, namely Cyprus (1,368). All other EU-MS had lower per capita quotas of Asylum seekers than Austria.

Figure 13: Asylum procedures: Inflows, acceptances and rejections
1981-2021



Source: Statistics Austria.

The outcome of asylum procedures can be taken from Figure 13. According to the Ministry of the Interior, 65,900 asylum decisions have been taken in 2021, after 45,200 in 2020 (+20,700, +46%). Of all decisions in 2021, 19,400 were positive (after 13,200 in 2020), i.e., 30% of all decisions over the year, and 37,900 were rejections (58% of all decisions). Of the 'other' decisions, 4,300 got subsidiary protected status (and 9,300 got this status rejected), 3,100 could stay on humanitarian grounds (while 15,000 were denied this status), and 8,500 were various other decisions. By the end of 2021 only 27,900 cases had a decision pending compared to 79,700 open cases by the end of 2015 and 56,300 in 2017. The year 2021 was marked by a further reduction of the backlog of processing asylum cases by reducing the duration of proceedings; in addition, a focus was put on de-recognition of refugee status and return of irregular migrants to their source countries.

Of all 19,400 positive decisions on asylum in 2021, the largest numbers went to persons from Afghanistan and Syria, followed by persons from Somalia, Iran and Iraq. The recognition rates differed between source countries, the highest being for Syrians - in 2016 just as in 2015 89% of the decisions were grants of asylum and only 6% were rejections – many of them received subsidiary protection. In 2017, the recognition rate of Syrians rose to 92%, only 4% were negative. Next in line was the recognition rate of Iranians with 66%, followed by Somalis with 49%. The recognition rate of Afghanis amounted to 47% in 2017; the percentage of negative decisions was 32%, but many of them received subsidiary protection status. 33% of asylum seekers from the Russian Federation got refugee status and 54% were rejected. The lowest rates go to asylum seekers of Nigeria (1%) and of Pakistan (2%).

It has to be borne in mind that the asylum application data includes, apart from asylum seekers in the narrow sense of the word (originäre Asylansuchen), who cross the border for the first time (32,375 in 2021, +22,900 or 240% vs 2020), also family members who have the right to join refugees already residing in Austria[41] ('Einreisegestattung': 2,000 or 6% in 2021), as well as children born in Austria to already accepted refugees residing in Austria ('Nachgeborene' 2021: 3,100, i.e., 8% of all asylum applications).

Table 7: Asylum seekers by gender and country/region of origin by 31 December: 2011-2021

Asylum seekers	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total	14 416	17 413	17 503	28 027	88 340	42 285	24 735	13 746	12 886	14 775	39 930	100	100	100	100	100	100	100	100	100	100	100
Men	10 661	12 846	12 528	21 258	63 764	28 207	15 024	8 297	8 562	11 387	25 270	74,0	73,8	71,6	75,8	72,2	66,7	60,7	60,4	66,4	77,1	63,3
Women	3 755	4 567	4 975	6 769	24 576	14 078	9 711	5 449	4 324	3 388	2 700	26,0	26,2	28,4	24,2	27,8	33,3	39,3	39,6	33,6	22,9	6,8
from Europe	3 876	5 138	5 218	5 968	5 504	3 649	3 423	2 350	1 936	1 270	2 273	26,9	29,5	29,8	21,3	6,2	8,6	13,8	17,1	15,0	8,6	5,7
of which:																						
Serbia, Monten.,Kosovo	547	622	1 156	2 283	2 804	419	304	228	123	90	122	3,8	3,6	6,6	8,1	3,2	1,0	1,2	1,7	1,0	0,6	0,3
North-Macedonia	81	122	170	160	297	116	118	47	2	13	59	0,6	0,7	1,0	0,6	0,3	0,3	0,5	0,3	0,0	0,1	0,1
Russian Fed.	2 314	3 091	2 841	1 996	1 680	1 633	1 396	969	723	493	493	16,1	17,8	16,2	7,1	1,9	3,9	5,6	7,0	5,6	3,3	1,2
Moldova	79	54	35	32	25	13	29	42	13	18	191	0,5	0,3	0,2	0,1	0,0	0,0	0,1	0,3	0,1	0,1	0,5
Georgia	261	300	257	417	406	350	454	457	339	31	185	1,8	1,7	1,5	1,5	0,5	0,8	1,8	3,3	2,6	0,2	0,5
Turkey	414	273	302	203	221	346	299	201	298	313	921	2,9	1,6	1,7	0,7	0,3	0,8	1,2	1,5	2,3	2,1	2,3
from Asia	7 633	9 015	7 935	16 323	72 966	30 575	16 313	8 559	8 399	10 280	13 717	52,9	51,8	45,3	58,2	82,6	72,3	66,0	62,3	65,2	69,6	34,4
of which:																						
Afghanistan	3 609	4 005	2 589	5 076	25 563	11 794	3781	2120	2979	3137	8739	25,0	23,0	14,8	18,1	28,9	27,9	15,3	15,4	23,1	21,2	21,9
Bangladesh	87	212	278	119	718	305	144	129	240	228	1 027	0,6	1,2	1,6	0,4	0,8	0,7	0,6	0,9	1,9	1,5	2,6
China	238	241	237	243	309	267	218	193	203	96	98	1,7	1,4	1,4	0,9	0,3	0,6	0,9	1,4	1,6	0,6	0,2
India	476	401	339	396	448	515	415	272	371	189	949	3,3	2,3	1,9	1,4	0,5	1,2	1,7	2,0	2,9	1,3	2,4
Iraq	484	491	468	1 105	13 633	2 862	1 403	762	729	724	1 052	3,4	2,8	2,7	3,9	15,4	6,8	5,7	5,5	5,7	4,9	2,6
Iran	457	761	595	743	3 426	2 460	994	1 107	727	381	501	3,2	4,4	3,4	2,7	3,9	5,8	4,0	8,1	5,6	2,6	1,3
Pakistan	949	1823	1037	596	3021	2496	1574	264	331	187	1362	6,6	10,5	5,9	2,1	3,4	5,9	6,4	1,9	2,6	1,3	3,4
Syria	422	915	1 991	7 730	24 547	8 773	7 356	3 329	2 708	5 121	16 281	2,9	5,3	11,4	27,6	27,8	20,7	29,7	24,2	21,0	34,7	40,8
from Africa	2 700	1 933	3 789	3 943	5 814	7 071	3 731	2 228	1 711	2 746	4 624	18,7	11,1	21,6	14,1	6,6	16,7	15,1	16,2	13,3	18,6	11,6
of which:																						
Nigeria	414	400	691	673	1 385	1 855	1 405	679	336	193	177	2,9	2,3	3,9	2,4	1,6	4,4	5,7	4,9	2,6	1,3	0,4
Somalia	610	481	433	1 162	2 073	1 537	697	523	740	705	1 695	4,2	2,8	2,5	4,1	2,3	3,6	2,8	3,8	5,7	4,8	4,2
Algeria	447	575	949	563	945	1 032	369	170	172	388	499	3,1	3,3	5,4	2,0	1,1	2,4	1,5	1,2	1,3	2,6	1,2
Morocco	313	354	516	296	731	1 052	352	193	164	745	1 920	2,2	2,0	2,9	1,1	0,8	2,5	1,4	1,4	1,3	5,0	4,8
S: BMI; Statistics Austria.																						

[41] Legal basis: right to family reunion according to §35 Asylum Act.

In the course of the years of 2000 the share of men amongst asylum seekers has declined somewhat from 77.8 percent in 2001 to 66 percent in 2008; between 2009 and 2015 the share of men was on the rise again, reaching 76% in 2014. This changed in 2015 and 2016 when whole families fled from the war-stricken zones of Syria; accordingly, the share of female asylum seekers increased, reducing the male share to 67% in 2016 and further to 63.3% in 2021. (Table 7)

There are many reasons for the high share of male refugees; according to interviews featured in the public media men tend to be sent by their families/clans to pave the way for a later potential family reunification; apart from that, young men leave their war-stricken countries in order to avoid being drafted into an army which often turns against their own people, and against minorities or 'rebel' groups, of whom they may be part of.

The composition of the source countries of asylum seekers in Austria in 2021 can be taken from Table 7. The number of asylum seekers from Europe has reached a peak in 2003 with 16,500 applications (51% of all asylum claims) and has been declining until 2020. In 2021 it rose again to a total of 2,300, i.e., 5.7% of all asylum registrations. The major countries of origin of asylum seekers from Europe in 2021 were Turkey (921), followed by the Russian Federation (723), Moldova (191) and Georgia (185). The numbers of asylum requests from Asia had been soaring in 2015, reaching a total of 73,000 or 83% of all asylum applications. In 2016 the applications more than halved to 30,600, further to 16,300 in 2017 and 8,400 in 2019. In 2020 and 2021 the inflows increased again to 13,700. The single most important source regions from Asia were Syria (16,3009 and Afghanistan (8,700).

A relatively small number of asylum applications, but rising until 2016, concerned persons from Africa, reaching 7,100 in 2016 (after 5,800 in 2015); in 2017, their numbers declined sharply to 3,700 (-3,300 or 47% vs 2016) and further to 1,700 in 2019. In 2020 and 2021 the numbers increased again to 4,600. The increase applied above all to Somalia (1,700) and Morocco (1,900).

An increasing number of unaccompanied minors filed asylum applications until 2016. In 2015 the number of unaccompanied minors requesting asylum reached 9,300 or 10.6% of all asylum applications, 7,400 or 372% more than in 2014. The majority was between 14 and 18 years old (83%). The most important source countries in terms of numbers were Afghanistan (6,400), followed by Syria (1,200) and Somalia (265). With the declining inflows of asylum seekers in 2016 the numbers of unaccompanied minors declined as well, namely to 4,600. The majority continued to be between 14 and 18 years old. The largest numbers were from Afghanistan (60%), followed by Somalia, Pakistan and Nigeria. In 2017, the numbers declined further, more than proportionately relatively to all asylum seekers, to 1,400, the majority in the age group 14-18-year-olds (89%). The share of unaccompanied minors of all asylum seekers declined to 5.5%. The largest source countries were Afghanistan (700, 51%), followed by Pakistan (200, 15%) and Nigeria (100, 8%). The numbers of unaccompanied minors declined further in 2018 to 390, i.e., 2.8% of all asylum seekers of 2018. The majority continued to be in the age group 14-18 (341 or 87%); the largest numbers continued to be from Afghanistan (163), followed by Nigeria (43), Syria (38) and Iraq (20). In 2019, the number of unaccompanied minors increased slightly again to 859 (806, 94% between 14 and 18 years old). The major countries of origin were Afghanistan (642), followed by Syria (54), Bangladesh (21), Somalia (19), and Pakistan (17). In 2020 and particularly in 2021 the numbers of unaccompanied minors increased further, reaching 5,605 or 14% of all asylum applications. **New are substantial inflows of UAM from Morocco**.

Processing asylum applications tends to be a lengthy process. While applicants from certain countries are granted refugee status with a high probability, e.g., persons from Syria, Iran or Somalia, others may face long waiting periods. In Austria, in the wake of reforms of the asylum legislation, procedures were streamlined and accelerated in 2004, e.g., by raising the number of staff for processing. In 2007 several cases made the public media, and a decision of the constitutional courts requested the Ministry of the Interior to clarify procedures by which residence may be granted to rejected asylum seekers on humanitarian grounds[42]. This enquiry triggered again legislative reforms. Consequently, in April 1 2009, an amendment to the residence and asylum law (2005) came into effect (Fremdenrechtsnovelle 2009, BGBl. I Nr. 29/2009). Accordingly, residence status on humanitarian grounds has to be regulated separately in either law, i.e., in the asylum act (§10 cites criteria on the basis of which permanent or temporary residence may be granted), and in the residence act (§§ 43 und 44 NAG 2005) procedures have been differentiated and extended. The catalogue of criteria is the same in asylum legislation (§ 10 Abs. 2 Z 2 AsylG) as in the alien police law ((§66 Abs. 2 FPG) and the residence act ((§1 Abs. 3 NAG).[43] In 2010 spectacular cases became known to the public, e.g., 8-year-old twins (Kosovo Albanians) were put into a detention centre with their father before being deported October 7, which put **the subject of humanitarian residence to 'integrated' asylum seekers back on the agenda**. The girls plus father were allowed to return after a couple of weeks while procedures were overhauled.

Over the whole period of 1981 till 2021, a total of 794,400 asylum applications were registered, of which a total of 225,300 received refugee status according to the Geneva Convention, i.e., 28 percent; and 415,800 got their case rejected, i.e., 52 percent. The category 'others' (209,200 or 26 percent of all asylum applications) received residence on the basis of humanitarian grounds, temporary (subsidiary) protection status, or moved on before the procedures were terminated in Austria, either moving with the help of IOM to another host country or going into hiding (Figure 13).

Harmonisation of asylum legislation within the EU has brought about major changes in the treatment and deployment of asylum seekers in Austria. The legislative reform of 2005 had

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[42] *Biffl – Bock Schappelwein* (2008) collected information on legislation in other EU-MS and on the annual numbers of rejected asylum seekers who get residence granted on humanitarian grounds.

[43] For more information see *Biffl et al.* (2009).

substantial financial implications for the state and regions. As of 2005, every applicant has the right to financial support by the state for the period of the asylum procedures. The financial burden is shared by all federal states according to their population size. This means that until 2004, large numbers of asylum seekers depended on the support of NGOs, in particular churches and affiliated institutions like Caritas. Since 2004 the states do not only have to provide shelter and other basic support, but the local Labour Market Service is called upon to provide employment opportunities for asylum seekers after a waiting period of 3 months. By order of the former Minister of Economic Affairs and Labour[44] in 2004 labour market access was, however, limited to seasonal work, thereby reducing the scope of employment. This order brought about a deterioration of employment and learning opportunities of asylum seekers versus earlier labour market practices. More recent legislative reforms are opening up some additional employment opportunities, as mentioned in the chapter on the legal framework. But access to apprenticeship education has been denied again after some years, by decree in autumn 2018, as the option of apprenticeship was seen by the minister of the Interior as an incentive to come to Austria to apply for asylum.

Representatives of the interest groups of asylum seekers ((UNHCR, NGOs, Asylum coordination Austria, but also the Austrian Chamber of Labour) drew attention to the fact that the content of the Reception Conditions Directive (2013/33/EU)[45] had to be transferred into national law by 2015, implying that asylum seekers should by then have the right to effectively access the labour market at least after 9 months into the procedures. In August 2021 the constitutional court ruled the order of the minister as illegal for formal reasons, thus not addressing the content of the ministerial order [46]. Nonetheless, asylum seekers may enter the labour market after labour market testing in all sectors of the economy from August 2021 onwards – according to the ministry of labour. The employment permit is issued for a maximum period of one year but can be extended, upon application. If the employment permit is prolonged beyond one year, the asylum seeker acquires the right to unemployment benefits.

Once asylum seekers have received refugee status, they may enter the labour market without any legal restrictions. In case of rejection of the application, access to employment is denied unless they receive subsidiary protected status.

While most migrants do not need any special integration support on the labour market, namely third country workers who have a work contract and who are free to enter, reside and work in Austria outside of any quota regulation, others are in need of special assistance

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[44] The order was issued by former Minister Bartenstein (Erlass zu GZ 435.006/6-II/7/04, EU –Erweiterungs-Anpassungsgesetz; Durchführungserlass).

[45] Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection

[46] VfGH-Erkenntnis V 95-96/2021 of 23. June 2021.

beyond the right of free access to the labour market. This is particularly true for asylum seekers and refugees (Geneva Convention). Accordingly, a jobcentre was put in place, run by the Labour Market Service and the Integration Fund, to focus on the special needs of the target group.[47] By 2018 special job centres for migrants have been abandoned though, also in Vienna. Instead, the role of the Austrian Integration Fund (ÖIF) has been broadened via the provision of value and orientation courses, which may be taken as bridging courses to labour market integration and to the LMS.

Since 2002 an increasing number of asylum seekers is receiving education and training as well as employment through innovative labour market policy initiatives, funded by the ESF (European Social Fund). Various regional integration programmes concentrate on improving skills/educational attainment level of young asylum seekers, also in view of improving their prospects to enter adequate employment (decent work agenda). This development is in line with the objective of the EC to promote the employability of asylum seekers, documented in the Directive of the European Parliament of 25 April 2004, which aims at the promotion of integration of asylum seekers and refugees.

The substantial inflow of refugees in 2015 and the concomitant large acceptance rates set a whole machinery of new integration measures into motion. The government agreed to put up extra money for integration measures, namely 75 million euros for the integration of refugees: a major share was directed towards the education system to help refugee children, followed by the creation of housing, the development of welcome centres etc. In addition, 70 million euro were dedicated to the promotion of labour market integration, be it further education and training or other support measures. (Berger et al., 2016) In 2017, the budget for refugee integration has been raised by an additional 80 million euro for schools to help refugee children, also for German language courses. For labour market integration of refugees and persons on subsidiary protection another 80 million euro was budgeted. These supplementary budgets were reduced in 2018 and terminated in 2019.

The general understanding for the supplementary budget was that the costs of the refugee intake were substantial which could only be mitigated by investing in the refugees and their potentials such that they may help themselves and thereby contribute to economic growth as quickly as possible.

The special case of Ukrainian refugees/displaced persons in 2022

The Russian war of aggression against the Ukraine, beginning 24 February 2022, triggered a substantial outflow of Ukrainians, largely women and children. By the end of 2022 more than 120,000 had arrived in Austria, and 90,994 registered with the authorities[48]. Registration (blue

[47] http://www.integrationsfonds.at/habibi/habibi_jobcenter/

[48] For more see https://data.unhcr.org/en/situations/ukraine

card) is the precondition for accessing services by the state, among them housing, financial support, access to work, health services and education. Of the more than 90,000 registered Ukrainians some 56,000 receive basic income support (BBU[49]). The overwhelming majority lives in Vienna. The Ministry of Education informed that some 12,000 Ukrainian children and youth attend Austrian schools since autumn 2022. The responsible issuing authority of the blue card (Vertriebenen Karte) is the Federal Office for Alien Affairs and Asylum (BFA) in the Ministry of the Interior.

The residence status of the displaced Ukrainians is regulated by the adoption of the Council Implementing Decision 2022/382 of the EU, which establishes the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and integration in Austrian law (Vertriebenen Verordnung BGBl II 92/2022, thereby providing temporary protection to the displaced Ukrainians in Austria for one year. On December 21, 2022, the Austrian government extended the period of temporary protection until March 2024.[50]

The number of employed wage and salary earners amounted to 13,100 by the end of November 2022, 70% of them women. In addition, 744 were self-employed (62% women); and some 2,400 had taken up casual employment, among them 83% women. Also, some 500 were registered as unemployed, adding up to an unemployment rate of 3.7% in November 2022. These numbers show that only about one third of the approximately 60,000 Ukrainians of working age were in employment. There is a fairly even share of low-skilled and highly-skilled Ukrainians registered at the Labour Market Service (40% vs 36%), while the majority of jobs Ukrainian workers are in, are in the low-skill segment, possibly as a result of lacking German language competence and social network effects.

Outflow of refugees

Until the fall of the Iron Curtain in 1989, asylum seekers and refugees (the majority from Eastern Europe) used Austria as a stepping stone for emigration to the traditional immigration countries overseas. Austria never conceived herself as an immigration country. Therefore, an active integration scenario for refugees or immigrants was not put in place until the large inflow of refugees from the region of former Yugoslavia in the early 1990s. The outflow of asylum seekers and refugees was therefore always quite high relative to inflows. When looking for outflow data one has to bear in mind that no comprehensive information exists on the outflow of refugees and asylum seekers. We only have data on the voluntary outflow assisted by IOM. It can be taken from Table 8 that registered outflows declined in the early to mid-

[49] See https://bmi.gv.at/news.aspx?id=7A765950336D4A4B6C2B553D

[50] More background information ER-Integration 2022 Positionspapier: Vertriebene aus der Ukraine. Perspektiven in Österreich: https://www.bundeskanzleramt.gv.at/agenda/integration/expertenrat-integration.html and https://www.integrationsfonds.at/ukraine/

1990s and between 2000 and 2012: then it was on the one hand the consequence of policy changes in immigration countries – they started to recruit directly from Eastern European countries through their diplomatic representations – on the other hand refugees themselves may have preferred to stay closer to their countries of origin.

In 1999, as the number of asylum applications reached record levels and integration in Austria became more difficult, asylum seekers tended to leave again in larger numbers, in particular to other countries in Europe and the USA. This behaviour came to a halt as asylum seekers could increasingly remain in Austria, often on humanitarian grounds. In 2006, however, we have the beginnings of an increased outflow of refugees as it became increasingly difficult for asylum seekers to find work and their chances for settlement on humanitarian grounds were deteriorating. By 2009, 8,000 refugees left Austria via the rest of the world, with the help of IOM, more than double the number of 2006. Since then, the outflow slowed down again to a low of 2,600 in 2012. After that, assisted outflows increased again, largely of persons who saw no chance for receiving a refugee status granted. In this context it has to be taken into account that not all outflows are registered, but only those which are the result of processing through IOM (International Organisation of Migration). (Figure 14 and 15, also Table 8)

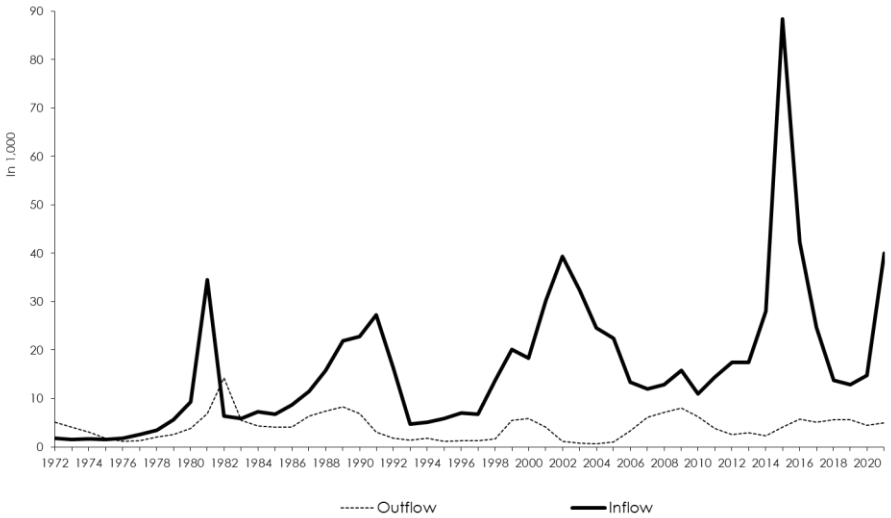
Table 8: Outflow of refugees[1] via Austria 1972-2021

1972	5,140	1997	1,333
1973	4,105	1998	1,655
1974	3,012	1999	5,003
1975	1,787	2000	5,926
1976	1,186	2001	4,122
1977	1,335	2002	1,117
1978	2,071	2003	0,823
1979	2,597	2004	0,689
1980	3,818	2005	0,967
1981	6,909	2006	3,317
1982	14,317	2007	6,065
1983	5,441	2008	7,125
1984	4,314	2009	7,968
1985	4,103	2010	6,253
1986	4,131	2011	3,886
1987	6,397	2012	2,601
1988	7,397	2013	2,896
1989	8,267	2014	2,299
1990	6,934	2015	4,126
1991	3,098	2016	5,797
1992	1,754	2017	5,064
1993	1,375	2018	5,665
1994	1,803	2019	5,568
1995	1,158	2020	4,428
1996	1,318	2021	4,951

Source: International Organisation for Migration, from 2014 BFA. – [1] Outflow pertains only to refugees who leave Austria with the help of I.O.M. (since 2000 voluntary return of rejected asylum cases, excluding forced returns).

Since 2000, IOM Austria provides **support for the return of voluntary returnees**, who have not been granted refugee status, within the framework of the "**General Humanitarian Return Programme** (GHRP)". The travel costs for the majority of returnees who take part in the programme are covered by the Austrian Ministry of the Interior. In 2016, 5,797 asylees returned voluntarily to their source country with the support of IOM and the BFA. The numbers declined thereafter to 4,951 in 2021. In 2016, the 10 major countries of return were: Iraq, Afghanistan, Iran, Serbia, the Russian Federation, Kosovo, Romania, Ukraine, Macedonia and China. This ranking changed until 2021 and new countries moved up, e.g., Nigeria and Georgia.

Figure 14: Inflow and outflow of asylum seekers and/or refugees via Austria 1972-2021

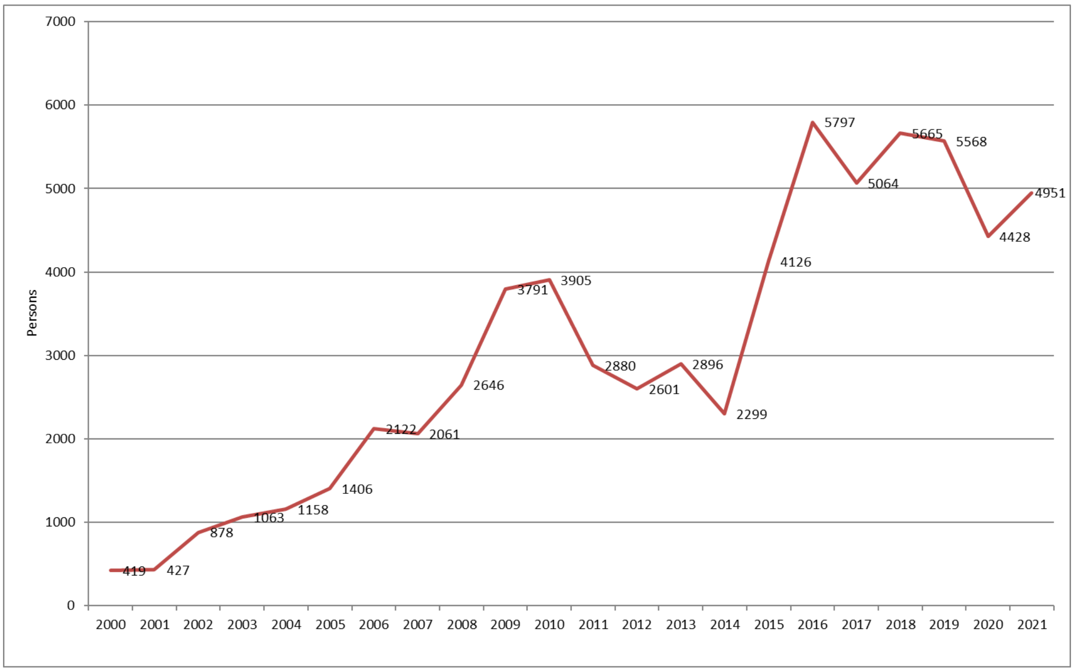


Source: Statistics Austria, IOM (from 2000 only voluntary assisted returns).

Apart from funding the travel costs (based on a memorandum of Understanding signed by IOM-Austria and the Ministry of the Interior in 2000), IOM Austria offers also reintegration assistance with co-funding from the Austrian Ministry of the Interior and the European Commission. One such project is 'RESTART II' – reintegration assistance for voluntary returnees to Afghanistan and Iran, for the period of January 2017 to the end of 2019. Over that time span, a total of 500 persons were assisted by IOM, of them 349 project beneficiaries of Afghanistan (of whom 6 female) and 151 to Iran (of whom 27 females). The project offered reintegration assistance of EUR 500 in cash to address the most immediate needs after arrival to the country of origin as well as EUR 2.800 in-kind. In most cases, the in-kind assistance was used for starting or joining a business (e.g., purchase of equipment, goods) to generate income. Of the 2,800€ in kind, 300 were reserved for education and training measures: nobody took advantage of this learning opportunity.[51]

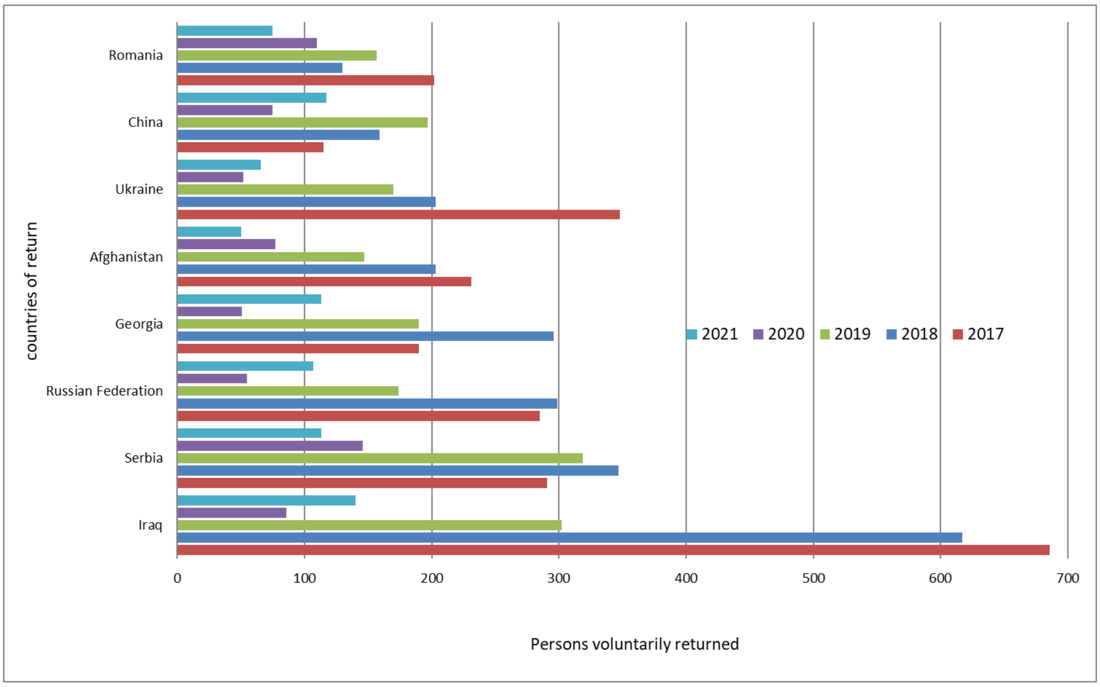
[51] For more see IOM newsletter 35. https://austria.iom.int/sites/default/files/IOMAustriaNewsletter35.pdf

Figure 15: Voluntary returns assisted by IOM Austria via the GHRP: 2000-2019



Source: IOM Austria and BFA.

Figure 16: Top eight countries of assisted voluntary returns by IOM via the GHRP in Austria 2017-2021



Source: IOM, General Humanitarian Return Programme.

Since June 2016, the Austrian Ministry of the Interior is official partner of the European Re-Integration Network (ERIN). ERIN is a departure and re-integration programme on European level which, on the basis of tendering procedures, commissions various institutions (NGOs and NPOs in the respective source countries) to provide the individual support for re-integration in the source countries. 90% of the costs of the actions of ERIN are financed out of European Funds.

The ERIN-Programme is headed by the Ministry of Security and Justice of the Netherlands, the Repatriation and Departure Service (R&DS). In Austria, between mid-2016 and mid-2019 2,382 persons received re-integration support via this programme. Within the programme every participant receives €3,500, of which €500.- in cash and the rest in kind by the local service provider; an exception is the Russian Federation where the support is only provided in-kind. The programme is open to persons from Afghanistan, Iraq, Pakistan and the Russian Federation. In 2019, the reintegration programme was extended to include Somalia.

In June 2018 the Ministry of the Interior joined the European return and reintegration Network (ERRIN). This is a network comprising 16 European States together with the European Commission and FRONTEX. ERRIN is a specific action in the framework of AMIF, basically funded by the EU (90%). The amount of funding provided to voluntary returnees depends on the contract with service providers (NGO) based on tendering. In mid-2018 ERRIN Reintegration support was provided to persons from Iraq and Pakistan.

Since January 2017, Austria offers also two other re-integration programmes: RESTART II (organised via IOM) – see above, and IRMA plus (organised by Caritas Austria). The project is co-financed by the Asylum, Migration and Integration Fund (AMIF) of the European Union and the Austrian Federal Ministry of the Interior. Just as in the case of ERIN, a combination of cash (€500.-) and in-kind benefits are granted. Financial assistance is to help address the most immediate needs upon voluntary return to the country of origin. In-kind assistance encompasses various aspects to start or join a business (e.g., purchase of equipment, goods) in addition to education and training, accommodation, child support, medical support. Business Guides and referral to business trainings are offered free of charge. In 2018, an additional assistance package was offered by the two return assistance organisations, Verein Menschenrechte Österreich and Caritas, for asylum seekers from Afghanistan, Iran, Nigeria, the Russian Federation and Syria.[52] The additional amount of start-up money was 1,000 euro and a maximum amount of 3,000 euro for families.

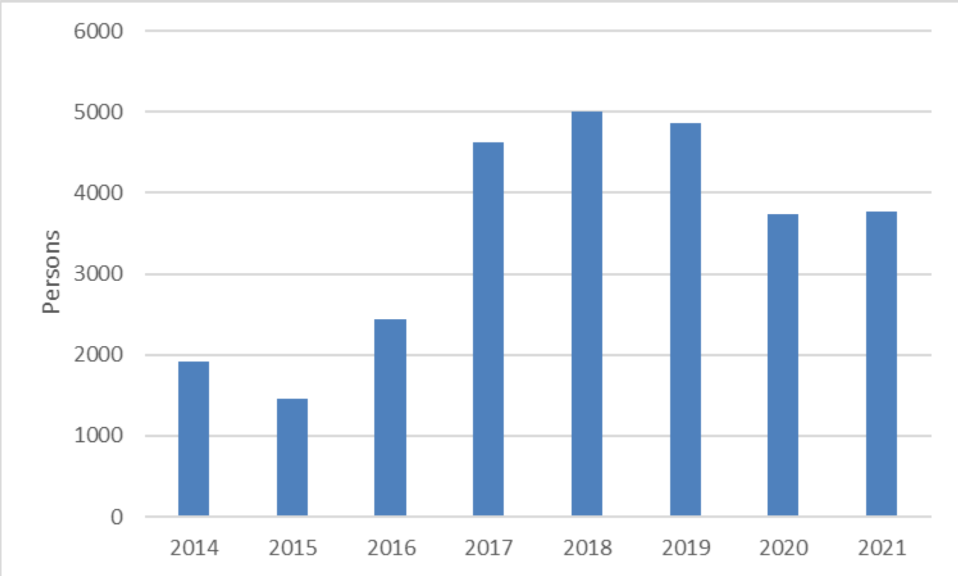
IRMA plus is solely directed towards vulnerable groups in specific source countries (Armenia, Ghana, India, Kyrgyzstan, Mongolia, Pakistan, Russian Federation, Tadzhikistan). In the case of Nigeria also non-vulnerable groups receive integration support. Measures to support returnees' efforts to reintegrate into their societies are determined in a participatory and consultative manner in the source country, taking into account the individual needs and skills

[52] For more see website www.voluntaryreturn.at

of each participant. The maximum amount of support per person is 3,000 euro (including in kind support).

Another example of return assistance is the pilot project (2018–2019) "Reverse Migration: Supporting Sustainable Return of Migrants through Private-Public Multi-Stakeholder Partnerships (SUPREM)" implemented by the International Centre for Migration Policy Development (ICMPD).[53] The project is targeting voluntary returnees from Austria to Nigeria, aiming at sustainable re-reintegration by offering vocational training, skills development and employment opportunities.

Figure 17: Irregular migrants in administrative detention: 2014-2021



Source: BFA.

In toto in 2021 9,148 irregular migrants were brought out of Austria by the Federal Office for Alien Affairs and Asylum (BFA) compared to 12,245 in 2019 and 12,611 in 2018. 4,951 (54% of all returns) returned voluntarily, and 4,197 (46%) were returned forcefully, of which 838 Dublin cases. This means that the numbers of irregular migrants been brought outside the country are declining. The top five destination countries in 2017 were Nigeria (1,309), followed by Serbia (979), Iraq (802), Afghanistan (703) and the Russian Federation (621). In 2021, 17 charter destinations were organised, as many as in 2019. In 2019, 46% of the forceful returns applied to adjudged perpetrators (in 2018: 42%). The number of irregular migrants in administrative detention rose substantially in 2017 and remained fairly stable until 2019, whereupon the numbers declined again to 3,800 in 2021.

[53] For more see: https://www.icmpd.org/fileadmin/user_upload/SUPREM_Leaflet_EN.pdf

Deportations as well as voluntary returns require intense bilateral debates and agreements before the return of the nationals of the respective source countries can take place. In 2021, all in all 52 charter flights to third countries were organised for the returns into 17 destinations, after 72 in 2018.

Inflows of third country citizens on the basis of permits

Mid-1993 a central alien register was established in the Federal Ministry of the Interior. This register distinguishes between different types of third country migrants and their residence status. The Settlement and Temporary Residence Law (NAG 2005) which replaced the Alien Laws of the 1990s spells out the conditions under which different groups may enter and reside in Austria. The Alien-Register of the Federal Ministry of the Interior registers only those third country citizens, who require a residence permit.

Until 1997, third country citizens residing in Austria received a residence permit (Aufenthaltsbewilligung, AB). With the amendment of the Alien Law in 1997, the residence permit system became more differentiated. Residence could be granted on a temporary basis (temporary residence permit – Aufenthaltserlaubnis, AE) or permanent basis (settlement permit – Niederlassungsbewilligung, NB). In 2003, rights of longer-term permanent residents were widened by introducing a settlement certificate (Niederlassungsnachweis, NN), the de facto green card (Table 9). The immigration reform of 2011 introduced additional differentiations, namely the Blue Card, the Red-White-Red-Card (Rot-Weiss-Rot Karte) and the Red-White-Red Plus Card for family members of R-W-R card holders plus other forms of permanent residence status, the permanent residence status of third country citizens, who have acquired the right to permanent residence in another EU-MS (Daueraufenthalt EU). The option to transfer from a residence status with limited rights to one of all access rights of permanent residence (Zweckänderung) introduced some structural dynamics in the composition of permit holders over time.

Table 9: Structure of valid residence permits in Austria (2006-2022, midyear count)

	2010	2011	2012	2013	2015	2016	2017	2018	2019	2020	2021	2022
AB (temporary)	20275	21458	22698	24449	26165	28119	25457	21099	20005	18306	18434	18953
NB(settler)	90279	90302	96827	107921	114801	8725	16205	17380	17915	17116	18784	18697
Family Member	40036	37126	36636	36799	37773	38109	38756	39022	40458	42945	41194	41083
Perm. Residents	306007	320483	324393	322810	251849	373027	277746	284283	291328	297537	321358	320308
Blue Card							315	396	552	575	696	671
R-W-R Card							1623	2918	4778	4722	5822	5664
R-W-R Plus							96221	97369	102038	101847	113257	112537
Total	456597	469369	480554	491979	430588	447980	456323	462467	477074	483048	519545	517913

Source: Federal Ministry of the Interior. Mid-year Data for 2014 due to administrative reform missing.

From 2006 onwards, temporary residence permits are only issued for persons who reside for more than 6 months in Austria. Thus, due to a change in administrative procedures and eligibility criteria data on the residence status of third country citizens have a statistical break in 2006, i.e., data are not strictly comparable before and after 2006.

The number of valid residence-permits of third country citizens (mid-year count) follows a rising trend, with cyclical fluctuations and reactions to institutional changes. In 2006 (mid-year count) the numbers reached 476,900 valid residence permits; they declined to 454,000 in 2008, 22,900 or 4.8 percent less than 2006. The number of residence permits remained more or less at this level until 2010 (456.600). With the economic upswing after the recession in 2009/10, the number of valid residence-permits to third country citizens started to rise in 2011 (midyear count) and continued to do so until 2013, when 492,000 valid permits were counted midyear. The rise affected above all permanent residence status; the number of persons with a temporary residence status increased only slightly and the number of family members other than partners and dependent children (Familienangehörige) declined. In contrast, the number of settlement permits (NB) increased significantly between 2010 and 2013. With EU-membership of Croatia in July 2013 the number of third country citizens in Austria declined again, coming down to 430,600 in July 2015. Since then, the number of residence permits has been on the rise, reaching 517,900 by mid-2022.

In July 2011 the quota system for skilled third country migrants was phased out and replaced by a point system. This basic reorientation of migration policy did not only result in a slight increase of residence permits between mid-2011 and 2012 (+11,200 or 2.4% to 480,554) but also in a change in composition of third country migrants. While the number of settler permits (+6,500 or 7.2%) and permanent residence permits (+3,900 or 1.2%) increased – together with temporary residence permits (+1,200 or 5.8%) – the number of residence-permits for relatives of core family members (Angehörige)[54] declined by some 500 or 1.3% to 36,600. The possibility for this category to transfer the title, in particular also to acquire the R-W-R-card plus, is the major reason for the decline. Between mid-2012 and mid 2013 the number of residence-permits of third country citizens increased further by 11,400 (+2.4%) to 492,000. The largest increases pertained to settler permits (+11,100 or 11.5%) and temporary residence permits (+1,800 or 7.8%), while residence permits for relatives of core family members (Angehörige) remained more or less stable (36,800). The numbers of permanent residence permit holders declined somewhat (-1,600 or -0.5%), while still making up 66% of all residence permits (322,800). Only 24,400 or 5% of all valid residence permits were temporary, i.e., for more than 6 months and less than a year.

The institutional and administrative restructuring of the Ministry of the Interior, i.e., the establishment of the Federal Office for Alien Affairs and Asylum (Bundesamt für Fremdenwesen und Asyl – BFA), disrupted the availability of data. Accordingly, no mid-year count of permits to third country residents is available for 2014. Mid-year counts from 2015 to

[54] In this category persons who have been living in the household of the sponsor in the origin country are included as well as persons with severe health problems who are in need of care by the sponsor.

2022 show that the decline of residence permits, largely due to EU-membership of Croatia, was short lived. Between mid-2015 and mid-2022 the numbers increased again, with permanent residence cards (consisting of R-W-R plus cards, settlement certificates and permanent residence cards from other EU countries) reaching an all-time-high of 414,100. The number of settlement-permits which are granted for two years (Red-White-Red card, Blue card and NB) are comparatively small as they can be converted into a permanent card (R-W-R-plus Card, EU Permanent permit or other). The number of residence cards for distant family members (Angehörige) remained fairly stable since 2011, the year of the permit reform, as they can be easily transferred to a permanent permit with all access rights to the labour market.

Inflow of third country migrants by type of permit

It is important to remember that already before 2011 a relatively small proportion of the annual inflows of settlers (NB = Niederlassungsbewilligung) was regulated by quotas; with the introduction of the point system (R-W-R-card) the residence permits covered by quotas declined even more.

Temporary residents (until 2005 AE = Aufenthaltserlaubnis, from 2006 AB = Aufenthaltsbewilligung) are able to reside on the basis of regulations of labour market institutions, university or other school access rights or on humanitarian grounds.

Over the year 2021 a sum total of 32,900 residence permits was issued to newcomers from third countries, 6,700 or 25% more than in 2019, the year before the covid pandemic. While the permits issued to settlers rose by 6,700, +32% to 27,200, the permits issued to temporary residents remained stable at 5,800 in 2021. 83% of all **inflows of third country migrants accrued to settlers in 2021.**

Of the 32,900 new settler permits in 2021, 12% of the permits (3,300) were issued on the basis of a quota, i.e., as a family member of a third country citizen, who belongs to a settler category for which quotas continue to apply. Thus, 88 percent of the new third country settlers are either family members of Austrian or EEA-citizens, or are holders of a red-white-red card, i.e., labour migrants, third country graduates of Austrian universities or settlers on humanitarian grounds. (Table 10)

Settler permits can also be acquired by having a temporary permit transformed or the status of settler visa without access to work transferred into one with access to work. In the course of 2021, 12,700 uncapped transfers of title were issued and 237 settler permits within a capped permit group. Of the uncapped group 51% went to men, of the capped 41%.

As to the first issues of temporary resident permits: of the total of 5,800 issued to third country citizens in 2021, the majority are students of higher education and their family members (4,000 or 70%), followed by persons working in Austria temporarily (and their family members).

Temporary residence may also be granted on the basis of regulations not in the authority of the Ministry of the Interior. The major groups concerned are temporary workers who are granted an employment permit for seasonal work by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection as well as cross-border workers.

Table 10: Annual inflows of settlers and temporary residents of third countries 2011-2021. Annual sum by end of December

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
First issue settler	20 466	19 939	17 902	17 188	17 738	17 284	16 677	17 724	20 490	15 025	27 181
First Issue temporary resident	7 517	8 484	8 583	9 462	10 319	8 295	7 219	5 918	5 778	3 363	5 758
	27 983	28 423	26 485	26 650	28 057	25 579	23 896	23 642	26 268	18 388	32 939
Men											
First issue settler	**10 139**	**10 065**	**8 869**	**8 269**	**8 489**	**8 397**	**8 103**	**8 814**	**10 160**	**7 608**	**14 576**
of which within quota regulation	1 907	1 582	1 558	1 438	1 536	3 587	1 477	1 314	1380	900	1 185
outside quota	8 232	8 483	7 311	6 831	6 953	4 810	6626	7500	8780	6708	13391
Prolongation of settlement	**59 212**	**54 185**	**55 894**	**42 214**	**44 758**	**39 226**	**39844**	**52 293**	**54673**	**51776**	**51341**
Transfer of title to settler (no quota)	**1 668**	**2 946**	**2 138**	**16 137**	**19 426**	**13 171**	**12491**	**7567**	**5 813**	**5412**	**6531**
Transfer of title to settler (quota)	**901**	**157**	**116**	**150**	**157**	**175**	**209**	**192**	**188**	**103**	**97**
First issue temporary resident	**3 561**	**4 049**	**4 172**	**4 603**	**5 019**	**3 934**	**3 335**	**2 611**	**2 454**	**1 398**	**2 516**
Prolongation of temporary stay	**7 478**	**7 795**	**8 151**	**8 612**	**9 561**	**9 355**	**8 094**	**6 468**	**6 576**	**5 645**	**5 518**
Transfer of title to temp.res.	**246**	**259**	**295**	**278**	**303**	**368**	**371**	**250**	**222**	**170**	**183**
Total	**80 390**	**79 456**	**79 635**	**80 263**	**87 713**	**74 626**	**72 447**	**78 195**	**80 086**	**72 112**	**80 762**
Women											
First issue settler	**10 327**	**9 874**	**9 033**	**8 919**	**9 249**	**8 887**	**8 574**	**8 910**	**10 330**	**7 417**	**12 605**
of which within quota regulation	2 498	2 214	2 316	2 415	2 388	2 366	2 226	2 192	2 382	1 548	2 158
outside quota	7 829	7 660	6 717	6 504	6 861	6 521	6348	6718	7948	5869	10447
Prolongation of settlement	**65 510**	**59 175**	**58 154**	**46 578**	**50 060**	**44 300**	**43748**	**56 223**	**60394**	**57424**	**57660**
Transfer of title to settler (no quota)	**1 719**	**2 740**	**1 744**	**15 224**	**18 731**	**13 018**	**12 214**	**7 102**	**5 524**	**4 697**	**6 175**
Transfer of title to settler (quota)	**927**	**184**	**166**	**215**	**223**	**267**	**266**	**245**	**225**	**157**	**140**
First issue temporary resident	**3 956**	**4 435**	**4 411**	**4 859**	**5 300**	**4 361**	**3 884**	**3 307**	**3 324**	**1 965**	**3 242**
Prolongation of temporary stay	**7 534**	**7 973**	**8 299**	**8 798**	**9 959**	**10 004**	**8 934**	**7 816**	**8 095**	**6 889**	**7 199**
Transfer of other resident title	**511**	**536**	**537**	**528**	**525**	**584**	**520**	**428**	**396**	**368**	**322**
Total	**87 327**	**84 917**	**82 344**	**85 121**	**94 047**	**81 421**	**78 140**	**84 031**	**88 288**	**78 917**	**87 343**
Total											
First issue settler	**20 466**	**19 939**	**17 902**	**17 188**	**17 738**	**17 284**	**16 677**	**17 724**	**20 490**	**15 025**	**27 181**
of which within quota regulation	4 405	3 796	3 874	3 853	3 924	5 953	3 703	3 506	3 762	2 448	3343
outside quota	16 061	16 143	14 028	13 335	13 814	11 331	12 974	14 218	16 728	12 577	23838
Prolongation of settlement	**124 722**	**113 360**	**114 048**	**88 792**	**94 818**	**83 526**	**83 592**	**108 516**	**115 067**	**109 200**	**109 001**
Transfer of title to settler (no quota)	3 387	**5 686**	**3 882**	**31 361**	**38 157**	**26 189**	**24 705**	**14 669**	**11 337**	**10 109**	**12 706**
Transfer of title to settler (quota)	1 828	**341**	**282**	**365**	**380**	**442**	**475**	**437**	**413**	**260**	**237**
First issue temporary resident	**7 517**	**8 484**	**8 583**	**9 462**	**10 319**	**8 295**	**7 219**	**5 918**	**5 778**	**3363**	**5 758**
Prolongation of temporary stay	**15 012**	**15 768**	**16 450**	**17 410**	**19 520**	**19 359**	**17 028**	**14 284**	**14 671**	**12 534**	**12 717**
Transfer of title	757	**795**	**832**	**806**	**828**	**952**	**891**	**678**	**618**	**538**	**505**
Total	**167 717**	**164 373**	**161 979**	**165 384**	**181 760**	**156 047**	**150 587**	**162 226**	**168 374**	**151 029**	**168 105**
Source: Ministry of the Interior.											

These temporary work contracts have a ceiling, in 2021: the quota for agriculture and forestry was set at 3,165, of which 119 harvesters; for tourism the quota was set at 1,263. These caps represent significant reductions relative to the last couple of years, thereby hoping to get asylum seekers and other resident migrants into these jobs. In 2021, the seasonal worker quota for 2022 was slightly raised to 5,200. But the monthly quotas are frequently overdrawn, which is in line with the EU-Directive as long as the annual quota is not surpassed.

By the end of 2021, the parliament decided on an amendment to the Foreign Worker Act (AuslBG) and the Residence Act (NAG) to facilitate the access of core seasonal workers of third countries to seasonal work (outside a quota) and to open up options to acquire a r-w-r-card. They may not only apply for a r-w-r-card (valid for 2 years) but also work as self-employed.[55]

In the case of seasonal workers, as treated in the section on the legal background of migration, residence in Austria is an integral part of the work contract and does not need processing by the Ministry of the Interior. Consequently, they are not included in the third country citizenship residence register but only show up in social-security-based employment counts, the employment contract being registered with the Labour Market Service. In 2021, seasonal work permits issued to foreign workers on the basis of a quota (Saisonkontingente) amounted to 16,887 (11,700 in agriculture & forestry including harvesting, 5,221 in tourism). This was a rise vs 2019, the year before the pandemic, by 1,700 or 11%. The share of core seasonal workers (Stammsaisonniers), i.e., workers who cross the border for seasonal work every year, declined in 2021 vs 2019 slightly by 300 to 2,300, i.e., 14% of all seasonal workers. This is to say that the majority of seasonal workers in 2021 were asylum seekers for whom this is often the only way to get proper employment.

All temporary residents registered in the alien register of the Ministry of the Interior exceed a stay of 6 months; the major groups are students of higher education, employees on training and work experience schemes, sports and entertainment schemes etc. The temporary residence status may be extended. The total number of extensions is more than double the number of first issues, namely 12,700 in 2021, more or less the same as in 2020. (Table 10)

The capped categories of first settlers constitute in sum 3,300 cases in 2021, slightly more than a year ago, and may include third country citizens, who come for work, their family members and persons on private means with no wish to engage in gainful employment. The figures had halved between 2005 (6,300) and 2015 (3,900) but augmented abruptly in 2016 to the level of 2005, largely a consequence of the refugee increase of 2015 starting to access employment. In 2017, given the restrictive immigration policy, the numbers declined to the levels of 2012, and remained more or less at that level ever since, with the exception of 2020.

Settlement permits entitle third country citizens to settle in Austria, but not everybody intends to settle. But some want to transform their settlement category into another title with more rights, e.g., free access to the labour market. In 2021, some 12,900 residence titles were

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[55] For more see: https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/2/%E2%80%9ERot-Wei%C3%9F-Rot%E2%80%93Karte-f%C3%BCr-Stammmitarbeiter%E2%80%93Antrag.html

transferred into a settlement title with free access to work, significantly less than in 2019 (-1,200, -10%). The majority of acquired titles are uncapped, largely family members who acquire the right to work anywhere in Austria.

Adding extensions and transformations into the permit picture, Austria issued a total of some 168,100 permits in 2021more or less the same as in 2019. (Table 10)

In the event of a legal stay beyond 5 years, settlers may opt for obtaining a settlement certificate, which is available since 2003, modelled after the American 'green card'. Prolongations of settlement permits are becoming more frequent as the duration of stay gets longer and integration proceeds. In addition, large numbers of prolongations go to third country citizens who have permanent residence rights in another EU-MS. They may access the labour market in Austria without any limitations. Their numbers amounted to 25,700 in 2006, increased to 26,800 in 2010 and continued to rise to 131500 in 2021.

From mid-2011 onwards third country migrants may also opt for a R-W-R card or a R-W-R card plus or a blue card. This option is increasingly being taken up.

In addition to settlement permits, the Federal Ministry of the Interior issues temporary residence permits to persons who have obtained the right to enter for study, for temporary work and business purposes including services mobility (GATS mode 4) or on humanitarian grounds. In the course of 2021, all in all 5,800 temporary residence permits were issued for the first time, almost the same number as in 2018.

The largest number of first temporary residence permits goes to students of higher education, namely 4,100 or 71 percent of all first temporary residence permits in 2021. Their numbers have risen slightly beyond the level of 2019 (3,600). Third country students of higher education are the largest group to get their temporary stay extended, namely 10,200 or 80% of all extensions. (Table 12) Temporary residence status does not allow to access welfare payments, in particular unemployment benefits. This is no deterrent for family members to join, in 2019 some 700 or 5% of all extensions of temporary residence permits went to family members.

The legislative reform of intercompany transfers (ICTs, Rotationsarbeitskraft) of 2017, which came into effect October 2017, aimed at facilitating the transfer of third country specialised personnel within the enterprise to Austria (for a maximum of 90 days). It is meant to promote mobility of third country highly skilled and key-skilled employees as well as trainees of enterprises with a seat in a third country towards affiliates in EU-MS. In 2016 their numbers were quite small (207 persons including family members); their numbers declined since then continually to 133 in 2021.

Table 11: Sum of settlement permits granted to citizens of third countries (Non-EU) by residence status and gender (first permits, prolongations and transfer of title to settler) 2018-2021

1 January to end of December

	2018			2019			2020			2021		
	Men	**Women**	**Total**	**Men**	**Women**	**Total**	**Men**	**Women**	**Total**	**Men**	**Women**	**Total**
Sum of all first settlement permits with quota	**1 314**	**2 192**	**3 506**	**1 380**	**2 382**	**3 762**	**900**	**1 548**	**2 448**	**1 185**	**2 158**	**3 343**
First permit: r-w-r card (plus): §46/1/2); access wc	1 128	1 967	3 095	1 188	2 114	3 302	776	1 404	2 180	967	1 900	2 867
First settler permit:	186	225	411	192	268	460	124	144	268	218	258	476
No access to work	158	178	336	153	184	337	88	101	189	182	203	385
access to work	23	47	70	32	84	116	36	43	79	36	55	91
Access to work (European agreement)	5		5	7		7						
Sum of all first settlement permits, no quota	**7 500**	**6 718**	**14 218**	**8 780**	**7 948**	**16 728**	**6 708**	**5 869**	**12 577**	**13 391**	**10 447**	**23838**
Humanitarian	376	122	498	761	432	1193	708	389	1097	901	292	1193
Family member outside core family	665	660	1325	89	169	258	54	85	139	188	282	470
No access to work	20	20	40	18	18	36	11	3	14	27	20	47
access to work	645	640	1285	71	151	222	43	82	125	161	262	423
Other-skilled				714	520	1234	466	447	913	655	455	1110
Blue card EU	187	59	246	223	86	309	132	52	184	223	63	286
r-w-r-card (§41/1) highly skilled	64	14	78	118	41	159	84	25	109	113	30	143
r-w-r-card (§41/2/1) shortage list, skilled	336	32	368	557	90	647	361	118	479	556	158	714
r-w-r-card (§41/2/2) shortage list, other skilled	892	260	1 152	739	279	1 018	451	173	624	594	248	842
r-w-r-card (§41/2/3) university graduate	21	19	40	32	30	62	29	13	42	37	31	68
r-w-r-card (§41/2/4) self-employed skilled	25	6	31	16	5	21	15	3	18	12	9	21
r-w-r-card (§41/2/5) start-up				2		2	1	1	2			0
r-w-r-card plus	1898	1772	3670	1975	1856	3831	1660	1493	3153	1805	1644	3449
r-w-r-card plus (§41a/1-10)	582	363	945	713	380	1093	672	370	1042	1009	513	1522
r-w-r-card plus, family §46/1-3	1010	1452	2462	1187	1804	2991	939	1262	2201	1121	1684	2805
Family member/relative	1444	1959	3403	1654	2256	3910	1136	1438	2574	1343	1791	3134
Brexit										4834	3247	8081
Sum of prolongations of settlement permits (NB)	**2005**	**2558**	**4563**	**1869**	**2422**	**4291**	**1555**	**2181**	**3736**	**1773**	**2352**	**4125**
Sum of prolongation of other settlement permits	**52293**	**56223**	**108516**	**52804**	**69796**	**122600**	**50221**	**55243**	**105464**	**49568**	**55308**	**104876**
Blue Card EU	11	7	18	16	1	17	17	9	26	15	5	20
Permanent resident EU	21 108	20 379	41 487	23 256	23 222	46 478	22 649	22 551	45 200	18 972	19 219	38 191
Permanent resident Family	81	35	116	6	9	15						0
Family member	8 177	11 304	19 481	7 867	10 853	18 720	7 296	10 255	17 551	8 081	11 270	19 351
r-w-r card (§41/1) highly skilled	48	15	63	9	11	20	24	8	32	19	12	31
r-w-r card (§41/2/1-2) other skilled	606	248	854	92	24	116	122	46	168	69	49	118
r-w-r-card (§41/2/3) university graduate	48	65	113	16	11	27	9	18	27	18	22	40
r-w-r-card (§41/2/4) self-employed skilled	13	7	20	6	2	8	1	1	2		2	2
r-w-r-card plus	12681	12275	24956	12036	11824	23860	11437	11165	22602	12631	12164	24795
r-w-r-card plus (§41a/1-10 & §46/1-3 & §50/1&Fc	9520	11888	21408	9500	23839	33339	8666	11190	19856	9761	12564	22325
Brexit										2	1	3
Sum of all prolongations of settlement permits	**54298**	**58781**	**113079**	**54673**	**72218**	**126891**	**51776**	**57424**	**109200**	**51341**	**57660**	**109001**
Transformation of title to settler, no quota	**7567**	**7102**	**14669**	**5813**	**5524**	**11337**	**5412**	**4697**	**10109**	**6531**	**6175**	**12706**
of which R-W-R card	1842	1 315	3 157	517	403	920	468	388	856	2874	1808	4682
Transformation of title to settler, quota	**192**	**245**	**437**	**188**	**225**	**413**	**103**	**157**	**260**	**97**	**140**	**237**
Sum of all settlement permits issued/prolonged /transferred	**70 871**	**75 038**	**145 909**	**70 834**	**88 297**	**159 131**	**64 899**	**69 695**	**134 594**	**71 360**	**74 422**	**145 782**
S: Ministry of the Interior.												

Table 12: Sum of temporary residence permits granted to citizens of third countries (Non-EU) by residence status and gender 2018-2021

1 January to end of December

	2018			2019			2020			2021		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
First temporary residence permits	**2611**	**3307**	**5918**	**2454**	**3324**	**5778**	**1398**	**1965**	**3363**	**2516**	**3242**	**5758**
Employed persons on basis of GATS (mode 4)	36	5	41	33	2	35	24	4	28	15	2	17
Special protection/humanitarian			0									
Family member of researcher			0									
Family member of intercompany transfers	27	45	72	20	50	70	16	21	37	17	35	52
Family member of special employment	7	19	26	9	13	22	3	9	12	6	17	23
Family member of students	116	139	255	99	120	219	64	69	133	102	105	207
Family member of scientist/artist						0						
Researcher					1	1	1		1	1	1	2
Artist (on the basis of work contract)						0						
Artist (self-employed)						0						
Intercompany transfers	78	23	101	80	23	103	35	16	51	48	20	68
Pupil	313	363	676	307	392	699	152	207	359	224	291	515
Self-employed	6	5	11	2	3	5	2	5	7	6	3	9
Special cases of salaried employees	230	742	972	238	748	986	108	417	525	181	562	743
Social worker	2	11	13	10	19	29	5	14	19	12	36	48
Students of higher education	1796	1955	3751	1656	1953	3609	988	1203	2191	1904	2170	4074
Extensions of temporary residence permits	**6468**	**7816**	**14284**	**6576**	**8095**	**14671**	**5645**	**6889**	**12534**	**5518**	**7199**	**12717**
Employed persons on basis of GATS (mode 4)	41	2	43	57		57	43		43	21	1	22
Special protection/humanitarian												
Family member of researcher												0
Family member of intercompany transfers	3	8	11	30	52	82	24	48	72	27	29	56
Family member of special employment	25	47	72	21	41	62	11	26	37	13	18	31
Family member of students	308	351	659	275	327	602	225	255	480	244	279	523
Family member of scientist/artist			0									0
Researcher			0									0
Artist (on the basis of work contract)			0									0
Artist (self-employed)			0									0
Intercompany transfers	6	7	13	63	24	87	74	18	92	46	19	65
Pupil	698	865	1563	754	893	1647	656	782	1438	595	754	1349
Self-employed	15	8	23	13	11	24	7	9	16	8	11	19
Special cases of salaried employees	250	144	394	192	133	325	163	119	282	105	73	178
Students of higher education	5044	6271	11315	5072	6490	11562	4335	5498	9833	4337	5837	10174
Student on Job Search	78	113	191	99	124	223	107	134	241	122	178	300
Transfer of Title to temporayr residence	**250**	**428**	**678**	**222**	**396**	**618**	**170**	**368**	**538**	**183**	**322**	**505**
of which student	96	192	288	71	167	238	75	169	244	86	162	248
family member of student	26	37	63	19	13	32	16	12	28	17	11	28
Sum of all temporary residence permits	**9329**	**11551**	**20880**	**9252**	**11815**	**21067**	**7213**	**9222**	**16435**	**8217**	**10763**	**18980**

Source: Federal Ministry of the Interior, Central Alien Register.

Stock-Flow analysis by residence title

The level and structure of valid residence permits at a particular point in time is the result of flows into and out of a particular category within a certain period of time. The stock of valid permits by residence status at the end of a month ($B_{i,t+1}$) is the result of the stock in the beginning of the month ($B_{i,t}$), plus the inflows during the month i.e., first issues ($Z_{Ei,t+1}$), prolongations ($Z_{Vi,t+1}$) and transfers ($Z_{Zi,t+1}$), minus outflows due to prolongations ($A_{Vi,t+1}$), transfers ($A_{Zi,t+1}$) or exit from Austria, death or naturalisation ($A_{Di,t+1}$); flows that cannot be attributed clearly or statistical errors are also to be taken into account ($\varepsilon_{i,t+1}$).

$$B_{i,t+1} = B_{i,t} + Z_{Ei,t+1} + Z_{Vi,t+1} + Z_{Zi,t+1} - A_{Vi,t+1} - A_{Zj,t+1} - A_{Di,t+1} + \varepsilon_{i,t+1}$$

$$B_{t+1} = \sum_{i=1}^{n} B_{i,t+1}$$ Whereby i = 1,…n categories of residence status

While inflows are clearly defined, some questions remain unresolved relative to the composition of outflows. Flows in and out of categories which are the result of transfers or prolongations of titles do not have an effect on the total stock, but they are considerable, thus indicating substantial administrative activities. The inflow rate has declined in 2006 as a result of reductions in the inflow of family members due to legislative change, and again in 2007 as a result of the enlargement of the EU 25 by Bulgaria and Romania.

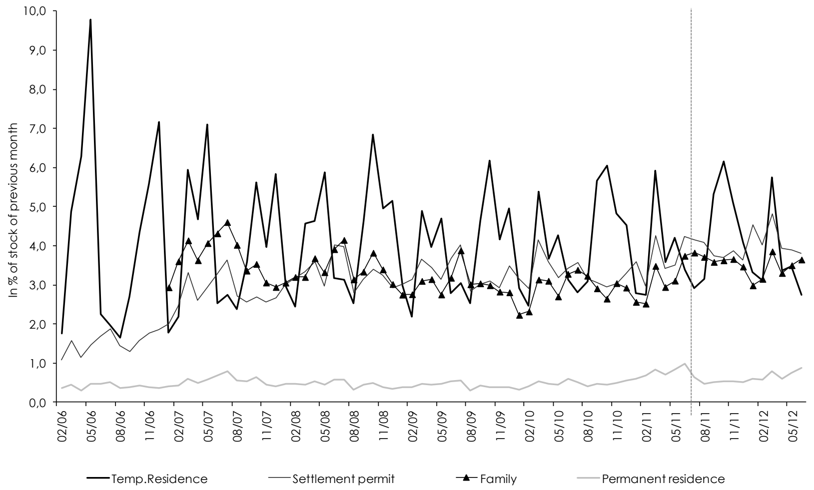
In Figure 18 and 20 we look at the dynamics of inflows (first issues) and outflows relative to monthly stocks in the various categories of residence permits over the year from 2006 onwards. We do not look into extensions as little is known about administrative procedures and the duration of processing by categories of permits and region. According to flow data, the volatility of temporary residence permits is relatively high, and there is still a seasonal pattern even though temporary migrants with short-term contracts of less than 6 months (often seasonal workers) are no longer registered in the Alien Register of the Ministry of the Interior. Administrative procedures may account for the small inflows at the turn of the year, both for settlers and temporary residents, but there seems to be a strong connection to work, accounting for the seasonal pattern of the inflow rate of temporary residents – it is fairly high in relation to the stock in spring and autumn and low in the winter and summer months.

While temporary residents tend to flow in in larger numbers in the second half of the year, largely due to the important role of university students, who tend to enter before the start of winter semester, the contrary is the case for settlers. The annual average in terms of numbers is quite stable in the case of settlers, albeit on a slight rise since 2010; also, the number of temporary residents tends to remain stable.

The inflow rate of persons on the basis of services mobility mode 4 (GATS – Betriebsentsandter) is high and rising. Particularly volatile and at times very high is the inflow rate of artists. In contrast, green card holders and permanent residents have a very low and relatively stable inflow rate. On a continuous rise is the inflow rate of settler permits, as more and more family members acquire this status, which grants access rights to the labour market without labour market testing.

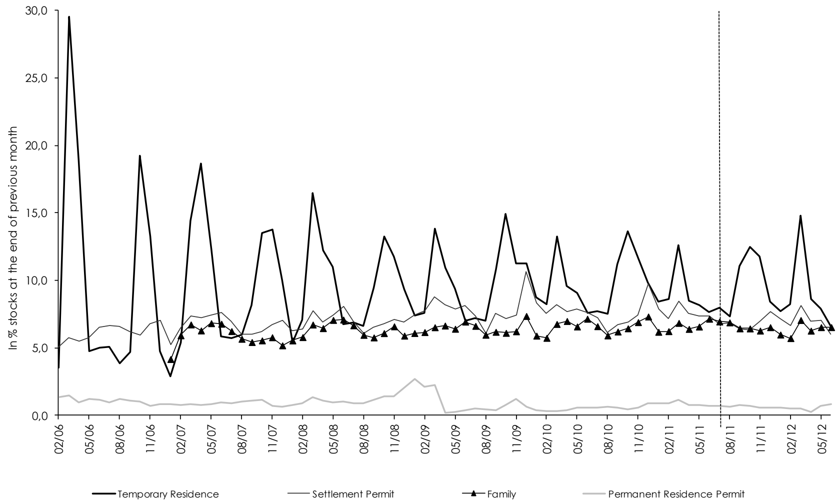
In contrast, the inflow rate of green card holders (Permanent Residence permits), i.e. third country citizens, who have resided and worked in an old EU-MS (also in Austria) for 4 years, have the right to settle and work anywhere in the EU, is less volatile and rising. The inflow rate into settlement permits is higher and also slightly rising; it exhibits an uneven spread over the year. The inflow rate of family members is about as high as the inflow rate of settlers, and exhibiting the same pattern. This may be the result of a time sequence of transfer of title from family to settlement and further to permanent residence.

Figure 18: Monthly inflows of third country citizens by residence status (2006-2012)



Source: Federal Ministry of the Interior, Own-calculations.

Figure 19: Monthly outflows of third country citizens by residence status (2006-2012)



Source: Federal Ministry of the Interior, Own-calculations.

The outflow rates are exhibiting a similar pattern as the inflow rates, given the specific characteristics of the groups covered. Accordingly, we have the strongest outflow rates in spring with term-break.

Experience with the point system (R-W-R card)

As mentioned in section one (Legal ramifications) migration policy has changed in Austria several times, moving from labour migration to mixed migration, whereby family migration and humanitarian migration have been more rigorously defined.

In July 2011 the first pillar of a point system of labour migration was introduced with the red-white-red-card for skilled and highly skilled migrants. The introduction went hand in hand with the establishment of a one-stop-shop, meaning that the resident title allowed to access the labour market without prior labour market testing. This card was also open to graduates of Austrian universities as well as refugees and persons under special protection on humanitarian grounds.

As mentioned earlier, before the reform of the R-W-R-card legislation in April 2013, the R-W-R-card had to be applied from abroad (with the exception of university graduates), while the R-W-R-plus card for family members could always be obtained in Austria. **Until 2017, the R-W-R card was issued for one year – since the reform in 2017 for 2 years - for a particular employer, and can be transferred to a R-W-R card plus**. A major distinguishing feature of the two cards is that the R-W-R card is issued for work with a particular employer while the R-W-R-plus card allows free choice of employer across Austria. It is up to the Labour Market Service to establish the eligibility, on the basis of the criteria spelled out in the law.

Early experiences: 2011-2013

It can be taken from Figure 20 that the numbers of R-W-R-card holders who have a job (registered with the Labour Market Service, special statistical evaluation) rose quickly from mid-2011 to October 2012 to 1,200 permits. After that the inflow slowed down[56] – largely due to transfers of R-W-R-cards to the R-W-R-card plus, which in those days could be obtained after 10 months employment as R-W-R-card holder. This development indicates that the amendment of the application procedures in April 2013 did not immediately raise the inflow of skilled workers. The slow uptake may also be due to the weakening of economic growth. In any rate, the inflow of skilled third country migrants in 2013, the year the amendment of procedures came into effect, only slightly surpassed the 1,100 inflows of 2012 with a total of 1,177. It is above all the inflow of female R-W-R card holders which slowed down. Consequently, the share of men rose from 62.5% in June 2012 to 71% in June 2013.

[56] The number of permits registered with the Ministry of the Interior is always above the number of employed r-w-r-card holders registered with the LMS.

Figure 20: Development of the number of red-white-red-card holders (dependent employment) in Austria 2011-2013

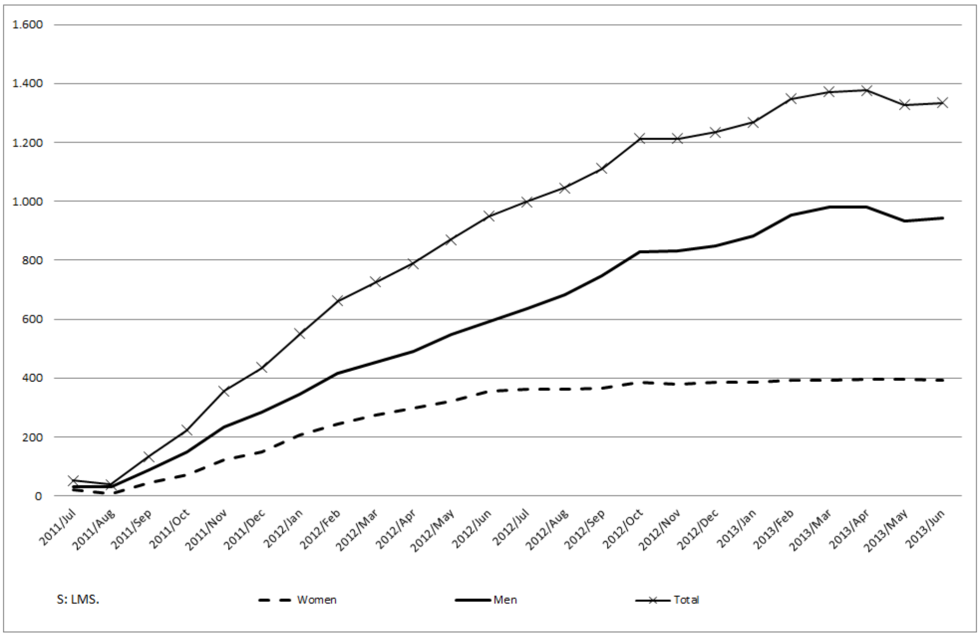
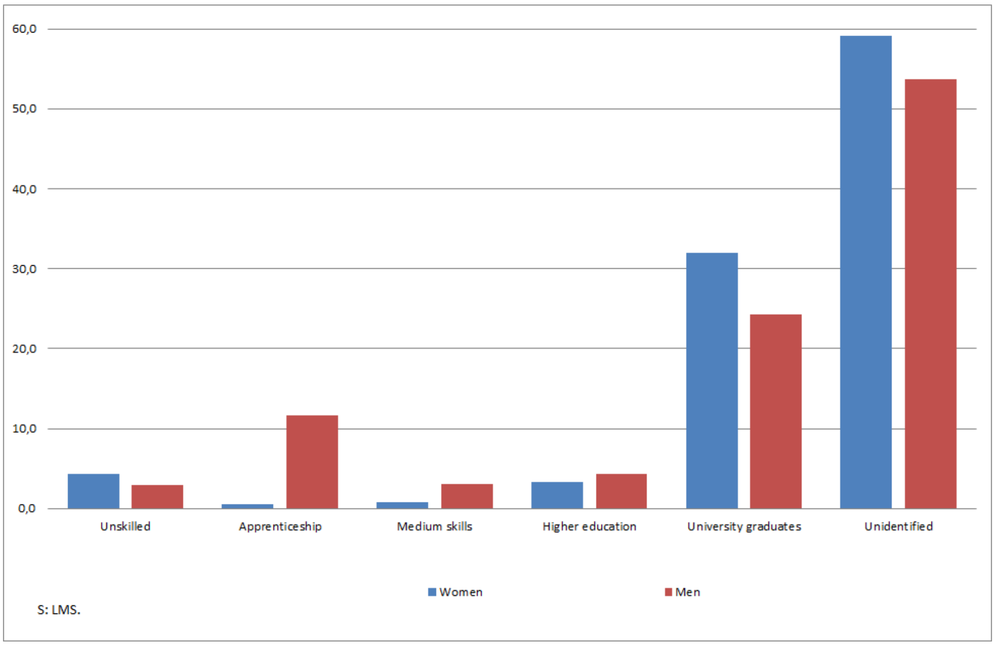


Figure 21: Educational attainment of R-W-R card holders: June 2013

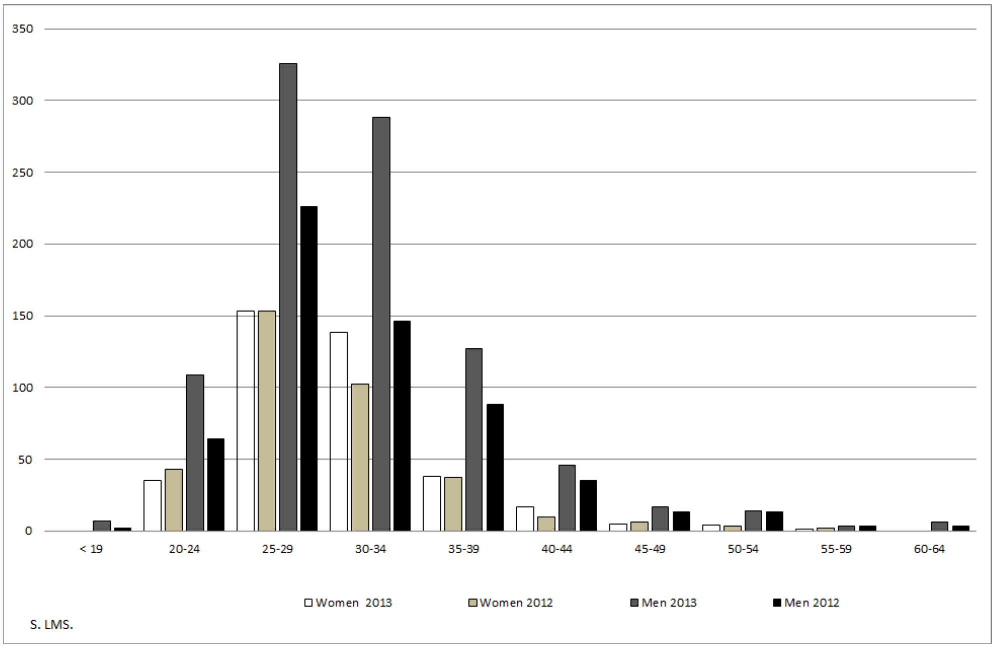


Of the 1,536 valid R-W-R cards registered with the Ministry of the Interior at the end of July 2013, 942 or 61% were skilled workers (949) and 92 or 6% were highly skilled wage and salary earners, a composition not much different from July 2012. Further, 173 or 11% of all R-W-R cards issued went to third country graduates of Austrian universities. A fairly small number were self-employed (29 or 2%). In mid-2012 the second pillar, namely skilled workers in listed shortage occupations (Mangelberufe), was opened. In July 2013 300 or 20% of the cards accrued to skilled workers in such listed occupations.

An analysis of the data registered with the LMS (special statistical evaluation (2011-2013) shows that the educational attainment level of more than half of the R-W-R card holders was not identified. It can only be said that 27% were university graduates, about half of them graduates from Austrian universities. While women were to a larger extent university graduates, men were overrepresented amongst persons with medium (vocational) skills. (Figure 21)

It can be taken from Figure 22 that 39% of women and 35% of men were in the age group 25-29 and a further 35% (women) and 31% (men) between 30 and 35. Amongst older R-W-R-card holders men dominated while there was hardly any gender difference amongst youth. The marked increase in R-W-R cards between June 2012 and 2013 (+385, + 41%) accrued solely to young and middle-aged men.

Figure 22: Composition of R-W-R card holders by age and sex in Austria, end of June 2013

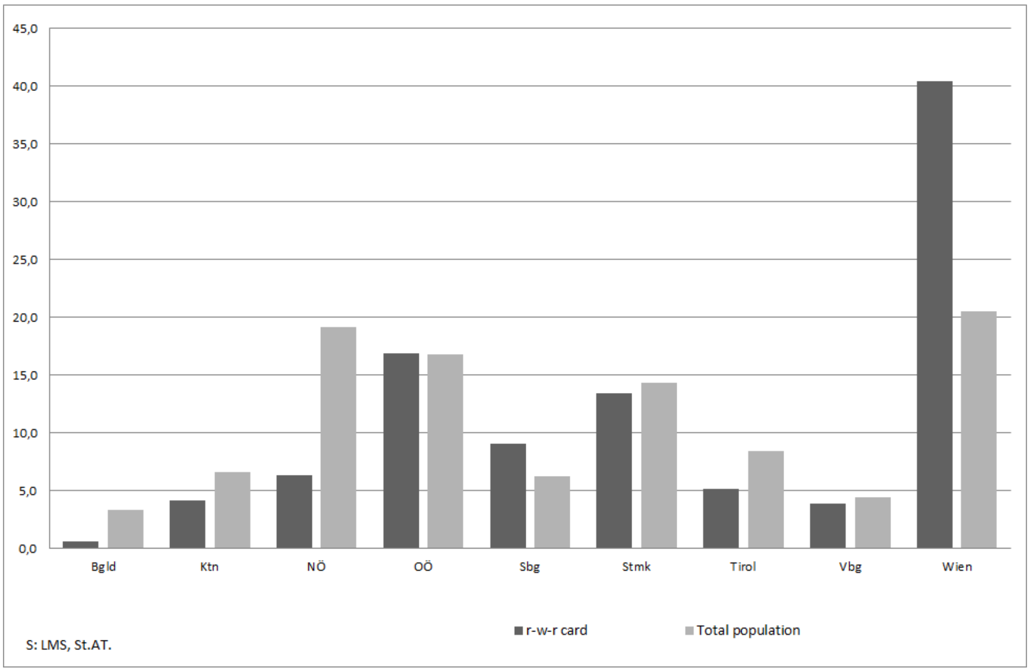


The occupations of R-W-R-card holders were varied: 19% were managers in leading positions, around one third were engineers, 7% were scientists/researchers or artists, some 4% were active in sports. 20% were skilled workers in the industrial sector (particularly in the building occupations), 6% were in services, particularly in tourism (largely cooks) and in commerce.

The majority of the R-W-R-card holders were concentrated in Vienna (40% of all cards) - just as the average of foreign citizens (40%) - and in contrast to the native population of whom only 18% resided in the capital Vienna. (Figure 23) The focus of the R-W-R-cards was on regions with strong managerial and administrative centres, important innovative industrial production sites and research centres.

43% of the cards were issued to persons from former Yugoslavia, particularly from Bosnia-Herzegovina, Serbia and Croatia. Further, 21% went to citizens from CEECS, particularly from Russia and Ukraine. In addition, some 15% went to persons who originated from Central and East Asia, somewhat less from the Near East. Also, citizens from Canada and the USA were among the R-W-R-card holders (around 7%), followed by South-Asia (83). Only few came from Middle- and South America (33), Africa (31) and Australia (16).

Figure 23: Distribution of R-W-R card holders and foreign worker in Austria by province (Bundesland), end of June 2013

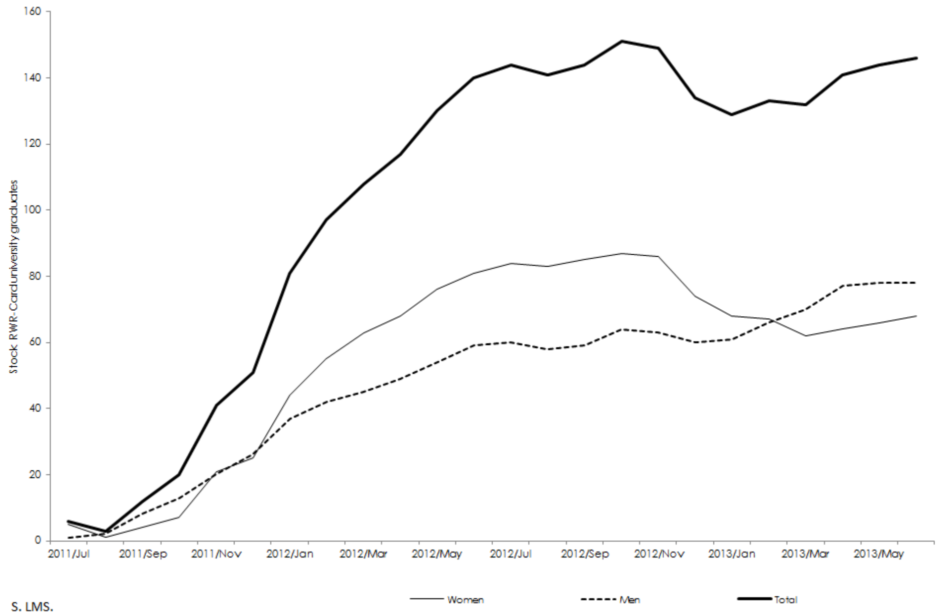


Uptake of the R-W-R card by third country graduates of Austrian universities 2011-2013

A comparison of the number of R-W-R-card holders with the former key-skills-category indicates a rise in numbers but not to the extent envisaged by the authorities. It can be taken from Figure 24 that the number of third country graduates from Austrian universities who obtained a R-W-R-Card has been rising from July 2011 to October 2012 swiftly to 151 and declined thereafter to 146 by the end of June 2013. Over this period the gender mix has changed dramatically. While almost equal numbers of men and women had received the card in the beginning, the cards issued to women rose faster in the year 2012 such that by the end of September two third of the cards accrued to women. Thereafter the numbers broke off abruptly for women while the number of cards issued to men continued to rise.

Accordingly, by the end of June 2013 less than half of the cards went to female university graduates.

Figure 24:Stock of university graduates with R-W-R Card: development over time



S. LMS.

A comparison of the occupational composition of male and female R-W-R card holders between mid-2012 and mid-2013 shows that men have always been focused on employment in the engineering field; this concentration has even increased over time. In contrast, women tended to be concentrated in services occupations, in particular the health professions but also in law occupations and accounting. This tendency has become more prominent, women not being able to access to the same extent as in the beginning engineering posts. What is relatively new in more recent times is that women are increasingly able to access top management positions.

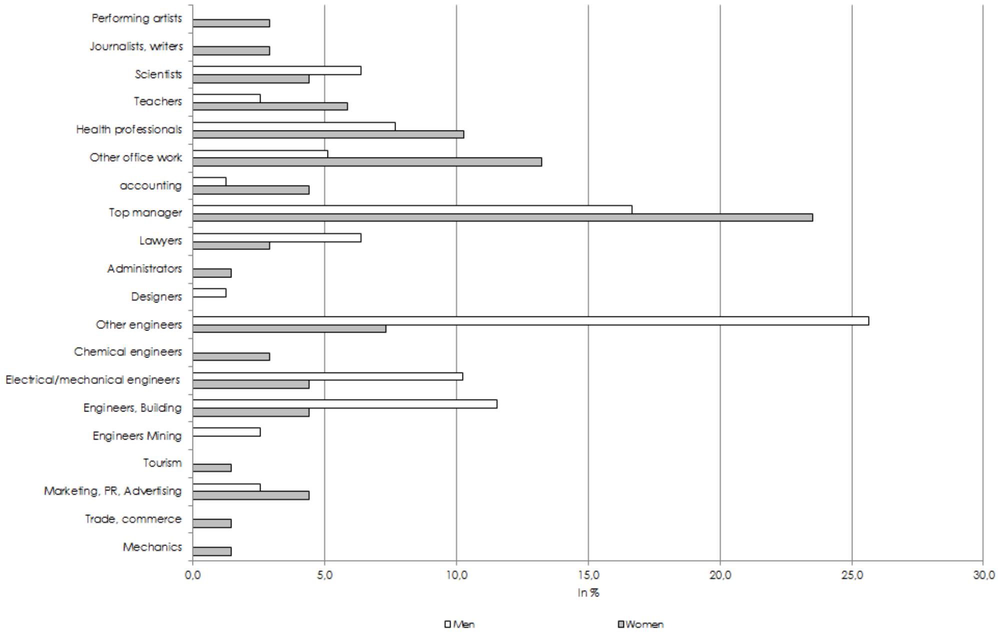
The occupational composition of university graduates with a R-W-R card differs by region. While Vienna has the focus on top management positions and administrative occupations in a supervisory capacity (36% versus 20% on average in Austria), the share of engineers is particularly high in Carinthia (50% of all R-W-R cards of graduates compared to the Austrian average of 17%), followed by Upper Austria, Lower Austria, Salzburg and Styria – provinces with concentrations of innovative industries. In Vorarlberg, in contrast, almost half of the R-W-R cards of graduates are in the health professions and in the building sector, compared to 8-9% in Austria on average.

The most important source countries of university graduates with a R-W-R card (46.6% of the total) between 2011 and 2013 were from:

- Bosnia-Herzegovina,

- Russia,
- Ukraine,
- Peoples Republic of China.

Figure 25: Occupational composition of R-W-R cards to university graduates by gender (June 2013)

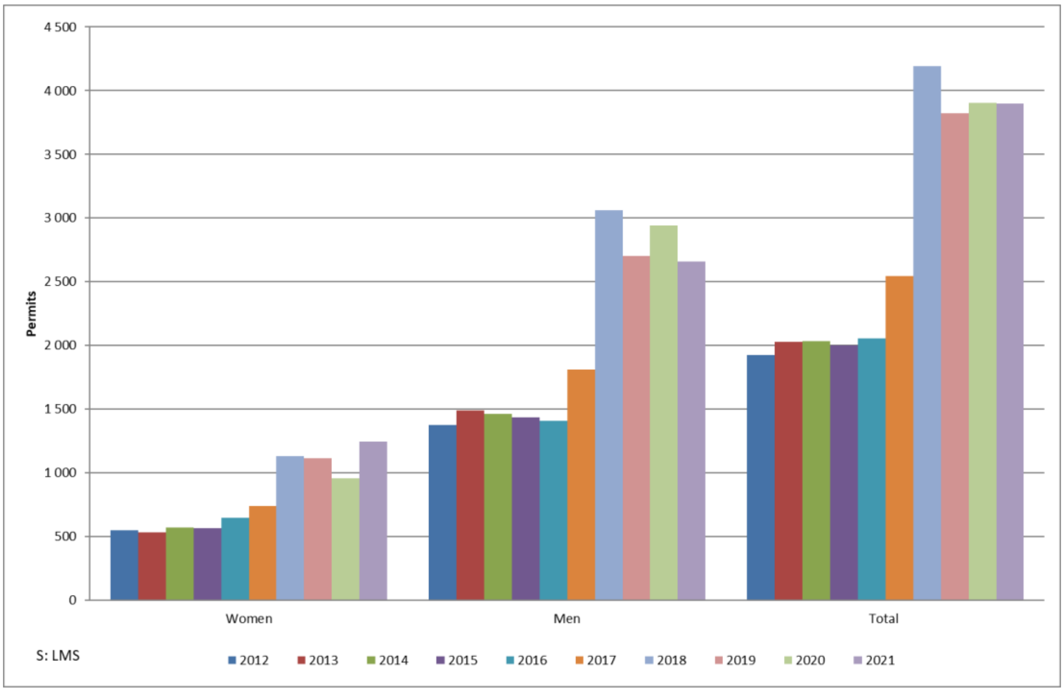


Source: LMS

The major change versus mid-2012 is the increasing diversity of source countries - then 61% of all cards ad gone to the origin countries Bosnia-Herzegovina, India, Russia, Turkey and China.

An overview of the expert opinions/issues of R-W-R-cards, blue cards and job-search Visa (JSV) by the Labour Market Service (LMS) between 2012 and 2021 indicates relatively little change in numbers until 2016. The administrative reforms and the reduction of bureaucracy gave a boost to numbers long hoped for in 2017 and particularly 2018, whereupon the numbers slightly declined til 2021. Accordingly, the sum of R-W-R and blue cards plus JSV issued/granted by the LMS rose from 1,926 in 2012 to 2016 only slightly to 2,100 and 'dynamically' thereafter, reaching 4,192 in 2018 (+127, +7%), and declining to 3,900 in 2021. Thus, the inflow of highly skilled workers from third countries has not yet reached the levels hoped for when implementing the point system in 2011. Then the forecast provided by Biffl et al., 2010(p.28), that by 2020 an annual inflow of approximately 5,000 could be envisaged, given continued economic growth and wellbeing in Austria, has not happened.

Figure 26: Sum of R-W-R card, blue card and Job Search Visa holders issued to third country migrants by the Labour Market Service: 2012-2019



End of transition regulations, consolidation and reform boost

The administrative reform of the point system in 2013 had only a limited positive impact on the number of red-white-red card holders in need of LMS-permission. In the course of 2014, some 1,847 red-white red-cards were registered for the first time by the Labour Market Service, some 600 more than a year ahead. It took further reform steps in 2017 and 2018 to make some headway, but still not reaching the original objective.

The number of occupations on the shortage list was reduced between 2014 and 2016 as labour supply from the EU-MS, largely EU13-MS, was increasing significantly. As a consequence, the composition of R-W-R-card holders shifted away from skilled migrants under the shortage list to 'other skilled migrants' – from 19% of all RWR-Cards in 2014 to 7.6% in 2016; the share of other skills increased from 63% in 2014 to 72% of all R-W-R-Cards in 2016. As skill shortages surfaced in 2017, the shortage list was increased again, reaching 27 in 2018, with regional differentiation depending on local scarcities. In 2019, the shortage list of skills was extended to 45. For 2020 a further extension was decided on a federal level to 56, in addition to some on regional level to address local skill shortages in view of limited regional labour mobility of Austrians and migrants.[57] The expansion of the shortage list resulted in a rise

[57] For the list see: https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/fachkraefte-in-mangelberufen/

of the skilled R-W-R-Cards. In 2020/2021/2022 and also 2023 the shortage list was widened to 100 occupations for 2023, in addition to 58 regional shortage occupations.

Data by the Labour Market Service provides some information on the transfer of permits from one with limited access rights to the labour market to the R-W-R Plus card and thus universal access rights to the labour market. The number of transfers has been declining continuously from 2,600 R-W-R Plus cards in 2014 to 1,300 in 2019, but increased thereafter to 1,500 in 2022.

Table 13: Expertise of Red-White-Red Cards and validation of R-W-R-Plus Cards by the Labour Market Service during 2018-2022

		2018			2019			2020			2021			2022		
	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total
JobSearchVisa	30	6	38	44	25	117	142	9	42	51	3	17	20	25	114	139
R-W-R-Card	2309	1044	2767	3811	983	2312	3295	874	1771	2645	1160	2348	3508	1848	3592	5440
Highly skilled	146	43	169	212	74	185	259	70	148	218	71	210	281	95	251	346
skilled, shortage list	315	111	557	668	163	816	979	248	636	884	303	910	1213	669	1759	2428
Other key skills	1581	605	1767	2372	478	1074	1552	313	759	1072	402	879	1281	615	1176	1791
University graduates	267	285	274	559	268	237	505	243	228	471	384	349	733	465	1176	1641
Core seasonal workers								0	0	0	0	0	0	4	12	16
Blue Card EU	208	81	256	337	109	275	384	77	230	307	81	292	373	198	544	742
Artists	130	79	103	182	78	100	178	74	88	162	89	95	184	92	119	211
ICT	21	45	137	182	66	179	245	43	127	170	59	112	171	59	149	208
Total - expertise	2698	1255	3301	4556	1261	2983	4244	1077	2258	3335	1392	2864	4256	2222	4518	6740
Selfemployed-expertise	23	6	26	32	4	22	26	1	10	11	5	8	13	6	18	24
validation RWR-Plus §20e AuslBG fo	1381	226	277	503	415	915	1330	600	1526	2126	717	1560	2277	509	1006	1515
Transfer from RWRcard	1036	41	75	116	289	706	995	486	197	683	570	1326	1896	416	841	1257
Transfer from Blue Card	75	42	64	106	37	94	131	45	158	203	74	172	246	42	115	157
Transfer from 2 years§15/1	251	128	134	262	84	108	192	67	62	129	71	57	128	50	48	98
Transfer of §15/2 AE/BS	11	4	3	7	2	5	7	2	1	3	0	3	3	1	0	1
Transfer from Family member §15/3	8	11	1	12	3	2	5	2	1	3	2	1	3	0	0	0
Validation §17/2 AuslBG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2
validation §60/1 NAG	2	0	0	0	0	0	0	6	0	6	2	2	4	2	6	8
Total	4104	1487	3604	5091	1680	3920	5600	1684	3794	5478	2116	4434	6550	2739	5548	8287
S: LMS, ambweb.																

Also, the number of permits issued to key skilled self-employed third country citizens was on a decline (from 34 to 24 in 2022), albeit from a very low level. (Table 13) The annual numbers of R-W-R-Cards issued to university graduates are smaller than hoped for but slightly rising from 221 in 2014 to 236 in 2016. The legislative reform of 2017, which came into effect October 2017, allowed bachelors to access the R-W-R-Card. This legislative change raised the numbers of graduates in the R-W-R-Card-category to 1,600 in 2022. The gender proportions of university graduates receiving a R–W-R card is strongly biased in favour of men. Women account only for 28% of this category (465 women and 1,176 men in 2022).

The data provided by the LMS differ somewhat from the data provided by the Ministry of the Interior. According to the latter a total of 3,000, R-W-R cards were issued, prolonged or transferred by the Ministry in 2019, declined in 2020 but increased sharply in 2021 to 6,661, largely as a result of transfer of title from student to settler. Thus, finally, the objective of raising the inflow of skilled migrants did materialise in 2021, at least according to residence data (Table 11).

In addition, a substantial number of R-W-R-Plus cards were issued or prolonged (Table 11), e.g., 65,000 in 2019, followed by a slight decline in 2020 (48,900) and a recovery in 2021 (54,900). The stock of valid R-W-R Plus Card holders in mid-2022 amounted to 112,500, compared to 5,700 R-W-R card holders. This is an indication for an increasing tendency of skilled and highly skilled migrants to settle in Austria by taking up the plus card. The large number of R-W-R Plus card holders must not come as a surprise as it is the residence title obtained by R-W-R-card holders after two years, in addition to family members of R-W-R-card holders, persons who have been key-skill workers, researchers, blue card holders and their family members with more than one year of residence in Austria, as well as persons on humanitarian grounds, largely former recipients of subsidiary protection.

Half-hearted migration policy reform

An analysis of the potential impact of an increased inflow of R-W-R-card holders and a forecast of the uptake (Biffl et al., 2010) suggested that the annual inflow could increase from 1,000 in 2011 to 8,000 in 2030. It was suggested that the uptake could be slow, depending on the management system of skilled worker migration, hoping to reach an annual inflow of 5,000 by 2015, and a further increase to 8,000 annually between 2020 and 2030, largely due to pull factors resulting from increasing skilled labour shortages. It was estimated that over the whole period (2011-2030) a total of 100,000 skilled third country labour migrants would settle in Austria on the basis of the point system. A major pillar supporting the forecast assumptions were third country graduates from Austrian universities: it was assumed that of the annual number of 1,000 graduates 50% would remain in Austria to work. This would be a much higher propensity to stay than in Germany and Austria (Wolfeil, 2012). International experiences with the uptake of residence in the country of graduation are varied, depending on both, the source and the host country. On average, the proportion of stayers in Europe tends to be between 20% and 30%. The situation in Austria is at the lower end of the spectrum with some 16% of third country graduates remaining in Austria.

The experience with the R-W-R-card so far is that the number of inflows increased versus the former key-skill quota regulation but not to the extent expected. This may be due to a variety of factors, one being that the transition from an employer nomination scheme to a point system was half-hearted, expecting the applicant to have an employer in Austria before arriving from abroad. **The uptake of Job-Search Visa (for 6 months job search in Austria, extended to 12 months in the legislative reform of 2017, coming into effect October 2017)** by highly skilled third country migrants – regulated in §24a of the Alien Police Act 2005, reformed in FRÄG 2017 – has been very sluggish as the potential migrant bears substantial migration and search costs. It is above all the administrative procedures, in particular the processing of the applications, which are tedious and prohibitively expensive for persons living far away from Austrian embassies. In addition, until the legislative reform of 2017, adequate housing had to be ensured even before entering Austria. Accordingly, the chamber of commerce found the fault in an inefficient management system of the 'new' migration policy. An additional barrier to entry may be restrictive licensing regulations in certain occupations, in particular health and legal professions. (Biffl et al., 2012) According to LMS-approval data we can discern the first signs of an increasing dynamic in skilled migration inflows from 2018 onwards.

While the development of a government website to render the criteria of the new migration policy more transparent (www.migration.gv.at) is an important step in promoting inflows, it can only be a first step. A comparison with the German website indicates that Austria is quite dry about immigration, not really showing enthusiasm about newcomers and appreciation of their potential contributions.[58] Austria is also not engaging employers to the same extent as Germany in the recruitment efforts of skilled international migrants.[59] The marketing aspects as well as the management of recruitment of international skilled migrants are not yet receiving the attention they deserve, to attract migrants. Thus, the first steps are taken with the reform of migration policy, next steps will have to follow.

One aspect will have to be the development of an immigration profile of Austria, which could motivate EU as well as third country migrants to work in Austria. Should it not be known that Austria is a country with strong corporatist organisational structures with institutionalised mechanism of policy coordination and conflict management? These structures ensure macro-economic flexibility and adaptability to external shocks, one factor for the stable Austrian economic development. (Calmfors—Driffill, 1988; Biffl, 2000). This system is, however, also responsible for large segments of the labour market being protected from external inflows, e.g., a large number of regulated occupations (Chamber system of professions/ occupations), pronounced seniority rules for careers in the public sector as well as large enterprises in private industry. These regulations make it hard for skilled migrants to enter at intermediate career levels, be they foreigners or Austrians wanting to return from abroad and hoping to get their foreign experience taken into account. This is why it is hard for university graduates with work experience abroad to find adequate employment and pay in Austria while it is comparatively easy for persons in the medium skill segment (Fachkräfte). A further aspect to be known before migrating to Austria is that the low unemployment rate has its counterpart in a pronounced wage differentiation by age, occupation, gender, educational attainment level and firm size.

Another aspect to be informed about is that Austria has a generous welfare system. This is one reason why Austria is more reluctant than countries with a residual welfare model and a neo-liberal governance model (USA, Australia, United Kingdom) to bring in immigrants. Also, the small proportion of university graduates in total employment is a factor distinguishing Austria from other immigration countries. To understand why this is the case might help

[58] See promotion of skilled migration http://www.fachkraefte-offensive.de and welcome site for skilled migrants http://www.make-it-in-germany.com in Germany.

[59] For more see German Internet platform http://www.kompetenzzentrum-fachkraeftesicherung.de.

explain why so few foreign university graduates stay in Austria after finishing their studies, that is EU students as well as third country students.

All these factors have to be taken into account when designing an immigration policy as they will play a major role in the profile of the migrants attracted to come to Austria and their period of stay.

Documentation of settlement on the basis of free movement within the EU/EEA and third country inflows by category

The Alien register of the Ministry of the Interior informs about the number of citizens of another EU/EEA country and their family members who have the right to settle in Austria. Since the reform of the Alien Law in 2011, which came into effect in July 2011, 5 different types of documentation of residence of EU/EEA citizens are published by the Ministry. (Table 15)[60]

- Documentation of registry (Anmeldebescheinigung) of EEA/CH citizens and their family members who are also EEA/CH citizens,
- Residence card (Aufenthaltskarte) for family members of EEA/CH citizens who are third country citizens,
- Documentation of permanent residence (Bescheinigung des Daueraufenthalts) to EEA/CH citizens after 5 years of residence,
- Permanent Residence Card (Daueraufenthaltskarte) for third country citizens, who are family members of EEA/CH citizens.
- Photo identification of EEA/CH citizens (Lichtbildausweis für EWR-Bürger).

Table 14: Documentation of residence titles of EEA/CH citizens and their third country family members (EU residence regulations)

	Duration of residence in Austria		Group of Persons	
	Three months and beyond	Permanent Residence	EEA/CH citizens with right of residence	Third country citizens (family members of EEA/CH citizens with right of residence)
Documentation of registry	x		x	
Residence card	x			x
Documentation of permanent residence		x	x	
Perm. residence card		x		x

Source: BMI.

The first two are issued for a period of stay surpassing 3 months in Austria; the last two are proof of permanent residence status in Austria (§ 9 NAG). Residence has to be registered with the authorities within a period of 4 months after entry. The residence card is issued to third

[60] https://www.bmi.gv.at/312/statistiken/files/Hinweise_zur_Statistik_Fassung_Maerz_2021_BF_20210330.pdf

country citizens, who are partners or relatives of EEA/CH citizens with the right to reside, and who receive financial support (Unterhalt).

EEA/CH citizens are eligible for the documentation of permanent residence after 5 years of legal and uninterrupted residence in Austria. The permanent residence card goes to third country citizens who are family members and as such supported by the EEA/CH citizen, who has obtained the right to permanent residence.

Table 15: Annual inflow of EEA-Citizens and their family members (EEA/CH citizens and third country citizens) with residence rights in Austria 2018 to 2021
1 January to end of December

	2018			2019			2020			2021		
	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
Documentation of registry (EU citizen)	**33721**	**32585**	**66306**	**34095**	**32989**	**67084**	**26263**	**26498**	**52761**	**27847**	**27533**	**55380**
Employee	20443	14997	35440	20731	15058	35789	14938	11292	26230	15564	11069	26633
Education	2546	3562	6108	2501	3544	6045	2152	3261	5413	2192	3296	5488
Family member	8325	10911	19236	8554	11207	19761	6952	9193	16145	7893	10190	18083
Self-employed	665	853	1518	604	752	1356	458	613	1071	511	601	1112
Other family member/relative	161	443	604	108	481	589	113	312	425	103	355	458
Others	1581	1819	3400	1597	1947	3544	1650	1827	3477	1584	2022	3606
Residence Card (Third country)	**1 580**	**1 841**	**3421**	**1530**	**1821**	**3351**	**1314**	**1709**	**3023**	**1374**	**1962**	**3336**
Documentation of perm. Residence (EU citizen	**1 654**	**2 018**	**3672**	**1633**	**2088**	**3721**	**1454**	**1797**	**3251**	**1566**	**2042**	**3608**
Permanent resident card (Third country)	**560**	**668**	**1228**	**775**	**902**	**1677**	**708**	**822**	**1530**	**843**	**1004**	1847
Total	**37 515**	**37 112**	**74 627**	**38033**	**37800**	**75833**	**29739**	**30826**	**60565**	**31630**	**32541**	**64171**

Source: Federal Ministry of the Interior, Central Alien Register.

In the course of the year 2021 64,200 EEA/CH citizens and their family members entered Austria and registered as 'settlers', i.e., 11,700 or 15% less than in 2019, the year before the corona pandemic and the lowest since 2013. There is hardly any difference in male and female numbers (women: 32,500; men: 31,600).

The great majority of registrations referred to documentations of residence of EEA/EU citizens (86%) for more than 3 months residence (Documentation of registry - Anmeldebescheinigung). Only 3,300 or 5% went to third country family members of EEA/CH citizens for more than 3 months residence (Residence Card /Aufenthaltskarte). In addition, 3,600 EEA/CH citizens received a permanent residence document (Bescheinigung des Daueraufenthalts), and 1,800 third country family members received a permanent residence card (Daueraufenthaltskarte).

The great majority of EEA/CH citizens registered (Documentation of Registry) entered for work (27,700, 50%), some 10% (5,500) for study purposes, and 18,500 (33%) as family members. (Table 15) The three most important source countries of documentations of registry in 2021 were from Germany (13,000), Romania (11,800), and Hungary (7,500), followed by Croatians (7,000), Slovaks and Polish citizens (3,400 each), Bulgarians (3,300), Italians (2,900), and Slovenes (1,600). The citizenship of the 3,300 residence card holders (third country family members of EEA citizens) is particularly diverse, with the largest numbers being from Serbia

(900), Bosnia-Herzegovina (600), North-Macedonia (400), Turkey (149), Ukraine (143), Russian Federation (136) and USA (131). Of the 3,600 persons with a documentation of permanent residence, citizens from Germany (654) constituted the largest group, followed by Romania and Hungary (each 436), Croatia (336), and Slovakia (330). In contrast, the 1,800 persons with a permanent residence card are very diverse, with the largest numbers coming from the Balkans.

Stock of third country resident permit holders by type of status (mid-year count)

As already mentioned above, the transfer of alien and asylum processing from the Ministry of Interior to the Agency for Alien Affairs and Asylum (BFA) resulted in a break in the statistical data in 2014. Accordingly, we focus on the mid-year stock count of 2015 to 2022.

In July 2022, the stock of valid third country residence permits amounted to 496,300, with a somewhat higher share of women than men (245,700 men and 250,600 women). This means that the numbers in July 2022 surpassed those of 2015 by 87,300 or 20%.

The numbers of third country migrant residents follows a rising trend which was not interrupted by Covid-19 in 2020. The gender composition remains very stable over time with a share of women always slightly more than 50%. The share of children and youth under 18 is slowly declining since 2005 and reached 16.7% in 2022, which is clearly below the 24.5% of 2005. In contrast, older persons (60+) make up an increasing share of immigrants of third countries. In 2022, they made up 15.9% of the stock compared to 7% in 2005. Thus, ageing makes itself felt amongst immigrants as well. Women are more than proportionately 20 to 40 years old, whereas men tend to be on average somewhat older than women.

Table 16: Stock of valid residence permits of non-EU/EEA citizens by age
Count by 1 July

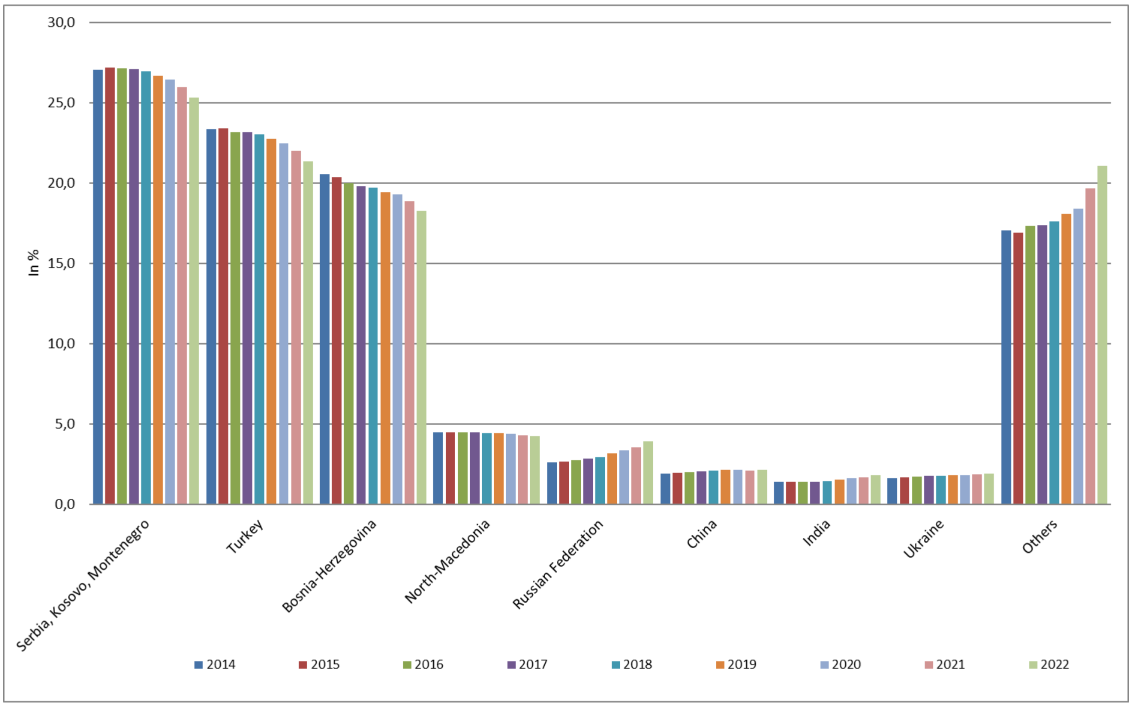
Age	Mid-year number of permits								In %							
	2015	2016	2017	2018	2019	2020	2021	2022	2015	2016	2017	2018	2019	2020	2021	2022
0-14	64 465	65 071	65 333	65 068	66 642	65 054	66 225	68 177	15,0	14,5	14,3	14,1	14,0	13,6	13,3	13,2
15-18	18 799	18 925	18 667	18 688	18 391	17 981	17 794	18 127	4,4	4,2	4,1	4,0	3,9	3,7	3,6	3,5
19-24	39 185	40 521	39 872	38 894	39 082	37 724	36 686	38 036	9,1	9,0	8,7	8,4	8,2	7,9	7,4	7,3
25-29	45 315	46 036	45 247	44 236	44 759	43 650	44 436	46 883	10,5	10,3	9,9	9,6	9,4	9,1	9,0	9,1
30-34	50 932	52 109	51 706	50 925	51 850	50 827	51 197	53 054	11,8	11,6	11,3	11,0	10,9	10,6	10,3	10,2
35-39	44 522	47 189	48 903	50 189	51 902	52 185	53 318	54 526	10,3	10,5	10,7	10,9	10,9	10,9	10,7	10,5
40-44	37 428	39 274	40 641	41 826	43 600	45 008	47 831	50 215	8,7	8,8	8,9	9,0	9,1	9,4	9,6	9,7
45-49	30 931	32 402	33 985	35 267	37 067	38 117	40 099	41 837	7,2	7,2	7,4	7,6	7,8	7,9	8,1	8,1
50-54	25 631	27 431	28 503	29 503	30 729	31 560	33 416	35 483	6,0	6,1	6,2	6,4	6,4	6,6	6,7	6,9
55-59	20 974	21 556	22 742	23 734	25 051	26 085	28 147	29 645	4,9	4,8	5,0	5,1	5,3	5,4	5,7	5,7
60-64	21 762	22 223	21 568	21 021	21 031	21 241	21 963	23 380	5,1	5,0	4,7	4,5	4,4	4,4	4,4	4,5
65+	30 644	35 243	39 156	43 116	46 970	50 656	55 147	58 550	7,1	7,9	8,6	9,3	9,8	10,6	11,1	11,3
	430 588	447 980	456 323	462 467	477 074	480 088	496 259	517 913	100	100	100	100	100	100	100	100

Source: Federal Ministry of the Interior, Central Alien Register. *2014 break in series.

The age composition of third country migrants registered by the Ministry of Interior for mid-2022 differs from the age structure of the foreign population in the population register at the beginning of the year 2022 – the share of children and youth is lower among third country residents (under 24-year olds 24% vs 28% in the population register), the share of middle-aged persons is fairly similar (25-55-year olds 54.4% vs 55% in the population register), but the share of older persons (65+) is higher (11.3% vs 7%). In contrast, the share of older persons (65+) in the total population was significantly higher at 19.4%.

By mid-2022 the largest single group of third country residence permit holders were citizens from Serbia/Kosovo/Montenegro (131,200 permits), followed by citizens of Turkey (110,700 permits): the two together account for 48% of all permits. Third in line are citizens from Bosnia-Herzegovina (94,700 or 18.3%), North-Macedonia (21,900 or 4.2%) and increasingly persons from the Russian Federation (20,300, 3.9%). (Figure 27)

Figure 27: Structure of valid residence permits by major countries of origin in% 2011 to 2022 (mid-year count)



Source: Federal Ministry of the Interior, Central Alien Register. 2014 break in series.

The majority of the permit holders are permanent residents with unlimited access rights to work. People who originally came as settlers to join their family members, and who were barred from work for 5 years unless their skills were scarce and sought after (access to work subject to labour market testing) had their residence permits transformed to one with the option to take up work. Thus, the relatively small annual inflow of highly skilled workers does not mean that there is hardly any inflow of skilled labour. It only shows that the target group of highly skilled migrants is small, but family reunion is a substantial source of labour, largely of a semi-skilled nature.

In contrast to third country citizens who come from traditional guest worker regions and who tend to have long-term residence rights, the newcomers from further afield tend to have temporary residence permits for a particular purpose. Persons from South-Korea, Japan, Mongolia, Ukraine, USA, Iran, Georgia, Albania and Taiwan are largely university students in Austria.

Table 17: Valid residence permits by category 2014-2022 (mid-year stock)

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Temporary residents									
Pupil	2 630	2 550	2 770	2 573	2 442	2371	2213	1828	1965
Student of higher education	16 586	16 929	18 639	16 735	15 391	15265	14235	12987	15091
Temporary residence §69aNAG	16	8	3	1	1	1	14		
Family	2 361	2 484	2 598	5 174	1 292	989	788	737	892
Intercompany transferees	321	295	282	258	129	149	151	122	133
Employed persons on basis of GATS (mode 4)	239	205	133	110	100	86	58	53	45
Self-employment	30	36	41	36	38	35	26	19	22
Social worker	5	8	6	4	6	11	3	32	42
Special cases of highly skilled employees(Researchers et	2 785	2 597	2 533	2 256	1 335	1061	818	596	763
Artist	498	503	489	440	53	11			
Researcher	585	550	625	701	312	26			
Sum of temporary residents	**26 056**	**26 165**	**28 119**	**25 457**	**21 099**	**20005**	**18306**	**16374**	**18953**
Settler pemits									
Family member	38 082	37 773	38 109	38 756	39022	40458	39985	40417	41083
No access to work	1 489	1 617	1 807	2 001	2130	2317	2062	2392	1900
Relative	3 012	2 970	3 049	2 826	2466		2080	1943	2593
unlimited access	4 033	2 784	0	1 995	3 427	8831	4484	9628	10823
Blue Card	239	258	259	315	396	552	575	545	671
R-W-R Card	1 640	1 634	1 576	1 623	2918	4 778	4722	4491	5664
R-W-R Plus	84 382	86 749	93 379	96221	97369	102 038	101847	105742	112537
Permanent resident- EU free mobility	200 992	225 661	245 845	264476	278 652	288212	294577	297135	302042
Family member-Permanent resident- EU free mobility	30 269	26 178	18 960	13270	5631	3116	2960	2848	2777
Settlement permit - Formerly settlement certificate	30 022	18 799	16 826	9617	9314	6724	8479	8275	8274
Mobility -unlimited access to work	58	57	51	81	43	43	11	67	1309
Brexit								6402	9287
Sum of all Settlers	**394 218**	**404 480**	**419 861**	**430 866**	**441 368**	**457 069**	**461782**	**479885**	**498960**
Sum of all valid resident permits of third country citizens	**420 274**	**430 600**	**447 980**	**456 323**	**462 467**	**477 074**	**480088**	**496259**	**517913**

Source: Federal Ministry of the Interior, Central Alien Register.

Among the US-citizens are not only highly skilled managers but also special groups exempted from the foreign worker law (AuslBG), in particular also au-pair workers. Among persons from Nigeria and Ukraine family members are an important residence category, quite in contrast to citizens from India and Russia who have fairly large proportions of settler permits.

Of the R-W-R- card holders (in July 2022 5,664 valid permits) the top 11 source countries are Bosnia-Herzegovina (937), India (622), Serbia (468), Russian Federation (401), Turkey (324), Iran (311), Ukraine (281), USA (220), Albania (178), Brazil (137), and China (132). These 11 source countries constitute 71% (4011) of the valid R-W-R cards at the end of June/beginning of July 2022.

The Labour Market Service has the discretionary power to grant access to the labour market to family members who have not yet resided the required length of time in Austria to access the labour market without prior labour market testing. Explicitly excluded from access to the labour market are pensioners of third country origin and 'Privateers'. The amendment of the Alien Law of July 2002 allowed students to take up employment but not as fulltime workers but only as part-timers, to help cover their living expenses. This amendment was not expected to and did not raise labour supply of migrant students but was to legalise the clandestine work on the part of third country students.

The foreign residence law (NAG 2005) specifies further that university graduates may have their temporary residence permit transferred to one of a highly skilled worker (Schlüssel-arbeitskraft) outside any quota (see chapter on legislative reforms). This was not easily achieved until mid-2011, when the R-W-R-card was introduced, because a minimum wage had been required to become eligible for a skilled worker title; this wage was often too high for entrants into the labour market[61]. In July 2022 400 or 17.7% of all 2,264 R-W-R cards issued, extended or transferred in the first half of the year went to university graduates. This percentage is starting to rise but still below expectations.

The regional dispersion of settlers and temporary residence permit holders differs significantly. Settler permit holders are concentrated on the central east-west axis of Austria and temporary resident permit holders along the eastern and south-eastern border. Citizens of third countries rarely settle in border regions of Upper and Lower Austria to the Czech Republic, neither in large sections of Styria, Carinthia and Burgenland.

Also, in certain central regions south of the Danube third country citizens hardly settle. In contrast, Styria and Vienna are the most important regions for temporary resident permit holders. The regional clusters are linked to the history of migration and eventual settlement of former foreign workers on the one hand, and economic integration with neighbouring countries in the East and South East after the fall of the Iron Curtain on the other. Burgenland and Vienna are examples of particularly successful regional integration with the neighbouring countries Hungary and the Slovak Republic.

There is a strong ethnic/cultural regional segmentation of settlers and temporary residents. While Turks and Serbs tend to settle in Vorarlberg, Tyrol and Salzburg in the west and in Vienna and Lower Austria south of Vienna in the east, Croats tend to be concentrated in the south and certain districts in Tyrol and Salzburg. In the east there are small enclaves of recent Croat settlements, often in areas in which Croats have old settlements which date back to the times of the Austro-Hungarian Empire. Temporary residents tend to come from the Eastern and South Eastern European countries/regions.

Labour market flows

Austria has started out as a country targeting migrant workers, not embracing immigration proper, which includes family migration. As a result, Austria has a long history of work permits; only relatively recently, i.e., in the 1990s, was this system complemented by regulations of

[61] The minimum wage had to be 60% of the wage level at which the maximum social security contribution rate is charged, i.e., annual earnings of 34,500€ or more in 2011.

family reunification and thus by a complex system of residence permits, following the pattern of immigration countries. In what follows, a short history of the development of the work permit system is given.

Entries of foreigners for work

Over time, i.e., since the 1960s, a highly differentiated system of work permits for different purposes and the changing status of foreigners evolved, as prolonged duration of work and stay widened the scope of labour and social rights of migrants in Austria.

Initial work permits were issued to foreign citizens until 2008 (from 1994 onwards only those from outside the EEA/EU), i.e., third country citizens, when they were entering the labour market for the first time. The first work permit was issued to the firm and not the worker. These initial work permits could be transferred to a permit issued to the foreign worker (work entitlement -Arbeitserlaubnis) after one year of work, and after five years of work to a permanent licence (Befreiungsschein – BS), which allows free mobility within the whole of Austria. With the legislative reform of the Foreign Employment Act in 2013 (BGBl I 2013/72) the work entitlement permit (AE) and the permanent licence (BS) have been abandoned and persons holding these permits could have them transferred to a Red-White-Red Plus Card –, which grants free movement on the labour market.

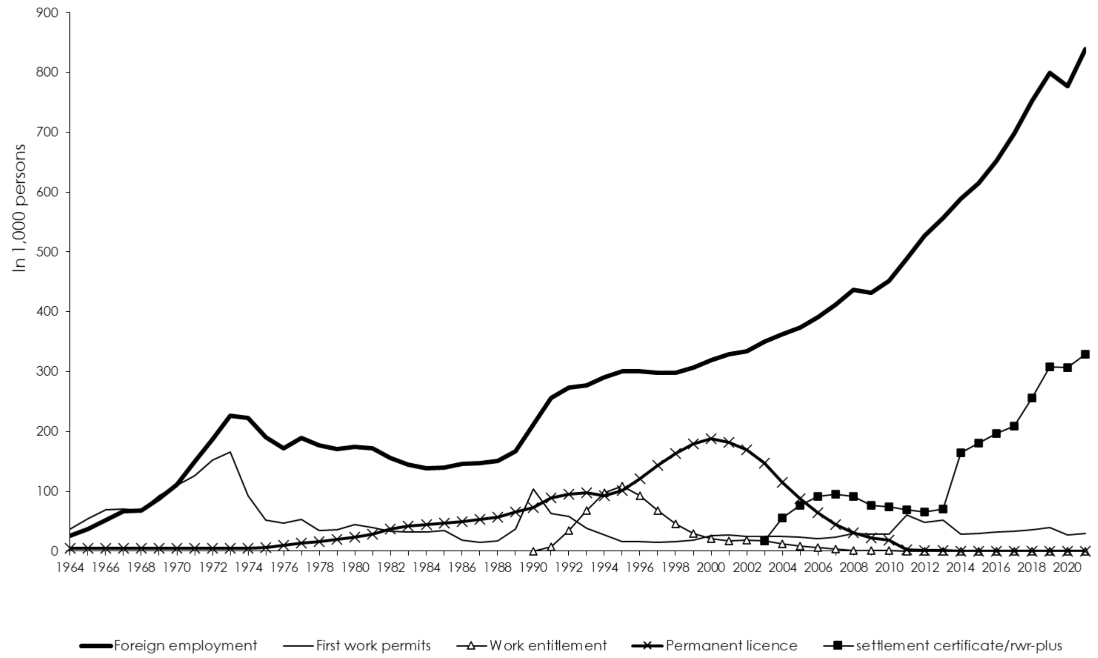
The so called "first" issue permit of the old regime had been a weak indicator of the inflow from abroad, taking into account that family members of foreign workers residing in Austria were also amongst this group, if they entered the Austrian labour market for the first time and were not eligible for the "green card".

A graph can better clarify the different aspects of the work permit system and its linkage to the stock of foreign employment. First entry permits used to have a high correlation with the development of total foreign employment until 1990. Only in periods of rising demand for foreign workers did the issue of first entry permits increase. As employment of foreign workers stabilised, other forms of permits took over and regulated continued employment.

Between 1990 and today severe restrictions on the recruitment of third country foreign workers tended to prevent the inflow of third country migrant workers, while free mobility of labour within the EEA raises foreign employment numbers. The objective of the restrictive migration policy relative to third country worker inflows has always been to promote integration of migrants who were already residing in Austria; also, labour market competition flowing from labour supply rises of EU citizens was already pronounced and was not to be exacerbated by third country worker inflows.

It is apparent from Figure 28 that the increase in foreign employment between 1989 and 2000 found its counterpart in the rise of various types of work permits, the initial permit (BB) taking the lead and prolongations and eventually permanent licenses taking over as a result of an increased duration of stay and work in Austria. With the introduction of the 'green card', a permanent work and residence permit was established. In 2003, the numbers of first employment permits broke off as the majority of the foreign workforce had resided in Austria for 5 years legally and had thus the right to access the labour market without a work permit. Since 2010, the number of first employment permits issued over the year rose again as various forms of third country employment gained weight, in particular employment permits for household helpers (au-pairs, third country students, cross-border service providers (grenzüberschreitende Arbeitskräfteüberlassung) - as distinct from posted workers within the EU (Betriebsentsandte), the latter do not need a work permit.

Figure 28: First work permits and total foreign employment
1964-2021



Source: Austrian Labour Market Service.

With the introduction of the point system in 2011 another break in the series and in procedures occurred. Increasingly, third country migrants obtained residence permits with the right to access the labour market. As a consequence, some of the former employment permits became obsolete. Accordingly, hardly any permanent licenses are issued as people may obtain the red-white-red plus card or other forms of permanent residence with all access rights to the labour market. The decline in all the other permits is also the result of the introduction of a more comprehensive immigration model with residence permits which pari passu grant access rights to the labour market without any need to register with the labour market service. Accordingly, in 2021, only some 9,600 third country migrants were in need of a work permit by the LMS while some 319,000 had a residence title which granted access to the labour market, a consequence of the one-stop-shop character of the new legislation.

Table 18: Various types of temporary work permits for third country citizens 2016-2022
Stocks, Annual average

Stock of valid permits (independent of actual employment)	**2016**	**2017**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**
Employment permits (incl. seasonal permits & displaced Ukrainians)	15 986	16 936	16 936	18 524	19 664	15 771	12 802	22 776
R-W-R & Blue cards	**2 091**	**2 236**	**2 236**	**3 773**	**5 840**	**6 109**	**5 757**	**7 405**
Posted worker acknowledgement	205	813	813	809	1 242	1 299	2 048	2 629
Au-Pair	562	566	566	563	578	481	387	499
Artists	203	163	163	157	188	194	190	217
ICT-Cards	0	2	2	113	264	383	178	184
Permanent licence	500	182	182	56	30	78	124	149
Trainees	120	137	137	90	112	113	123	137
Posted worker permit	117	93	93	115	143	59	136	124
HQ-concern-training	149	181	181	186	161	91	70	101
JV-Joint Venture	58	54	54	48	47	49	41	62
Internships	136	157	157	134	92	77	36	51
free mobility-transition Croatia	29 211	34 952	34 952	40 432	44 856	23 674	0	0
Provisional permit	38	45	45	58	76	25	25	53

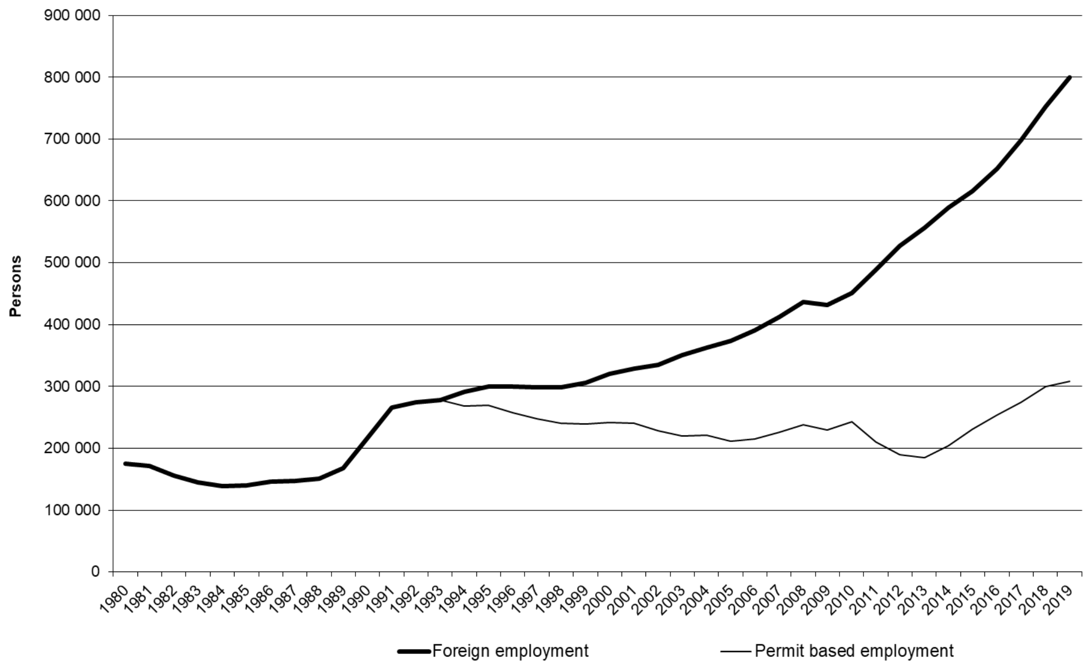
Source: Austrian Labour Market Service.

It is helpful to put the flow data, i.e., permits granted over the year by category, in the context of stocks of persons/permits on an annual average. It can be taken from Table 18 that the Austrian labour authorities are endeavouring to document the various forms of foreign worker inflows to the labour market, some of them as a result of transition regulations, e.g., in the case of Croatia until mid-2020, others relative to third country posted workers. The latter differentiates between the liberalised services, where no labour market testing applies and non-liberalised services, where labour market testing applies. There is a difference between posted work - services provision acknowledgement (Entsendebestätigung) and a posted work - services provision permit (Entsendebewilligung): for the latter labour market testing is required as it is in occupations which are not liberalised also with new EU-MS for as long as transition regulations apply. The first is issued for a period of 6 months and may be extended, while the latter may not be extended after the period of 6 months has expired.

In 2021, some 500,000 third country workers needed some sort of a permit, either issued by the Labour Market Service or by the Ministry of Interior (residence and work permit combined).

(Table 17) The size of the permit-based workforce depends on institutional regulations, in particular EU-membership of Austria and the concomitant free mobility of labour within the EU. The end of transition regulations for citizens of the EU-8 countries, for example, shows up in a clear decline in the number of first work permits. With increasing labour mobility within the EU, the difference between permit based foreign employment and total foreign employment opened up. In 2012 only 36% of total foreign employment was working on the basis of a permit. (Figure 29) But the number of permit holders is rising since then again as the inflow of third country citizens continues to rise.

Figure 29: Foreign employment and permit based foreign employment (annual average) 1980-2019



Source: Austrian Labour Market Service.

It can be taken from Figure 29 that the gap between foreign employees needing a residence or work permit to access the labour market declined between 1992, the year of the introduction of immigration laws which replaced the guest worker model, and 2013. Since then, the permit numbers are rising again, partly as a result of Croatia entering the EU in 2013 and working on the basis of labour market testing as a consequence of transition regulations, partly because refugees were starting to enter the labour market. Of the refugees who entered Austria in larger numbers in 2015/16 more than 50% were in the labour force by 2021, if one takes only the population of working age into account. (Table 19) Iranians tend to have the highest labour force participation rates, followed by Afghanis.

Table 19: Labour force participation and employment rate of the major source countries of the refugee inflows of 2015/16 in 2021

Nationality	Total Population	Labour Supply	Employed	Activity rate	Employment rate
Afghanistan	44002	22281	16963	50,6	38,6
Irak	13440	5806	4281	43,2	31,9
Iran	14925	9434	7705	63,2	51,6
Russian Fed.	33340	15726	12257	47,2	36,8
Somalia	7120	3408	2478	47,9	34,8
Syria	55372	24532	15751	44,3	28,4

Source: Statistics Austria and Baliweb.

Of the refugees and subsidiary protected migrants who entered Austria after 2007, 64% were in employment after 12 years in Austria. Of those in Austria since 2015, 37% were in employment in 2019, and of those entering after 2016 the employment rate amounted to 22% in 2019. (Endel et al., 2020)

II. Posted workers

A relatively new phenomenon on the Austrian labour market is the implementation of posted work, i.e., cross-border services provision by persons who are employed in one country but carry out work in another. The distinction between temporary migration and posted work, i.e., a special case of trade in services, is somewhat blurred as can be exemplified by temporary work in harvesting. In the case of migrant workers who are employed directly by the local farmer, national immigration regulations apply, while in the case of services provision by a posted worker from a foreign leasing firm/labour contractor, GATS (General Agreement on Trade in Services) rules apply. The ILO considers posted workers as migrants who are covered by the Migrant Worker Conventions 97 and 143[62]; this group of temporary migrants is accorded the right to equal treatment on the labour market comparable to local workers.

GATS rules apply to trade in services, including services provided by self-employed independent contractors and posted workers. Thus, posted workers may work alongside local workers thereby having similar economic and social impact on local workers as migrants.

Data on the value of trade in services by modes of supply are not available. According to estimates of the World Trade Organisation, mode 4, i.e., posted workers, is judged to amount to 1% to 3% of the value of global services trade and to a similar share in employment. All

[62] Convention No.143 emphasises regulations to reduce illegal migration and to promote integration; Convention 97 on the right to equal treatment has not been ratified by many migrant receiving countries; only 42 countries, mostly emigration countries, have signed. Many other ILO conventions cover migrants, e.g., the freedom of association Convention No.87, or the social security convention No.118.

modes of services trade are expanding, e.g., IT-services (mode 1), tourism (mode 2), global production networks of multinationals and FDI-related services (mode 3), and key personnel (mode 4).

Opening up to freer trade and confronting national labour institutions and legislation with the logic of trade through the promotion of services mobility (mode 4) means ensuring unimpeded competition between the EU-MS. In theory, under the assumption of perfect competition and constant returns to scale, such a course should lead to economic benefits and higher living standards for all. In practice, the outcome for most countries may not be so simple, and the economic and social effects are a matter of controversy.

Given the complexity of employment relationships involved in services mobility involving cross-border movement of persons, it is hard to establish the exact numbers of foreign persons and working hours involved. However, Austria, a country with comparatively good data on migration and cross-border service provision, has a reasonable basis for assessing the effect of services mobility on the labour market. Austria is a small open economy which owes much of its prosperity to its openness to international trade and migration. Today (2019), 56% of GDP derive from the production of goods and services for exports. At the same time, 21% of the workforce are foreign workers and some 23 percent are foreign born migrants. This puts Austria amongst the leading European countries in terms of dependence on international trade and migrant labour.

1 Posted workers from third countries and EU-MS during transition regulations (labour market register)

Given a long border with new EU-member states, Austria imposed transition agreements on the new EU-10-MS (2004) and EU-2-MS (2007), involving regulations on labour migration (labour market testing) – thereby curtailing free mobility of labour –and on posted work (for certain occupations and industries) - thereby curtailing free mobility of services. The Austrian Labour Market Service monitored the inflow of service providers from 1997 onwards. It differentiates between liberalised services, which may enter freely – in this case the service provision is only documented / registered (Entsendebestätigung) - and controlled services for which certain restrictions prevail (Entsendebewilligung). In the latter case it is in the national interest to protect the domestic service providers from foreign competition. Accordingly, an authorisation has to be requested which in effect has to state that the national interests are not jeopardised by the specific service provision (complementarity to national services).

The services sheltered from competition from cross-border service providers by EU-MS, for as long as transition agreements prevail, are gardening, certain services in the stone, metal and construction industry, security and cleaning services, home care services and social work.

In spite of the restrictions on services mobility and labour market testing, both, the number of service providers and of migrants, continued to increase after 2004. The number of migrants (wage and salary earners) from the new EU-12 MS increased between 2003 and 2010 by some 40,000, i.e., by more than 70%, to 89,000. When the transition regulations ended for E10-MS in 2011, the inflow received a further boost, reaching an employment level of workers from EU12 of 143,000 (+54,000 or 61% within just one year). Their share amongst the workers with non-Austrian citizenship increased from 15% in 2003 to 27% in 2012 and their share in the total workforce reached 4.1%.

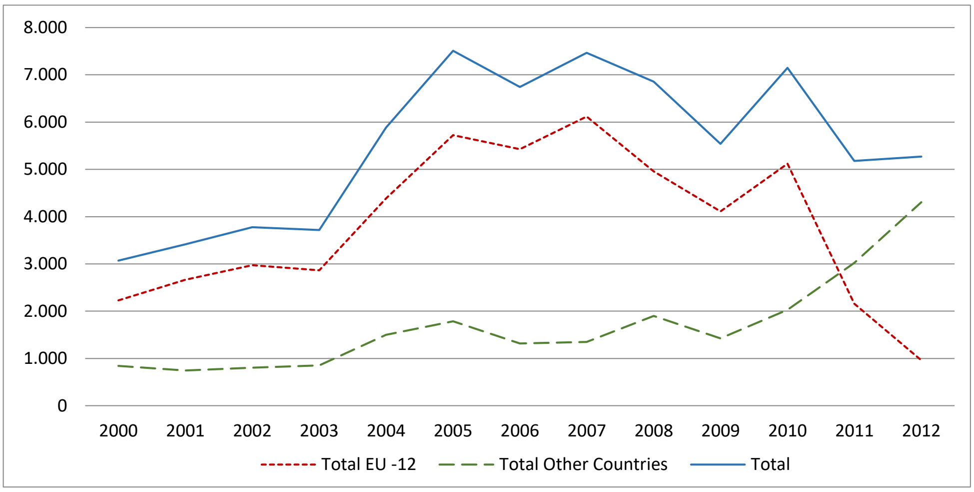
As far as service provision is concerned, the total number of service providers (Entsendebestätigung and Entsendebewilligung), excluding intercompany transfers, increased from 3,070 in the year 2000 to 5,300 in 2012, i.e., by 2,200 or 72%. This number represents 0.2% of the Austrian salaried workforce. As the service providers work for a maximum of half a year in Austria, the proportion of the volume of labour is even smaller. It can be taken from Figure 30 that the number of posted workers has been increasing significantly between 2003 and 2004, largely from the new EU-MS. The numbers declined in the wake of the economic recession 2008/2009 but picked up again in 2010 to the level of 2004, losing momentum thereafter.

In view of restrictions on cross-border service provision in certain occupations, many persons from the new EU-MS set up a business as independent contractors/self-employed, largely self-employed homecare service providers and to a lesser extent certain building services providers. In addition, the number of cross-border service providers from the EU-12 increased substantially after enlargement, both in the liberalised occupations and the ones protected from competition; the former increased from 79 in 2003 to 2,600 in 2004. Their numbers peaked in 2010, the year before the end of transition regulations at 4,800 and halved thereafter as unfettered free services mobility came into effect. Cross-border service provision by third country citizens was less dynamic but reached a high of 2,800 in 2012. The most important third country source of service providers in 2012 was Bosnia-Herzegovina (1,600 posted workers), followed by Croatia, Macedonia and Serbia. The largest number of posted workers was found in the construction sector, followed by manufacturing and the entertainment sector.

The number of service providers in the protected occupations increased from 2,900 in the year 2000 to a peak of 3,600 in 2002, largely affecting EU-12 countries, and declined thereafter. With the end of transition regulations and the lifting of barriers to services mobility of EU-12 citizens the total numbers declined to 1,500 in 2012. The major third country source countries are, as in the case of liberalized services, Croatia, Bosnia-Herzegovina and Serbia, followed by Russia and India. The major industries in which posted workers are providing their services in protected occupations are business-oriented services, the building industry, manufacturing and arts, sports and entertainment.

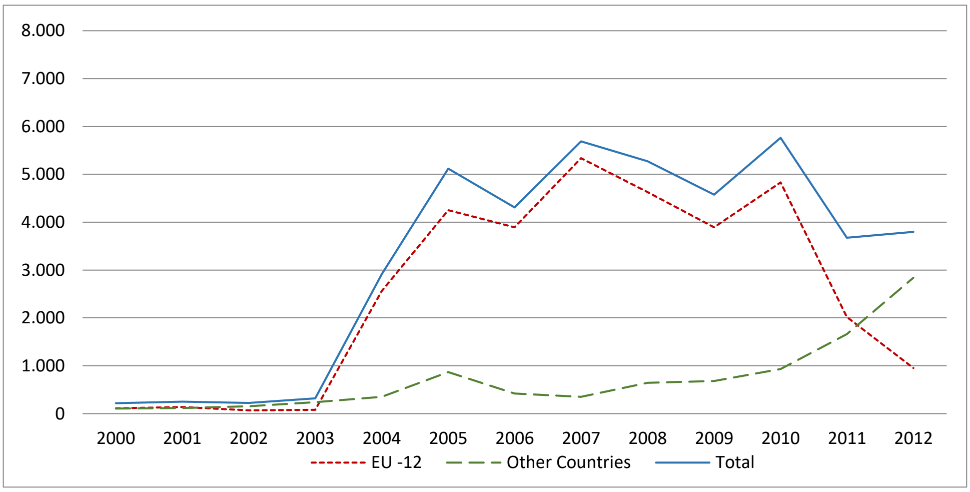
With the end of transition regulations not only immigration to Austria from the EU-12 gained momentum but also services mobility. It can be taken from Figure 33 that the number of posted workers from the EEA increased to 11,000 till 2018 and declined thereafter. The number of posted workers in sheltered services (as long as transition agreements prevailed) peaked at some 1,500 workers, but declined thereafter to 813 authorisations to third country enterprises in 2021.

Figure 30: Total number of posted workers by source region



Source: LMS

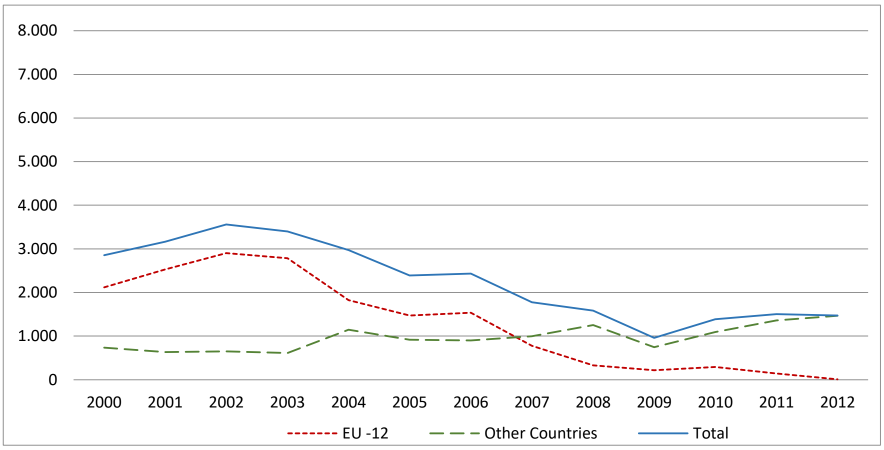
Figure 31: Number of posted workers in liberalized services by source region



Source: LMS

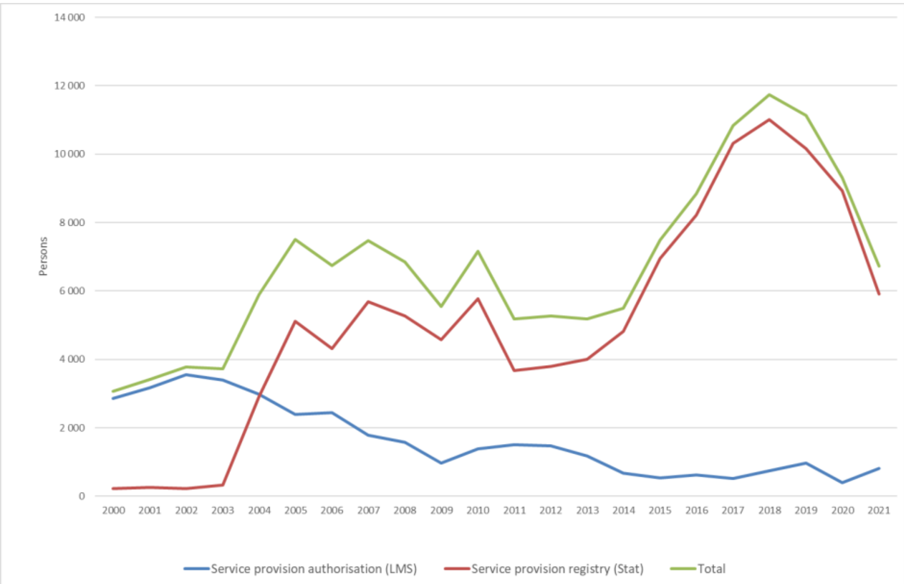
The sum of posted workers registered with the Labour Market Service or according to surveys by the Ministry of Labour made up 0.8% of all foreign workers in 2021, after 1.6% in 2018 and constituted no more than 0.2% of total wage & salary earners.

Figure 32: Number of posted workers in services protected from competition from third countries and EU-MS for which transition regulations apply



Source: LMS

Figure 33: Number of posted workers from the EEA (registry)and sheltered services relative to third countries (2000-2021), annual average.

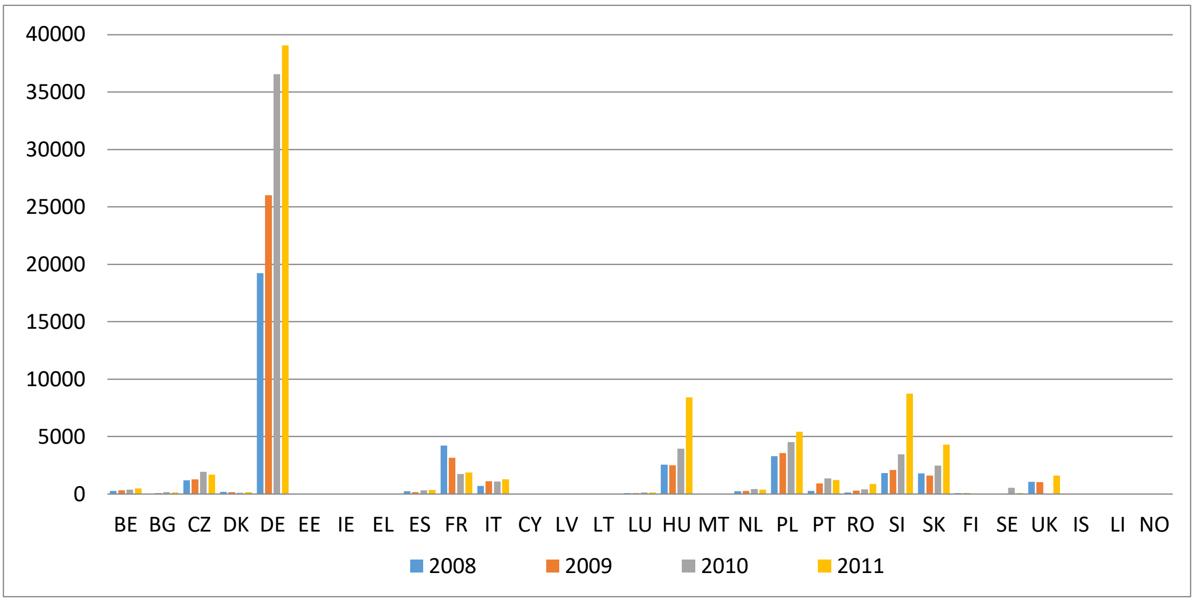


Source: LMS, Statistics Austria.

2 Posted workers in Austria and the EU

While the total number of posted workers from third countries and EU-12-MS during transition regulations is comparatively small, this is not the case for posted workers who enjoy free mobility within the EU. Article 12 of Regulation (EC) No 883/2004 provides the legal basis for posting workers across EU-MS.[63] Its aim is to facilitate the freedom to provide services for the benefit of employers who post workers to Member States other than that in which they are established, as well as the freedom of workers to move to other Member States, e.g., transport workers. Specific regulations pertain to the posting of workers to another Member State for a temporary period and where a person is working in two or more Member States and certain categories of workers such as civil servants. The rules for determining which Member State's legislation is to apply are set out in Articles 11 – 16 of Regulation 883/2004 and the related implementing provisions are set out in Articles 14 - 21 of Regulation 987/20094.

Figure 34: Source countries of posted workers from the EU/EEA in Austria (per number of workers)



Source: OECD/Eurostat

According to Eurostat/OECD data on posted workers, the total number of posted workers in Austria from another EU-MS or EEA/EFTA country rose from 37,400 in 2008 to 76,300 in 2011, i.e., it more than doubled over a span of 3 years. The number of posted workers to Austria increased further to 120,150 in 2016, i.e., it augmented further by 43,800 (+57.4%) within a time span of 5 years. The proportion of posted workers relative to the total salaried Austrian workforce amounted to 1.4% in 2011; the share has risen to 3.6% in 2016.[64] This is one of the

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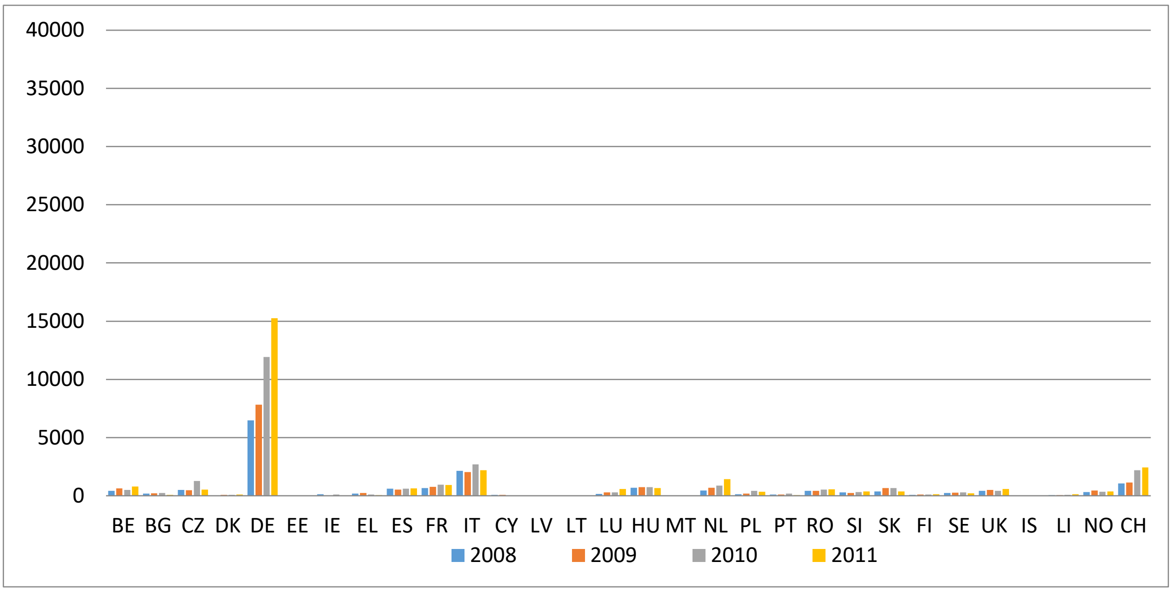
[63] For more see: Rights and rules for posted workers https://ec.europa.eu/social/main.jsp?catId=471

[64] For more see country fact sheet: posted workers in Austria 2016 (2018): https://ec.europa.eu/social/main.jsp?pager.offset=5&advSearchKey=posted+worker&mode=advancedSubmit&catId=1307&policyArea=0&policyAreaSub=0&country=0&year=0

highest shares in the EU, only surpassed by Germany, France and Belgium. In 2011, 1.5 million posted workers were registered in the EU-27; their numbers increased to 2.05 million in 2015. In relation to the total workforce this is somewhat less than 1%. The major source countries of posted workers in Austria in 2011 were: Germany, providing 51% of all posted workers, followed by Slovenia, Hungary, Poland and Slovakia. In 2016 the rank order changed somewhat putting Slovenia ahead (37.6%), followed by Germany (25.1%), Slovakia (10.2%), Hungary, Poland and Italy. This data goes to show that the major source countries of posted workers to Austria are from neighboring countries. The main employment sectors of posted workers in Austria are construction (55.9%), followed by education services (18.1%), and manufacturing (16.9%).

Figure 35: Destination countries of Austrian posted workers in the EU/EEA (number of workers)



Source: OECD/Eurostat; reported postings/posted workers, based on data from the Portable Document A1.

Austria is also a sending country of posted workers. The number of Austrian workers who are posted to another EU/EEA country is also on the rise, from 16,200 in 2008 to 28,800 in 2011 and further to 75,132 in 2016 (+49,200 or 189% vs 2011). In EU-comparison Austria is on 10th position in terms of sending posted workers. The major destination countries are the major trading partners of Austria, namely Germany (56.2% in 2016), Switzerland (9.5%), Italy (5.5%) and France (5.2%). In 2011, the number of Austrian posted workers to another EU/EEA state was about a third of the number of workers posted to Austria. In 2016, the proportion increased to 63%. The main employment sectors of workers posted from Austria in 2016 were: construction (48.7%), manufacturing (23.9%, education (9.2%), and Commerce (7.7%).

The Austrian report (Geyer et al. 2022) of POSTING.STAT[65] provides some comprehensive data on posting of workers between EU/EEA countries and Austria for 2019. According to this analysis the number of postings to Austria amounted to at least 320,480, involving at least 85,697 unique posted workers, about 2% of the employment of workers living in Austria in 2019. The estimation of the number of posted workers in Austria in 2020 by Wispelaere et al. 2022 on the basis a Portable Documents (PD A1) issued indicates a further rise of postings to 231,347, 90,300 more than in 2017, the latest figure given in the Migration Outlook 2019 of the OECD. As postings from Austria to the EU/EEA declined vs 2017 to 44,471 (-24,500, -36%), the net inflow increased significantly to 186,900. Austria is thus among the top 3 EU/EEA countries with the highest net inflow of posted workers.

3 Prospects for posting workers

Given the increasing role of services in employment creation, the numbers of posted workers relative to migrant workers may continue to increase. In view of strict wage regulations and control of working conditions in the case of migrants and the limited controls and controllability of wages and working conditions of posted workers, the posting of workers may actually take precedence over immigration in certain tasks to satisfy their labour demands in a flexible way.

The use of posted workers represents yet another facet of the diversification of employment forms, with core workers (insiders) being increasingly complemented by temporary workers (outsiders), who are either employed in leasing firms registered in Austria and working for various companies in Austria or in an enterprise registered in a foreign country but carrying out a specific task/service in Austria, i.e., posted workers.

Given EU-policy to promote unrestricted movement of services, i.e., short-term labour mobility regulated by the Services Directive, thereby enforcing Article 28 EC ensuring the entitlement of employers to free movement of goods and services, we may expect a further rise in the latter form of diversification of work.

While the economic benefits from free trade in commodities as one of the four 'fundamental freedoms' are not questioned, the impact of posted work - as distinct from immigration - on labour markets and the welfare system is less clear. In the case of mode 4 temporary migration/services mobility, it is argued by some (Winters et al., 2003) that the economic advantages are more straightforward and similar to the trade in goods and therefore less costly than permanent immigration. In the former, goods come into the country, in the latter, services. According to WTO (2004), the main advantage is derived from the temporary character of posted work, thus avoiding additional costs in terms of infrastructure and social

65 https://hiva.kuleuven.be/en/news/newsitems/posting-stat-enhancing-collection-and-analysis-national-data-on-intra-eu-posting

and cultural integration associated with permanent immigration. This judgement is based on the assumption that posted workers, as a special case of temporary migrants, will return to their country of origin. Assuming this will happen, the question remains to what extent the preference of institutions like WTO to services mobility is the result of an underestimation or neglect of the social costs of trade, in particular the impact on working conditions given widely differing wage and employment conditions across EU-MS. In addition, the use of service providers rather than native or immigrant labour may impact on education and career choices of local youth, raising issues of long-term competitiveness. This is argued by Teitelbaum (2014) who sees the shift of US students away from science doctorates to MBAs and Law degrees as a result of the rising number of foreign-born science students, who have depressed the wages for post-doctoral researchers in science.

A further factor to be taken into account is that the different bases of the two tax systems, the value added tax which focuses on the final product and the tax of the factor of production, labour, may have a different effect on the productive potential of the economy and the funding of the welfare state - apart from a different impact on tax revenues due to a differing potential for tax evasions. While the value added tax-system is fairly harmonised across the EU, this is not the case for labour taxation (income tax and social security contributions), explaining part of the differences in wages between EU-MS. In the case of Austria, labour taxation is the major source of funding of the social security system (health, unemployment, retirement). By encouraging the movement of posted workers in place of migrant workers, employment growth may be negatively affected thereby jeopardising the quality of social services provision. Accordingly, a rising number of posted workers at the cost of employment growth in Austria may raise concerns about the sustainability of the funding system of social services and promote a shift away from employment-based taxes to services taxation.

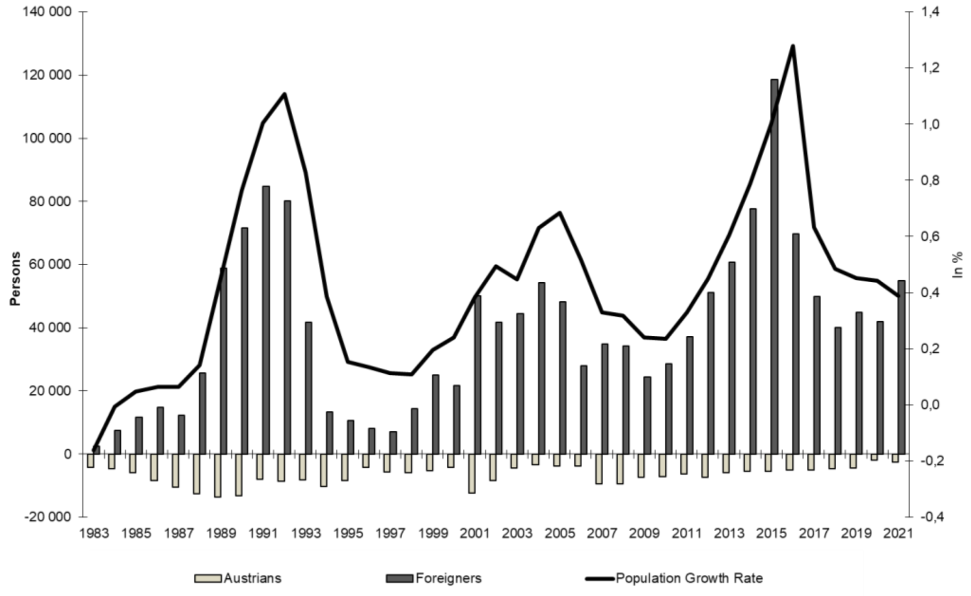
III. Foreign residents and residents abroad: stocks

1 Foreign residents in Austria

Over the last 30 years the demographic development has been largely determined by migration. Migration is driven by labour and family migration, free mobility of EEA/CH citizens and refugee flows. Natural population growth flowing from fertility and life expectancy (births over deaths) has had little positive influence on the population size since the end of the 1990s, but is beginning to gain weight with the refugee inflows of 2014/16 as refugees tend to originate in countries with high fertility rates. (Table 20)

In 2021, 8,951,500 inhabitants were registered in Austria, 407,600 or 4.8 percent more than in 2014. This goes to show that population growth gained momentum largely as a result of the refugee inflows of 2015/16. The abrupt rise in population growth in 2015 and 2016 is a result of substantial refugee inflows on top of continuously dynamic inflows of EU-citizens, largely from the new EU-MS (end of transition regulations of EU-10 in 2011 and of EU-2 in 2013, membership of Croatia in 2013: end of transition regulations in 2020).

Figure 36: Net-migration of Austrians and foreigners and total population growth rate 1996-2021



Source: Statistics Austria. Own calculations.

The rise in population growth is almost completely the result of immigration since 2009, given a positive balance of births over deaths between 2009 and 2021 of only 6,800 relative to a net migration balance over that time span of 630,800. The positive migration balance between the beginning and end of year has started to pick up in 2000 from 17,300 to a peak in 2004 of 50,800; after that, net immigration slowed down and reached a low of 17,100 in 2009, a result of the international economic crisis which slowed down international migration flows. With the economic upswing in 2010 migration gained momentum again, peaking in 2015 with net immigration of 113,100 as a result of substantial refugee inflows.

In 2016 net immigration slowed down to a low of 35,300 in 2018 - a consequence of barriers to entry of asylum seekers in Europe in general and Austria in particular. Also, the increased hostility against migrants in the political arena, above all refugees, may have acted as s a deterrent to entry. But, in 2019, net migration rose again slightly to 40,600 and continued to do so even during the covid pandemic, reaching 52,500 in 2021. (Figure 36)

Apart from fluctuations in economic growth, migration flows of the years of 2000 were marked by at times opposing driving forces, largely as a consequence of institutional change.

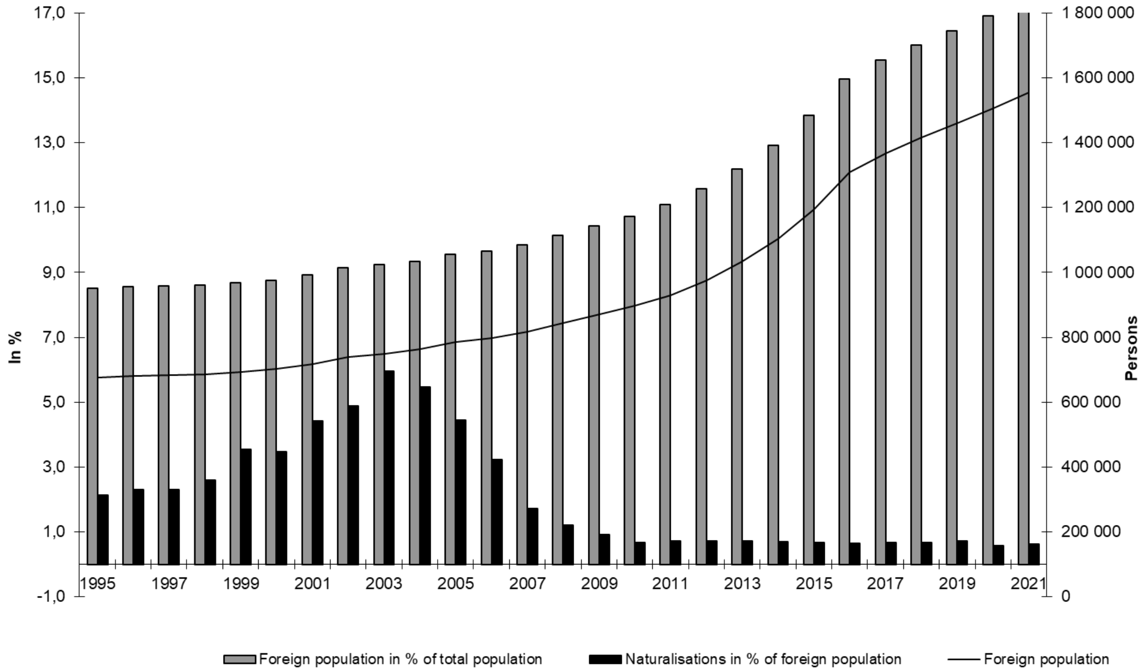
Table 20: Foreign residents in Austria

	Population		Population change between beginning and end of year				
	Yearly average	Changes abs.	Total change	Birth-death	Migration	Naturalisation	Statist. Correction
	Total						
2005	8 225 278	55 837	52 939	3 001	44 332	0	5 606
2006	8 267 948	42 670	28 686	3 619	24 103	0	964
2007	8 295 189	27 241	25 005	1 625	25 470	0	-2 090
2008	8 321 541	26 352	27 014	2 669	24 650	0	-305
2009	8 341 483	19 942	16 640	-1 037	17 053	0	624
2010	8 361 069	19 586	23 521	1 543	21 316	0	662
2011	8 388 534	27 465	32 957	1 630	30 705	0	622
2012	8 426 311	37 777	43 739	-484	43 797	0	426
2013	8 477 230	50 919	55 926	-196	54 728	0	1 394
2014	8 543 932	66 702	77 140	3 470	72 324	0	1 346
2015	8 629 519	85 587	115 545	1 308	113 067	0	1 170
2016	8 739 806	110 287	72 394	7 006	64 676	0	712
2017	8 795 073	55 267	49 402	4 363	44 630	0	409
2018	8 837 707	42 634	36 508	1 560	35 301	0	-353
2019	8 877 637	39 930	42 289	1 566	40 613	0	110
2020	8 916 845	39 208	31 600	-7 996	40 064	0	-468
2021	8 951 520	34 675	46 265	-5 884	52 488	0	-339
	Austrians						
2005	7 439 407	32 457	30 674	-4 333	-3 863	34 876	3 994
2006	7 469 723	30 316	20 573	-3 861	-3 751	25 746	2 439
2007	7 478 511	8 788	105	-5 883	-9 433	14 010	1 411
2008	7 476 961	-1 550	-3 311	-5 620	-9 492	10 258	1 543
2009	7 470 437	-6 524	-6 935	-9 198	-7 388	7 978	1 673
2010	7 464 223	-6 214	-6 103	-7 374	-7 182	6 135	2 318
2011	7 459 004	-5 219	-5 269	-7 591	-6 404	6 690	2 036
2012	7 451 118	-7 886	-9 100	-10 408	-7 414	7 043	1 679
2013	7 443 418	-7 700	-5 920	-10 545	-5 992	7 354	3 263
2014	7 440 084	-3 334	-2 824	-7 973	-5 419	7 570	2 998
2015	7 434 393	-5 691	-6 051	-10 126	-5 450	8 144	1 381
2016	7 431 843	-2 550	-1 862	-6 643	-5 044	8 530	1 295
2017	7 427 234	-4 609	-4 548	-9 393	-5 143	9 125	863
2018	7 422 263	-4 971	-6 535	-11 595	-4 716	9 355	421
2019	7 416 753	-5 510	-5 011	-11 813	-4 343	10 500	645
2020	7 409 699	-7 054	-13 249	-20 097	-1 837	8 796	-111
2021	7 397 650	-12 049	-9 372	-17 240	-2 481	9 723	626
	Foreigners						
2005	785 871	23 380	22 265	7 334	48 195	-34 876	1 612
2006	798 225	12 354	8 113	7 480	27 854	-25 746	-1 475
2007	816 678	18 453	24 900	7 508	34 903	-14 010	-3 501
2008	844 580	27 902	30 325	8 289	34 142	-10 258	-1 848
2009	871 046	26 466	23 575	8 161	24 441	-7 978	-1 049
2010	896 846	25 800	29 624	8 917	28 498	-6 135	-1 656
2011	929 530	32 684	38 226	9 221	37 109	-6 690	-1 414
2012	975 193	45 663	52 839	9 924	51 211	-7 043	-1 253
2013	1 033 812	58 619	61 846	10 349	60 720	-7 354	-1 869
2014	1 103 848	70 036	79 964	11 443	77 743	-7 570	-1 652
2015	1 195 126	91 278	121 596	11 434	118 517	-8 144	-211
2016	1 307 963	112 837	74 256	13 649	69 720	-8 530	-583
2017	1 367 839	59 876	53 950	13 756	49 773	-9 125	-454
2018	1 415 444	47 605	43 043	13 155	40 017	-9 355	-774
2019	1 460 884	45 440	47 300	13 379	44 956	-10 500	-535
2020	1 507 146	46 262	44 849	12 101	41 901	-8 796	-357
2021	1553870	46724	55637	11356	54969	-9723	-965

S: Statistics Austria. 1) Statistical correction of Census 2001 data by 10,545 for annual average. 2) Statistical correction: elimination of inconsistences of balace of birth according to natural population develepment in the central population register (POPREG) and stock-flow

As an example: Eastern enlargement of the EU acted as a driver for inflows (raising inflows to +50,800 in 2004), while migration policy reforms of 2005 tended to reduce family reunification inflows in 2006; the introduction of the R-W-R-card and R-W-R-plus card in 2011, in contrast, tended to raise third country inflows.

Figure 37: Foreign population and naturalisations in % of foreign population 1995-2021



S: Statistics Austria

Immigration continues to be high from old and new EU member states as well as more distant regions of the world. The most recent boost to population growth was the result of the refugee crisis in the wake of the Syrian civil war, and the one of the early 1990s of the falling apart of Yugoslavia. In 2022 we can expect a further boost as a result of refugee inflows from the Ukraine (see special chapter on the effect of the war on Ukraine in this report).

Natural population growth, i.e., the balance of births and deaths, has picked up in 2004 temporarily, partly linked to immigration, but has become somewhat volatile since; while natural population growth of foreigners keeps rising since 2004, reaching a peak in 2017 with +13,800 and declining thereafter slightly until 2021 (to11,400), it has been negative for Austrian citizens for more than 20 years.

Naturalisations

Impact of reform of the citizenship law

The number of naturalisations is declining rapidly since 2003, as the echo-effect of the large population inflows of the late 1980s and early 1990s came to an end. The latter had resulted from the fall of the Iron Curtain and the demise of Yugoslavia, and was followed by the uptake of Austrian citizenship after 10 years of legal residence. In the course of the year 2021, 9,700 foreigners living in Austria adopted the Austrian citizenship. In addition, 6,400 foreigners living abroad (vs 200 in 2020) adopted the Austrian citizenship, mostly in addition to another citizenship, given the legal reform of 2019 offering descendants of victims of the Nazi-regime dual citizenship. As the naturalisation rate refers only to the domestic population, their numbers do not affect the naturalisation rate (naturalisations in % of foreign population residing in Austria). Accordingly, the naturalisation rate has remained stable and low for ten consecutive years. The decline by 5.3 percentage points relative to 2003 had been the result of three factors – **the reform of the citizenship law (2005)**, the end of the echo effect, and the enlargement of the European Union - as long as the citizens of the 'new' EU-MS were third country citizens they tended to adopt the Austrian citizenship in order to enjoy the advantages of EU-citizenship. This is no longer necessary, given EU-citizenship, and with it full participation in citizenship rights. Accordingly, the largest numbers of naturalisations (47% in 2021) are from non-EU- European third-countries, including Turkey, followed by persons from Asia (27% in 2021).

To acquire Austrian citizenship has become more difficult for third country immigrants with the reform 2005, e.g., because of the requirement, in case of marriage with an Austrian, 5 years of marriage and a minimum period of residence in Austria (6 years) as well as financial means to support oneself have to be proven. This is why the Expert Council on Integration to the Ministry of the Interior proposed to **promote take-up of Austrian citizenship by making naturalisation more readily accessible under certain condition**s. The political debate was heated on this issue – in particular the linkage of preferential access to citizenship if civil engagement, e.g., participation in voluntary social work, could be proven. The reform of citizenship law passed the ministerial council in April 2013 and came into effect on August 1, 2013. The expert council contributed to the reform of the citizenship test[66], focusing on values rather than factual historic knowledge, and the implementation of a website on citizenship[67]. **The amendment to the citizenship law introduced a reduced waiting period for citizenship (from 10 to 6 years) if a high degree of 'integration', be it economic, social or cultural, can be proven.** The law identifies good German language competence (at B2 level of the Common European Reference Framework for languages) together with a self-sufficient economic

[66] The new test has become the standard by November 1, 2013.

[67] For more see http://www.staatsbuergerschaft.gv.at/index

situation (no take-up of social assistance payments) as an indicator of integration. Should the German language proficiency be lower, proof of helping non-profit organisations which serve the community (e.g., the voluntary fire brigade, Red-Cross or the Samaritans, to name only some) for three years also suffices or three years of work in education, health or social services or as an official of an interest group. In order to facilitate the understanding of the Austrian codified value system a Reader (Rot-Weiss-Rot-Fibel, 2013) on the Austrian values was developed, based on the constitution and civil law (focus on philosophy of Law). In addition, a website has been implemented which allows potential migrants to test their eligibility.[68] **The reform of Alien Legislation in 2018 (FRÄG 2018) raised the waiting period for eligibility for Geneva Convention-refugees from the former 6 years to 10 years. As of September 2020, an amendment of the Citizenship Act allows direct descendants of individuals persecuted under Austrofascism and National Socialism to acquire Austrian citizenship more easily, as mentioned above.**

Further changes were made, e.g., the extension of the eligibility period for immediate victims of persecution, from 9 May 1945 to 15 May 1955. The group of individuals eligible under these terms (immediate victims and their descendants) was expanded to include citizens of one of the successor states of the former Austro-Hungarian monarchy, as well as stateless persons, who resided in Austria.

The net effect of the diverging developments of migration, balance of births over deaths and naturalisations, on the number of inhabitants in Austria continues to be positive (annual average 2021: +34,700, +0.4%). The demographic composition of the population is changing, however. The numbers of Austrian citizens started to decline in 2008, on the one hand because of restrictions on the acquisition of citizenship, on the other because of the rising numbers of EU citizens in the Austrian population – the latter tend not to have an incentive to take up Austrian citizenship. The declining trend gained momentum in 2021, when the number of Austrians fell to 7,397,700 (-12,000 vs 2020). In contrast, the number of foreigners continues to rise. In 2021, the foreign population increased by 46,700 or 3.1% to 1,553,900. The proportion of foreigners in the total population has as a consequence risen to 17.4 % in 2021, after 16.9 percent a year ago. (Figure 37)

Naturalisations, trends and composition

The rate of naturalisation follows with a certain time lag the waves of immigration. It increased in the course of the 1970s, in the wake of the consolidation of foreign worker employment, family reunion and eventual settlement. It declined in the early 1980s and fluctuated at a relatively low level of 2.2 percent of the foreign population between 1987 and 1995. Thereafter, the naturalisation rate rose, reaching a peak in 2003 with 5.9 percent of the

[68] http://www.staatsbuergerschaft.gv.at/index.php?id=3#&panel1-1

foreign population; after that the naturalisation rate declined again, reaching a low of 0.7 percent in 2011. Since then, the proportion has remained unchanged. (Table 21)

Table 21: Naturalisations in Austria

	Former nationality					
	Former Yugoslavia	Central and Eastern European Countries	FRG	Turkey	Total	Women
1972	0,941	1,087	2,114	.	6,017	4,049
1973	0,952	1,496	1,876	.	6,183	4,025
1974	0,967	1,423	2,215	.	6,648	4,391
1975	1,039	1,297	2,546	.	7,139	4,581
1976	1,103	1,262	2,563	.	7,545	4,666
1977	1,369	1,042	2,374	.	7,405	4,294
1978	1,217	1,107	2,106	.	6,942	4,129
1979	1,432	1,327	2,103	.	7,754	4,555
1980	1,839	1,453	2,210	.	8,602	4,995
1981	1,517	1,555	1,960	.	7,980	4,822
1982	1,204	1,591	1,946	0,301	7,752	4,835
1983	2,262	1,777	2,804	0,306	10,904	6,404
1984	1,428	1,129	2,589	0,323	8,876	4,006
1985	1,449	1,368	2,091	0,296	8,491	4,025
1986	1,463	2,191	2,299	0,334	10,015	4,752
1987	1,416	1,847	1,381	0,392	8,114	3,955
1988	1,731	1,985	1,125	0,509	8,233	4,012
1989	2,323	1,664	0,886	0,723	8,470	4,305
1990	2,641	2,118	0,517	1,106	9,199	4,704
1991	3,221	2,413	0,455	1,809	11,394	5,685
1992	4,337	1,839	0,410	1,994	11,920	6,033
1993	5,791	1,858	0,406	2,688	14,402	7,490
1994	5,623	2,672	0,328	3,379	16,270	8,394
1995	4,538	2,588	0,202	3,209	15,309	7,965
1996	3,133	2,083	0,140	7,499	16,243	8,604
1997	3,671	2,898	0,164	5,068	16,274	8,600
1998	4,151	3,850	0,157	5,683	18,321	9,532
1999	6,745	3,515	0,91	10,350	25,032	12,649
2000	7,576	4,758	0,102	6,732	24,645	12,415
2001	10,760	5,155	0,108	10,068	32,080	15,872
2002	14,018	4,062	0,091	12,649	36,382	17,898
2003	21,615	4,098	0,107	13,680	45,112	22,567
2004	19,068	3,523	0,137	13,024	41,645	20,990
2005	17,064	2,666	0,139	9,562	35,417	17,848
2006	12,886	2,165	0,128	7,549	26,259	13,430
2007	9,362	1,141	0,113	2,077	14,041	7,600
2008	6,031	0,948	0,067	1,664	10,258	5,455
2009	4,181	0,802	0,174	1,242	7,978	4,222
2010	3,167	0,525	0,140	0,937	6,190	3,263
2011	2,837	0,619	0,118	1,181	6,754	3,608
2012	2,855	0,512	0,113	1,200	7,107	3,832
2013	2,648	1,223	0,129	1,108	7,418	3,927
2014	2,593	1,382	0,196	0,885	7,693	4,073
2015	2,566	1,437	0,160	0,998	8,265	4,432
2016	2,973	1,372	0,195	0,820	8,626	4,623
2017	2,814	1,644	0,244	0,779	9,271	4,835

2018	3,011	1,967	0,274	0,828	9,450	5,075
2019	3,474	3,807	0,248	0,912	10,606	5,721
2020	2,959	1,589	0,227	0,847	8,996	4,856
2021	2,808	1,833	0,273	1,101	16,171	8,169

Source: Statistics Austria, Statistical Handbook of the Republic of Austria.

During 2021 16,200 persons adopted the Austria citizenship of whom 6,448, who lived abroad, given the option of dual citizenship for descendants of persons persecuted during the Nazi Regime. All in all, some 129 nationalities adopted the Austrian citizenship. In 2021, 56% of all naturalisations accrued to four source regions: Turkey (1,101), former Yugoslavia (2,808) and Central and Eastern European countries (1,571).

In 2021, 63% of all naturalisations were given on the basis of a legal entitlement, 9% on the basis of administrative discretion, a further 27% on the basis of an extension to close family. As to the age composition of the naturalised persons: 32% were under the age of 18, 66% in the main working age (18-59) and a small number was over 60 (1.8%). The law regulating naturalisation specifies that foreigners may apply for citizenship after 10 years of legal residence.

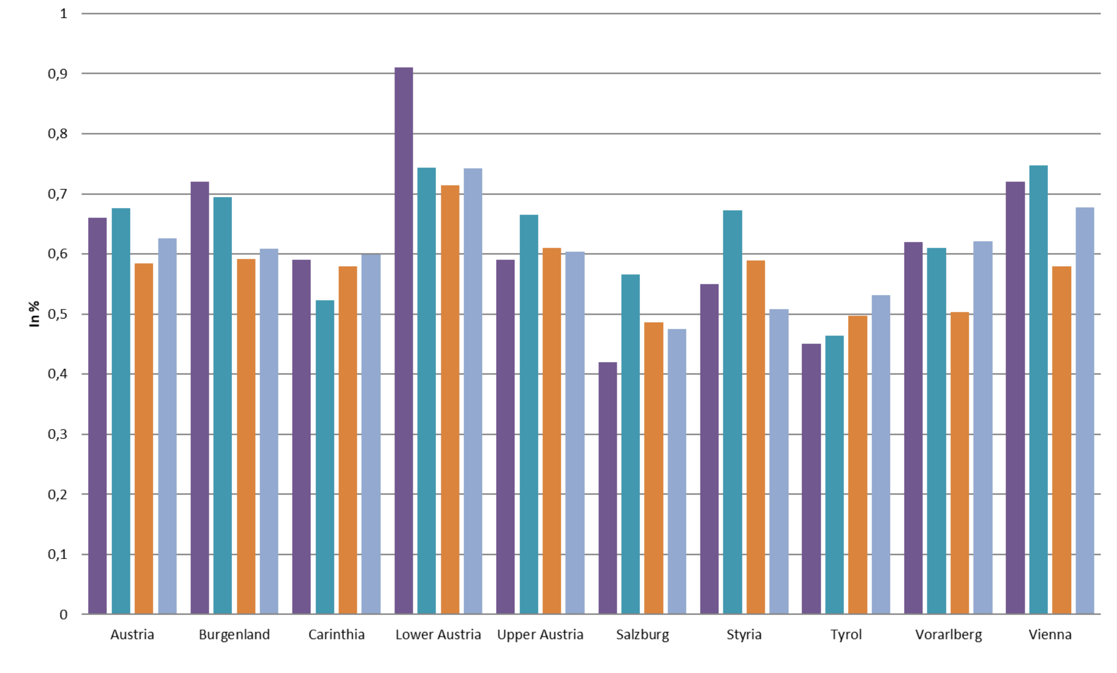
The legislative reform of 2013 reduced the average period for naturalisations, which may have contributed to the increase in the last couple of years. Citizens of the EU/EEA may apply for Austrian citizenship after 4 years of residence, in contrast to citizens of third countries who have to prove 10 years of residence unless they can document a high degree of 'integration', as mentioned above.

In 2021, 43% of all naturalisations went to Vienna, more than the share of Vienna in the total population which stands at 21.5%, but less than the share of Vienna in the foreign population, which amounts to 39.3% in 2021. Lower Austria and Upper are second in line with 13.9% respectively 13% of all naturalisations in 2021. As a consequence of different regional patterns of residence of foreigners by country of origin, legal status and propensity to adopt the Austrian citizenship, the naturalisation rate differs by province (Bundesland). It can be taken from Figure 38 that Salzburg, Styria and Tyrol had below average naturalisation rates in 2021, while Lower Austria and Vienna had above average ones. The rate in the other provinces did not differ much from the average of 0.63. The development over time differs between the regions: while the national average is relatively stable over time, there is no clear trend in the various Bundesländer. The communities have a certain discretionary power in granting citizenship. The largest number of naturalisations goes to first generation migrants. Refugees (Geneva Convention) are increasingly taking up Austrian citizenship: in 2021 1,700 or 17% of all naturalisations.

In 2021, of the 16,200 naturalised citizens residing in Austria about half (50.5%) were women. Apart from general regulations, citizenship may be granted to persons who have rendered special service to the Austrian State (§10(6) StbG), this may include special talents, e.g., artists, high achievers in sports, science, business, etc. This regulation has been overhauled in

2014 in the wake of 'misunderstandings' of regional decision-makers about the actual services rendered.[69] In no way can it be an honorary title; the qualifications and services rendered have to be made transparent to ensure protection against potential misuse of this fast-track citizenship category. In 2017 19 persons (after 27 in 2016) received Austrian citizenship outside the normal procedures for foreigners on the basis of special services rendered to the Republic of Austria. The numbers declined in 2018 (10) but rose again in 2019 to 41, but declined thereafter to 32 in 2021.

Figure 38: Naturalisation rate (naturalisations in % of foreign population) by province (Bundesländer)



S: Statistics Austria, own calculations.

Between 1991 and 2021 526,100 foreigners took up Austrian citizenship, about two third from the traditional recruitment areas of migrant workers, the region of former Yugoslavia (193,800, 37 percent) and Turkey (131,500, 25 percent). In contrast, over the period 1980 to 1990, 96,600 foreigners were naturalised, of whom 25 percent from the above countries of origin. Then Germans and citizens of the former 'Eastern Block' were the main contenders.

2 Live births of Austrian and foreign women

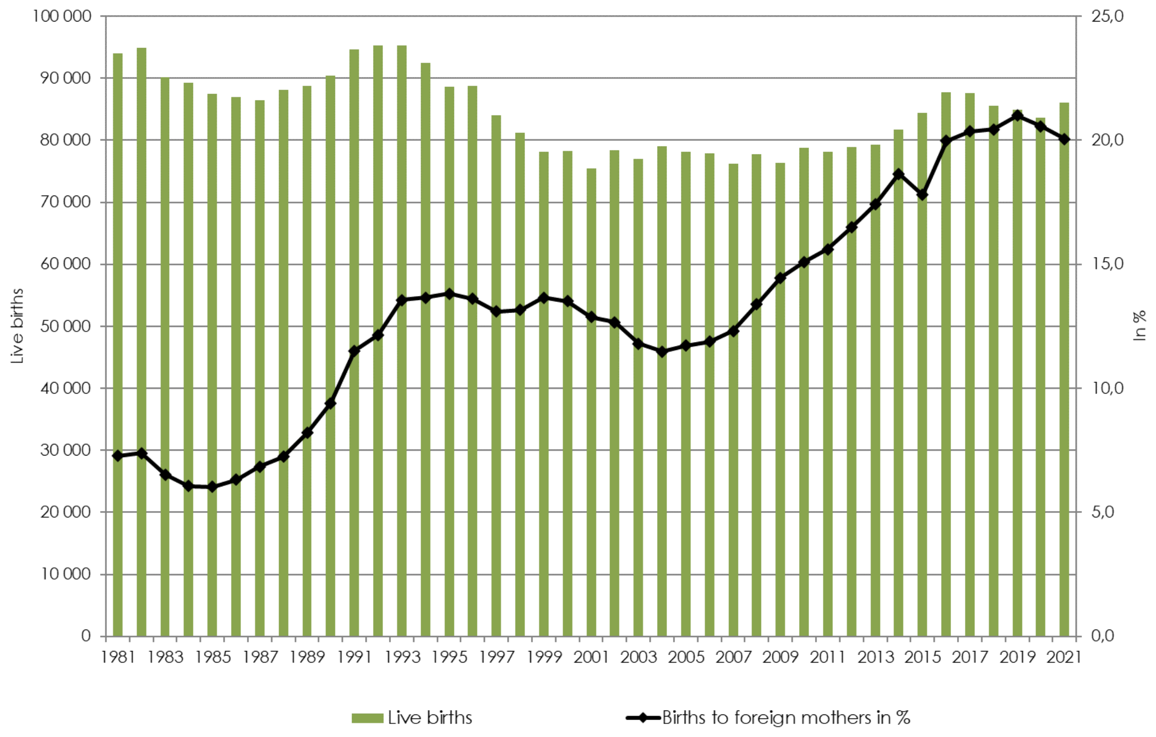
The number of births in Austria has been declining more or less continuously between 1992 and 2001, when a turning point was reached and births started to rise again - until 2004. After

[69] For more see http://www.bmi.gv.at/406/verleihung.aspx

that the numbers of live births to Austrian women resumed the declining trend which lasted until 2014. But that rise was transitory and the declining trend resumed in 2016 and continued until 2020, reaching 66,400. In 2021 live births to Austrian women rose slightly again to 68,800. In contrast, the number of births to foreign women followed a rising trend with short periods of decline, e.g., between 1993 and 2003. Since then, the number and proportion of births to foreign mothers has been rising more or less continuously, reaching17,300 births or 21% in 2021. (Figure 39)

The total number of live births has been declining from a peak of 95,300 in 1992 to 88,700 in 1995. It stabilised somewhat thereafter but took a further dip in 1997 with the decline lasting until 2001. In 2002 the number of live births increased again to 78,400, and remained more or less at this level until 2013. From 2014 onwards, the number of live births rose again, reaching a peak of 87,700 in 2016 (+3,300 or 3.9% versus 2015). From then onwards the number of live births declined again to 86,100 in 2021.

Figure 39: Live births of native and foreign women 1981-2021



Source: Statistics Austria.

Until 2013, the rise in the number of live births had been solely attributable to mothers with non-Austrian citizenship. But from 2014 onwards also Austrian women exhibited a rise in live births. The total number of births to Austrian mothers amounted to 68,800 in 2021 compared to 17,300 live births to foreign women.

The increase in the number of live births between 1988 and 1992 had thus been temporary; it was the consequence of an above average inflow of young migrant women who had an above average fertility rate relative to Austrian women (Figure 41). The declining number of births from 1992 to 2001 was the result of the declining fertility rate of Austrian and foreign women. The fertility rate of Austrian women stabilised in 1999 at 1.25, while it declined slightly in the case of foreign women from 2.10 1998 to 1.99 in 2001. The number of live births oscillated around 78,000 until 2013, when a new upswing set in, which lasted until 2018. This was largely a consequence of the rising influx of young refugee women, who tend to have a relatively high fertility rate.

Figure 40: Live births to native and foreign women 1981-2021

S.: Statistics Austria.

In 2002 the fertility rate of both, Austrian and foreign women, increased slightly. Since then, the difference between the rates of Austrian and foreign women remained fairly stable but increased again in 2017 with the fertility rate of foreign women rising more than proportionately (2017: 1.40 for Austrian and 1.95 for foreign women). Thus, the rise of the total fertility rate from a low of 1.39 in 2007 to 1.52 in 2017 is largely a result of the inflow of migrant, women, largely refugees. In 2021, the total fertility rate reached 1.48, the same level as 2018.

Figure 41: Total fertility rate of native and foreign women (average number of children per woman) 1981-2021

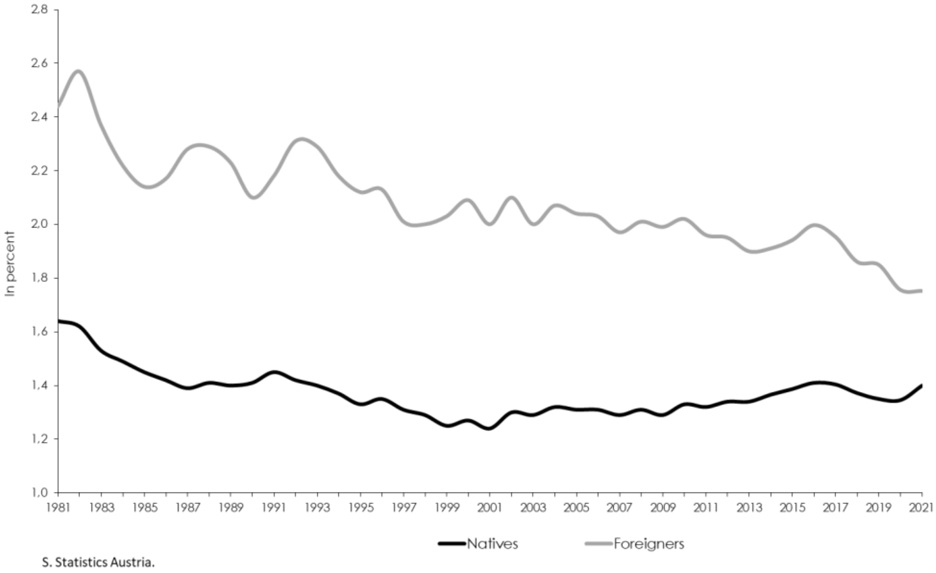
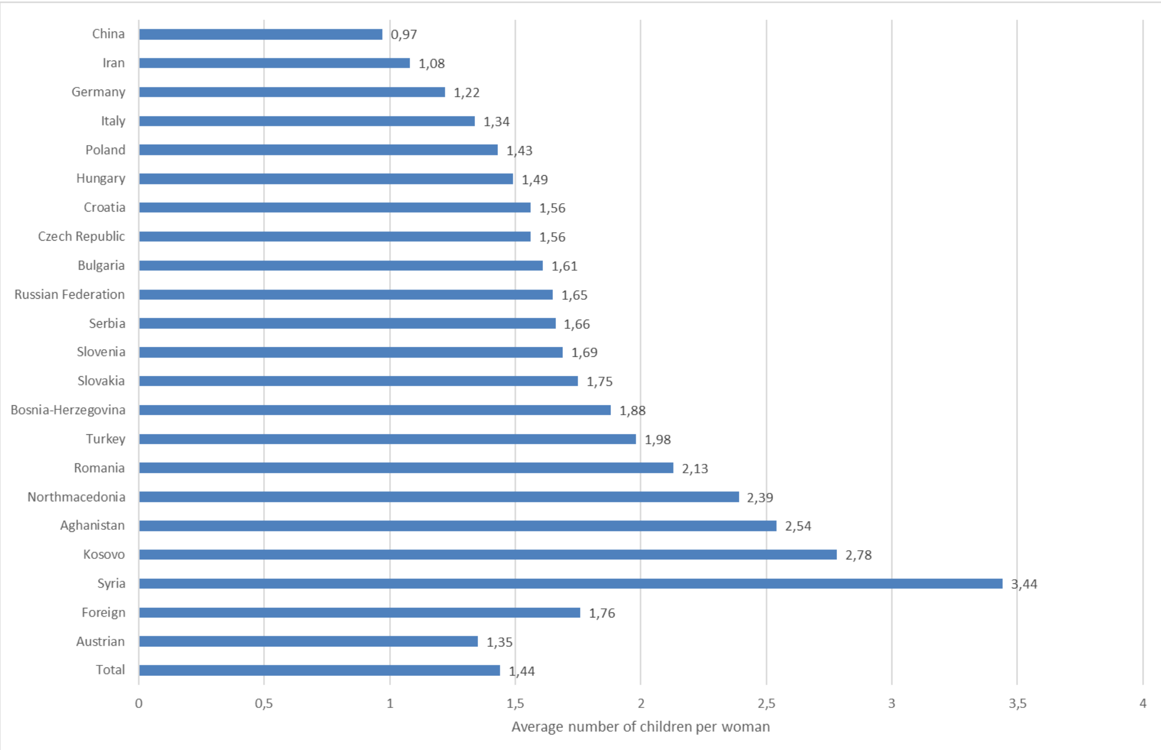


Figure 42: Total fertility rate by citizenship 2020
Average number of children per woman



Source: Statistics Austria.

Figure 42 indicates that the fertility rate of foreign women differs significantly by citizenship. In 2020, it was lowest for Chinese women (0.97), closely followed by Iranian (1.08) and German (1.22) women, and highest for Syrian women (3.44). The fertility rate of Turkish women (1.98) corresponded more or less to the reproduction rate in 2020; it was somewhat unstable over time – it stagnated between 2007 and 2011 at 2.69, but took a strong dip in 2012 to 2.24. Since then, the fertility rate of Turkish women increased again to 2.38 in the year 2016 but declined thereafter again. Women from the EEA/CH tend to take an intermediate position, but also in this case fertility rates are fairly stable over time (1.59 in 2019).

The increasing number of foreign births between 1992 and 1995 was the result of a rising number of young and medium aged foreign women and not the consequence of a rise in the fertility rate of foreign women in Austria. The fertility rate of foreign women decreased over this time span (1992-2001) from 2.37 children per woman to 1.99, i.e., by 13.9 percent.

The fertility rate of Austrian women has decreased between 1992 and 2001 by 12.7 percent to 1.24 children per woman. The slight increase in the fertility rate of both native and foreign women in 2002 was short lived and may have been motivated by the reforms of parental leave and increased family allowance, but under certain restrictive eligibility criteria.

4 Foreign born population

Since 2001 (census) Statistics Austria provides information on the population with migrant background (foreign born). In January 2022, 20.5 percent of the Austrian population were first generation migrants (1,842.4 million of a total of 8.979 million inhabitants), compared to 12.5% in 2001. (Table 22)

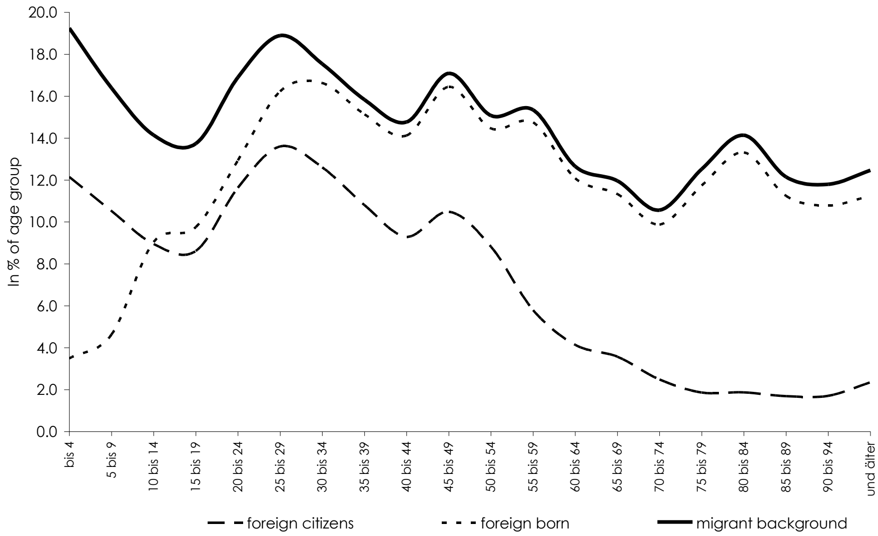
Table 22: Foreign born at the beginning of the year: 2012 - 2022

Country of birth	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total	**8 408 121**	**8 451 860**	**8 507 786**	**8 584 926**	**8 700 471**	**8 772 865**	**8 822 267**	**8 858 775**	**8 901 064**	**8 932 664**	**8 978 929**
Austria	7 085 038	7 087 089	7 093 162	7 100 331	7 105 748	7116599	7125144	7130221	7135753	7135091	7136503
Foreign	1323 083	1364 771	1414 624	1484 595	1594 723	1656266	1697123	1728554	1765311	1797573	1842426
Foreign born in %	15,7	16,1	16,6	17,3	18,3	18,9	19,2	19,5	19,8	20,1	20,5
of Whom											
EU/EEA, incl.UK	**604 075**	**628 256**	**658 292**	**697 257**	**730 025**	**755 824**	**778 487**	**801 945**	**826 533**	**848 737**	**867 188**
(EU-13)	270 324	278 045	286 996	295 149	304 626	311866	317989	325 230	321779	331042	340 028
Germany	201366	205868	210735	214998	219943	223953	227790	232236	237750	244947	251576
MS since 2004 (EU-13)	318559	334867	355817	386395	409402	427713	443963	459896	475367	487337	496476
EEA/CH, Ass.States (1)	15192	15344	15479	15713	15997	16245	16535	16 819	29387	30358	30684
Non-EU-MS	**719 008**	**736 515**	**756 332**	**787 338**	**864 698**	**900 442**	**918 636**	**926 609**	**938 778**	**948 836**	**975 238**
By continents											
Other Europe	**531 484**	**537 760**	**547 128**	**558 673**	**569429**	**577595**	**586229**	**591338**	**598406**	**602305**	**607626**
Former Yugoslavia	331096	334 004	340 815	348 915	356318	362181	368961	373169	378034	380765	383506
Turkey	158 683	159 185	159 958	160 039	160184	160371	160313	159682	159641	159068	159060
Others	41705	44 571	46 355	49 719	52927	55043	56955	58487	60731	62472	65060
Africa	**41 058,0**	**42352**	**43784**	**46 597,0**	**50739**	**53961**	**54932**	**55095**	**55931**	**56666**	**58678**
America	**30490**	**31475**	**32606**	**33731**	**35146**	**36233**	**37577**	**38942**	**40563**	**42111**	**43903**
Asia	**112 927,0**	**121473**	**129581**	**143 981,0**	**199859**	**222297**	**230257**	**232325**	**235861**	**238923**	**253617**
Oceania	**2622**	**2687**	**2824**	**2884**	**3011**	**3098**	**3137**	**3188**	**3301**	**3311**	**3330**
Unknown	427	768	409	1472	6514	7258	6504	5721	4716	5520	8084

S:STATISTIC AUSTRIA.
Former Yugoslavia except Slovenia, from 2014 except Croatia; 1: EEA7CH, Assoc. States including UK from 2020

The most important source regions of migrants to Austria continue to be from third countries; they are, however, losing terrain to citizens from the European Economic Area. In January 2022, 975,200 or 53% of the foreign born were from third countries compared to 62% in 2002, before EU enlargement. The major source regions are from former Yugoslavia: excluding Croatia and Slovenia, this group of foreign-born migrants accounts for 383,500 or 39% of third country foreign born, followed by Turkish migrants (159,100 or 16% of foreign born third country migrants). Of the 867,200 foreign born from the EEA including the United Kingdom (47% of all foreign born in January 2022) the largest group is from the new EU-MS, the EU-13, namely 496,500 or 57%, followed by the 'old' EU-MS, the EU-13 states, with 340,000 or 39%. A fairly small number originates from the small associated states of the EEA, augmented in 2020 by the United Kingdom to 30,700 in 2021, i.e., 3.5%. The most important source countries of foreign born from the EU-13 are Romania (138,300), followed by Hungary (85,300) and Poland (76,500). The largest country of origin of EU-13 foreign born is from Germany with 251,600 or 74% of all EU-13 foreign born.

Figure 43: Foreign citizens, foreign born and persons with 'migration background' in percent of total population in Austria in 2001



Source: Statistics Austria, Own calculations.

In contrast, in 2001, according to census data, the proportion of foreign born plus foreign citizens born in Austria amounted to 1.1 million or 13.9%. In the census data of 2001 one may identify a larger number of second-generation migrants, namely by taking persons into account who are migrants and who speak another language than German at home and who are either born abroad or whose parents are born abroad. This procedure represents an underestimation of migrants, as Germans are excluded from that data (we also excluded

French, English and Spanish speaking people). But still, we can obtain an estimation of the migrant population differentiated by birth cohort. With that procedure, the proportion of persons with migrant background amounted to 15.4 percent in 2001, compared to 11.2 percent foreign born and 13.9% taking country of birth and foreign citizenship into account.

Figure 43 informs about the age structure of migrants in relation to the native population in 2001; it indicates that the proportion of persons with migrant background (as defined above) is not spread evenly across age groups, as immigrants tended to enter in waves[70].

The situation of the first and second generation migrants is increasingly the focus of policy, making integration a key policy issue in regions with a long tradition of immigration, above all Vienna, Vorarlberg, Upper Austria and Lower Austria. Differentiated analyses of the situation of immigrants are being undertaken, e.g., for Vienna, Lower Austria and Burgenland (*Biffl et al.,* 2008/ 2009) and the monitoring sections of the annual Integration Reports of the Expert Council to the Minister of Integration (since 2018).

Table 23: Population by citizenship and country of birth: 2001-2022

Country of Birth	Total	by Citizenship		Total	By Citizenship	
		Austrian	Non-Austrian		Austrian	Non-Austrian
	absolute numbers			in %		
	15.05.2001					
Total	8 032 926	7 322 000	710 926	100,0	91,1	8,9
Austria	7 029 527	6 913 512	116 015	87,5	86,1	1,4
Abroad	1 003 399	408 488	594 911	12,5	5,1	7,4
	01.01.2011					
Total	8 375 164	7 461 961	913 203	100,0	89,1	10,9
Austria	7 080 458	6 942 405	138 053	84,5	82,9	1,6
Abroad	1 294 706	519 556	775 150	15,5	6,2	9,3
	01.01.2015					
Total	8 584 926	7 438 848	1 146 078	100,0	86,7	13,3
Austria	7 100 331	6 928 366	171 965	82,7	80,7	2,0
Abroad	1 484 595	510 482	974 113	17,3	5,9	11,3
	01.01.2022					
Total	8 978 929	7 392 220	1 586 709	100,0	82,3	17,7
Austria	7 136 503	6 885 692	250 811	79,5	76,7	2,8
Abroad	1 842 426	506 528	1 335 898	20,5	5,6	14,9
Statistics Austria. Census 2001, PopReg. since 2007						

The combination of foreign born with foreign citizenship allows a further differentiation of persons with migrant background, namely second-generation migrants who were born in Austria to first generation migrants and who continue to be foreign citizens. This number amounted to 250,800 or 15.8 percent of the total foreign resident population in January 2022. Accordingly, the proportion of first-generation migrants plus second-generation migrants born in Austria with foreign citizenship amounted to 23.3 percent of the total population (2.1

[70] For a detailed analysis and methodological issues see *Biffl et al.* (2008).

million) in January 2022. Table 23 shows that 82.3% of the total population of almost 9 million were Austrian citizens (7.4 million) and 17.7% foreign citizens (1.6 million). Furthermore, of the total population 76.7% were Austrian citizens born in Austria (6.9 million) and 5.6% abroad (0.5 million), while 2.8% were foreign citizens born in Austria (250,800) and 14.9% abroad (1.3 million).

Migrant population in the household survey:

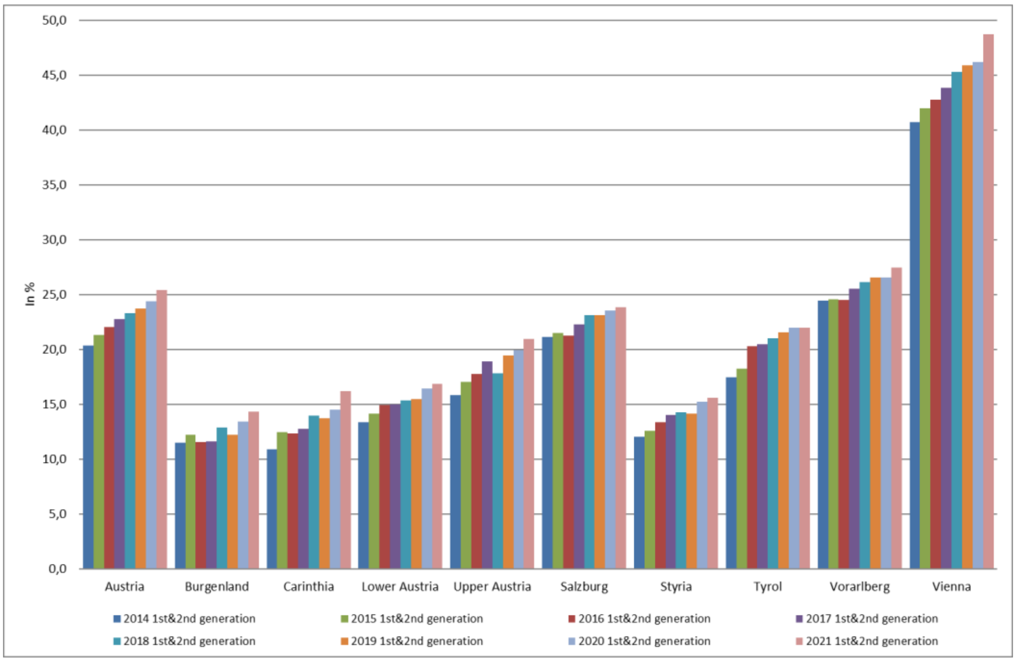
The Labour Force Survey is another source of information on migrants residing in Austria since 200. It introduces the distinction of persons with 'migrant background'[71]. According to this data source, the share of foreign born in the population has consistently been some 2 percentage points lower than the proportion of foreigners or the foreign born in the population register (POPREG). In 2021 (annual average), the share of foreign born according to the LFS amounted to 18.6% (compared to 20.5% of the population register by 1.01.2022). The numbers amounted to 1.635 million (rather than 1.842 million in the population register of January 2022). The number of second-generation migrants (both parents born abroad) amounted to 605,300 or 27% of the migrant population. Thus, according to the LFS, the proportion of first and second generation migrants taken together amounted to 25.4% of the Austrian population in 2021. (Figure 44)

If one combines the information of the various sources, i.e., the population register (foreign born and foreign citizenship) and the Labour Force Survey (migrant background), one can see the impact of naturalisations and thus of the duration of stay of migrants and the differing behaviour patterns of migrants relative to citizenship uptake. The share of foreign citizens in the total population is lower than the share of first generation migrants in the total population (foreign born), which in turn is surpassed by persons with migrant background, i.e., first plus second generation migrants. (Figure 45)

In Austria, the city of Vienna has a long tradition of immigration with on average 48.7% of the population having a migration background (first and second generation migrants). In contrast, Burgenland, the easternmost region, Carinthia and Styria in the South and Lower Austria have relatively small numbers of migrants – in Burgenland immigration is a relatively recent phenomenon, setting in with the fall of the Iron Curtain, while a restrictive immigration policy tends to account for the low share of migrants in Carinthia, Styria and Lower Austria.

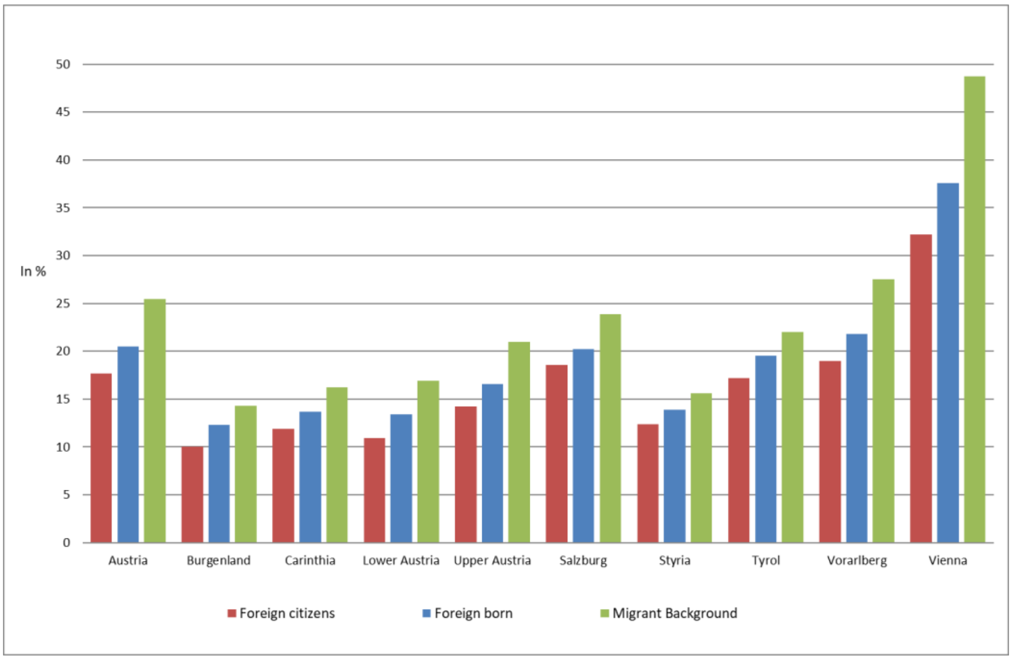
[71] Migrant background: encompasses first and second generation migrants, independent of citizenship.

Figure 44: First & second generation migrants as a proportion of total population by province in Austria in %: 2014-2021



Source: Statistics Austria, LFS. Own calculations.

Figure 45: Foreign born, foreign citizens and persons with 'migration background' (first & second generation) in % of total population by province, annual average (2021)



Source: Statistics Austria. Own calculations.

Composition of migrants by source region, age, sex and timing of immigration

According to the LFS of 2021, 42.5% of the foreign-born migrants are from another EU-MS and 57.5% are from third countries, quite in contrast to the flow data. This is the consequence of a long history of migration from third countries. It is going to take some time until the composition of stocks will tip in favour of EU-citizens, who are dominating the more recent inflows – with the exception of 2015/16, when refugees dominated the picture.

Table 24: First & second generation migrants in Austria (LFS): 2021 (annual average)

Characteristics	Population in private households	Migration background		
		Total	First generation	Second Generation
	in 1000			
Total	**8 807,3**	**2 240,3**	**1635,0**	**605,3**
	Country of birth of parents [1])			
Austria	6 567,0	-	-	-
EU-MS (except Austria)	877,8	877,8	694,2	183,5
Non EU-MS	1362,5	1362,5	940,8	421,8
of which: Ex-Yugoslavia	584,2	584,2	396,4	187,8
Turkey	285,6	285,6	162,6	123,0
Others	492,8	492,8	381,8	111,0
	Citizenship			
Austria	7 309,1	792,8	411,9	380,9
EU-MS (except Austria)	790,7	763,0	659,8	103,2
Non EU-MS	707,5	684,6	563,3	121,3
of which: Ex-Yugoslavia	268,7	256,2	205,4	50,8
Turkey	116,1	114,4	90,2	24,2
Others	322,7	314,0	267,8	46,2
	Country of birth			
Austria	7 070,8	605,3	-	605,3
EU-MS (except Austria)	783,7	713,5	713,5	-
Non EU-MS	952,8	921,5	921,5	-
of which: Ex-Yugoslavia	383,3	379,4	379,4	-
Turkey	163,5	161,6	161,6	-
Others	406,1	380,5	380,5	-
	Year of immigration			
Born in Austria	7 070,8	605,3	-	605,3
before 1980	171,0	130,2	130,2	-
1980 - 1989	149,0	141,6	141,6	-
1990 - 1999	331,9	321,2	321,2	-
2000 - 2009	350,2	333,3	333,3	-
after 2010	734,4	708,7	708,7	-
	Age, Sex			
Men	**4 342,7**	**1 091,6**	**789,8**	**301,8**
less than 15	657,5	185,9	44,5	141,4
15 - 29	768,8	226,9	131,6	95,3
30 - 44	903,4	307,2	272,3	34,8
45 - 59	988,7	223,7	211,1	12,7
60 and older	1024,2	147,9	130,3	17,6
Women	**4 464,6**	**1 148,7**	**845,2**	**303,5**
less than 15	622,0	186,0	44,2	141,8
15 - 29	732,1	220,0	124,7	95,3
30 - 44	887,0	314,0	285,7	28,3
45 - 59	998,3	247,0	229,6	17,4
60 and older	1225,3	181,7	161,1	20,6

S: STATISTICs AUSTRIA, LFS. - Definition Migration background see "Recommendations for the 2010 censuses of population and housing", p. 90 of the United Nations Economic Commission for Europe (UNECE; see www.unece.org/stats/documents/2010.00.census.htm). - 2nd generation: both parents born abroad. - 1) "Austria" = at least one parent born in Austria; if both parents are born abroad = country of birth of mother.

The single largest third country group is born in former Yugoslavia, namely 396,400, followed by Turkey (162,600). As Table 24 indicates, only a fairly small proportion of the foreign born has come to Austria before 1980 – mainly as guest workers, namely 130,200 or 8%. The majority of the foreign born have come after 1989, and again particularly after 2010. While the first boost resulted from the demise of former Yugoslavia and the fall of the Iron Curtain, the second one resulted from EU enlargement and refugee inflows from the Middle East. The development indicates that the rise of immigrant flows from EU-MS is a relatively recent phenomenon, linked to free mobility of labour which acts as a facilitator of mobility.

Migrants are on average younger than natives. The share of youth of less than 15 years is larger among immigrants than among natives, just as the share of 15-44-year-olds. In contrast, natives are to a much larger extent than migrants 60 years or older.

The gender distribution is slightly tilted towards women. In 2021, 1,091,600 male migrants (first and second generation) were registered, 23.1% of the total male population, compared to 1,148,700 female migrants, 26% of the total female population in Austria. The number of migrant women surpasses the number of male migrants in all age groups except the 15-29-year-olds.

5 Development of mixed marriages

The number of total marriages in Austria has exhibited a declining trend between the early 1970s and 2001 – apart from some temporary increases as a result of a marriage bonus. From 2001 until 2013 the number of marriages stagnated, followed by a rising trend, raising the number of marriages to the levels of the 1970s. In 2021, 41,100 marriages were registered, 14% (5000) more than in 2013.

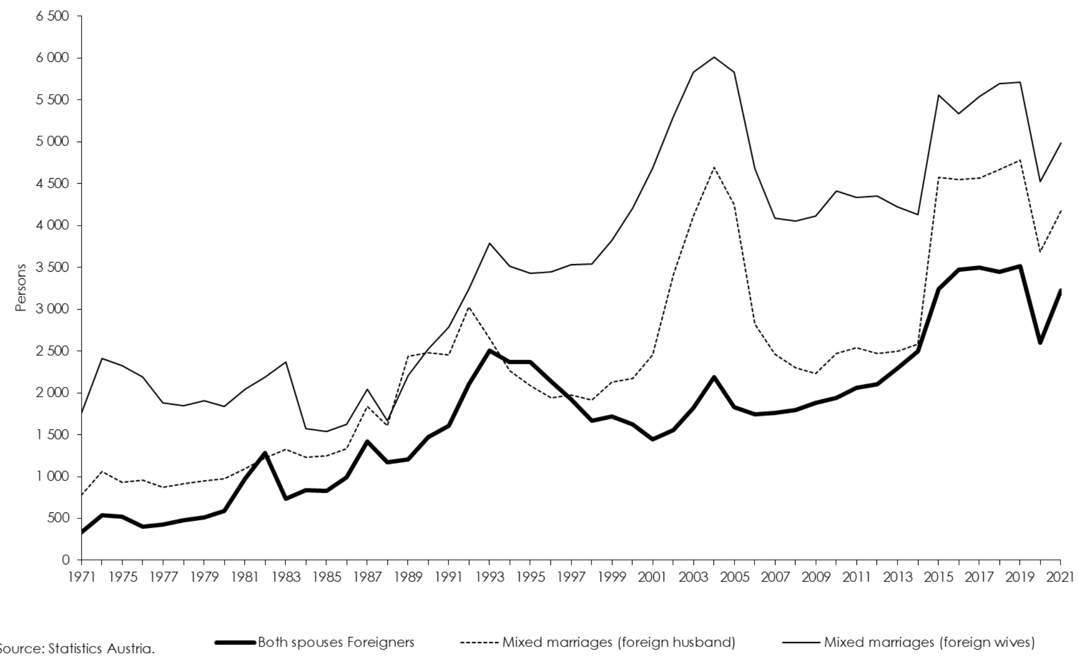
The introduction of a bonus system in 1987 - with tax benefits and a marriage bonus - never had any long run impact on marriage behaviour. It did, however, have a significant effect upon the number of first marriages in that period by postponing as well as pre-drawing marriages. (Figure 46 and Table 25). Also foreigners had access to the marriage bonus. In the 1990s the policy incentives for marriage were abandoned as the fertility rate did not rise as a consequence, as it was, a naïve expectation of policy makers.

The number of Austrians (both spouses) marrying declined from 45,300 in 1971 to 27,100 in 2013 (-40.1%) and rose thereafter to 28,700 in 2021. In contrast, the number of foreigners (both spouses) rose from 300 in 1971 to 2,300 in 2013 and further to 3,200 in 2021. And the number of mixed marriages increased over that time span from 2,500 to 9,200. In 2019, same-sex marriage was introduced – in 2021 632 were registered.

Figure 46: Total marriages and marriages of nationals
1971-2021

Source: Statistics Austria.

Figure 47: Mixed marriages and marriages of foreigners
1971-2021



Source: Statistics Austria.

Table 25: Marriages of Nationals and Foreigners 1971-2021

	Total Marriages	Both spouses	Both spouses	Mixed Marriages: of which	
		Nationals	*Foreigners*	*Foreign husband*	*Foreign wife*
1971	48 166	45 312	331	774	1 749
1972	57 372	53 365	539	1 057	2 411
1975	46 542	42 769	518	930	2 325
1976	45 767	42 220	399	955	2 193
1977	45 378	42 198	428	869	1 883
1978	44 573	41 334	477	916	1 846
1979	45 445	42 077	514	945	1 909
1980	46 435	43 037	586	976	1 836
1981	47 768	43 652	976	1 093	2 047
1982	47 643	42 947	1 281	1 222	2 193
1983	56 171	51 745	736	1 321	2 369
1984	45 823	42 187	836	1 228	1 572
1985	44 867	41 250	830	1 252	1 535
1986	45 821	41 871	989	1 336	1 625
1987	76 205	70 907	1 421	1 834	2 043
1988	35 361	30 911	1 170	1 609	1 671
1989	42 523	36 670	1 202	2 441	2 210
1990	45 212	38 734	1 470	2 482	2 526
1991	44 106	37 260	1 603	2 458	2 785
1992	45 701	37 323	2 105	3 031	3 242
1993	45 014	36 072	2 506	2 649	3 787
1994	43 284	35 137	2 371	2 265	3 511
1995	42 946	35 070	2 369	2 082	3 425
1996	42 298	34 778	2 137	1 940	3 443
1997	41 394	33 966	1 923	1 977	3 528
1998	39 143	32 030	1 664	1 912	3 537
1999	39 485	31 816	1 719	2 131	3 819
2000	39 228	31 226	1 623	2 170	4 209
2001	34 213	25 622	1 446	2 456	4 689
2002	36 570	26 299	1 554	3 412	5 305
2003	37 195	25 713	1 823	4 111	5 832
2004	38 528	26 124	2 192	4 692	6 007
2005	39 153	27 245	1 833	4 246	5 829
2006	36 923	27 677	1 746	2 821	4 679
2007	35 996	27 689	1 758	2 463	4 086
2008	35 223	27 075	1 795	2 301	4 052
2009	35 469	27 245	1 880	2 228	4 116
2010	37 545	28 722	1 943	2 471	4 409
2011	36 426	27 491	2 063	2 538	4 334
2012	38 592	29 661	2 106	2 475	4 350
2013	36 140	27 125	2 294	2 500	4 221
2014	37 458	28 243	2 499	2 585	4 131
2015	44 502	31 130	3 240	4 577	5 555
2016	44 890	31 538	3 471	4 547	5 334
2017	44 981	31 375	3 501	4 563	5 542
2018	46 468	32 652	3 449	4 668	5 699
2019	46 034	32 018	3 518	4 782	5 716
2020	39 662	28 855	2 595	3 685	4 527
2021	41 111	28 730	3 225	4 169	4 987

Source: Statistics Austria.

But the rising number of mixed marriages has not been steady and continuous. The steep rising trend from the 1970s, but particularly the 1990s and early years of 2000, found an abrupt end in 2004, with the legislative reform of family formation and reunification in 2005; the new regulations made it difficult for poor Austrians (often with migrant background) to marry a third country citizen. Above all, Austrian women who wanted to marry a foreign spouse were experiencing declines in marriages. It took some 10 years for the marriage propensity of Austrian citizens with a foreign citizen to recover. In 2015, the number of mixed marriages increased abruptly from 6,800 to 10,100 (+50.9% vs 2014). Since then, the number stabilised until 2019, reaching 10,300, and declined thereafter, possibly covid-induced to 4,200 in 2021.

The proportion of marriages with both spouses nationals has declined significantly over the last 50 years. In 1971 94 percent of all marriages were between nationals. In 2014, their share had come down to 75.4%, and further to 69.9% in 2021. The share of foreign marriages (with both spouses foreigners) increased from 0.7 percent 1971 to 7.8% 2021. While in 1971 only 5.2 percent of all marriages were with an Austrian spouse and foreign partner, their share rose to 18 percent in 2014, and further to 22.3% in 2021.

Traditionally, Austrian men have a higher propensity to marry a foreigner than Austrian women. Their share in total marriages amounted to 3.6 percent 1971 and rose to 15.7 percent 2003, and declined thereafter to 12.1 percent in 2021. In contrast, only 1.6 percent of all marriages in 1971 were mixed, with the wife being Austrian and the husband foreign. This share has increased over time as well, particularly in the early years of 2000, reaching 12.2 percent in 2004. Since then, the share of marriages of Austrian women with a foreign spouse has declined to 10.1 percent in 2021.

The reasons for the disparate development of marriages are complex and not solely due to demographic change. Behavioural factors are also responsible, e.g., Austrians tend not to marry to the same extent and at such an early age as in the olden days, i.e., the 1960s and 1970s. In addition, Austria's immigrant population tends to look for potential spouses in their countries of origin, often also third generation immigrants. In 1999, the Citizenship Law was amended to the extent that in the case of mixed marriages the partner of third country origin is eligible for Austrian citizenship after 5 years of marriage with the same partner and 6 years of legal residence. In the most recent legislative reform of 2005, it has been made more difficult for the partner to obtain Austrian citizenship. The major hurdle is the need for regular income. The nationality mix of the foreign spouses of Austrians is rather diverse; there is, however, a clear linkage with the traditional migrant source countries, in particular former Yugoslavia and Turkey.

IV. Employment and unemployment of foreign workers

1 Employment of foreign workers

According to social security data, Austria counted 839,600 foreign wage and salary earners in 2021, i.e., 62,400 or 8 percent more than a year ago, while the employment of Austrians grew only by 25,400 or 0.9 % versus 2020. This meant that - in 2021 – 71% of total employment growth accrued to foreign citizens. Accordingly, the foreign worker share in total employment rose to 22.1%, after 21 percent in 2020. In 2022, total foreign employment continued to rise significantly (+10.4%, +87,400), while the number of Austrian workers rose only slightly (+0.7%, +21,300); as a result the foreign worker share in total dependent employment increased to 23.7%.

Of the total number of foreign employees in 2021 511,000 were citizens from the EU/EFTA/CH, i.e., 61% of all foreign citizens, of whom 152,400 from the old member states (MS) and 354,900 from the new MS. In addition, 322,300 foreign workers of third countries (including United Kingdom) were employed in Austria in 2021, i.e., 38.4% of all foreign workers. (Table 26 and Table 2). In 2022, the composition of migrant workers by source regions changed fairly little as a result of the surprisingly low employment rate of Ukrainian displaced persons.

Table 26: Employment by categories of citizenship 2019-2022

Nationality	2019	2020	2021	2022
EU 13	144926	143430	152395	166017
EU 10	223647	211740	228937	251392
Bulgaria, Romania	76200	75408	82709	92277
Croatia	34589	36596	43301	50456
United Kingdom	4254	4158	4269	4455
EEA (without EU)	453	460	485	519
Switzerland	3033	3038	3186	3370
Austria	2997820	2939894	2965309	2986650
Third Countries (Europe)	227906	217990	227157	244350
Third Countries (outside Europe)	78290	78411	90842	106957
Others	1333	1314	1410	1598
Unknown	4854	4725	4941	5594
Total employment	**3797305**	**3717164**	**3804941**	**3913635**

Source: Amis-databank https://www.dnet.at/bali/Datenbank/DB_Index.aspx

The share of EU citizens amongst foreign wage and salary earners is rising in Austria for every single EU-MS. The largest increases exhibited citizens from the new EU-MS as a consequence of free mobility, with a boost after the expiration of transition regulations.

Table 27: Foreign wage and salary earners in Austria from 1975-2022
Annual average

	Foreign[1] workers	Changes vs year ago		Share in total employment
		Absolute	Percent	In percent
1975	191,011	-31,316	-14.1	7.2
1976	171,673	-19,338	-10.1	6.4
1977	188,863	17,190	10.0	6.9
1978	176,709	-12,154	-6.4	6.4
1979	170,592	-6,117	-3.5	6.2
1980	174,712	4,120	2.4	6.3
1981	171,773	-2,939	-1.7	6.1
1982	155,988	-15,785	-9.2	5.6
1983	145,347	-10,641	-6.8	5.3
1984	138,710	-6,637	-4.6	5.1
1985	140,206	1,496	1.1	5.1
1986	145,963	5,757	4.1	5.3
1987	147,382	1,419	1.0	5.3
1988	150,915	3,533	2.4	5.5
1989	167,381	16,466	10.9	6.0
1990	217,611	50,230	30.0	7.6
1991	266,461	48,850	22.4	9.1
1992	273,884	7,423	2.8	9.3
1993	277,511	3,627	1.3	9.4
1994[1]	291,018	13,507	4.9	9.8
1995	300,303	9,285	3.2	10.1
1996	300,353	0,050	0.0	10.2
1997	298,775	-1,578	-0.5	10.1
1998	298,582	-0,193	-0.1	10.0
1999	306,401	7,819	2.6	10.1
2000	319,850	13,449	4.4	10.5
2001	329,314	9,464	3.0	10.7
2002	334,432	5,118	1.6	11.0
2003	350,361	15,929	4.8	11.5
2004	362,299	11,938	3.4	11.8
2005	374,187	11,888	3.3	12.0
2006	390,695	16,508	4.4	12.4
2007	412,578	21,883	5.6	12.8
2008	437,055	24,478	5.9	12.9
2009	431,552	-5,503	-1.3	12.9
2010	451,276	19,724	4.6	13.4
2011	488,934	37,658	8.3	14.3
2012	527,062	38,100	7.8	15.2
2013	556,752	29,700	5.6	16.0
2014	588,722	31,969	5.7	16.8
2015	615,682	26,960	4.6	17.4
2016	651,690	36,008	5.8	18.2
2017	698,512	46,822	7.2	19.1
2018	752,893	54,382	7,8	20,1
2019	799,483	46,590	6,2	21,1
2020	777,270	-22,213	-2.8	20.9
2021	839,632	62,362	8.0	22.1
2022	926,985	87,353	10.4	23.7

Source: Federal Ministry of Labour & Federation of Austrian Social Security Institutions. - [1] Corrected series (permanent licences and persons on parental leave included). - [13] Since 1994 foreign employment according to social security data.

Accordingly, the share of EU-10 and EU-2 citizens in the foreign work force has risen from 15% in 2004 to 37% in 2021 - remaining at this level in 2022. Also, the EU-membership of Croatia in 2013 raised the number of EU citizens, amounting to 43,300 in 2021 and further to 50,500 in 2022, accounting for 5.4% of foreign employment.

Consequently, third country citizens are making up a continuously smaller share of foreign workers – in 2022 37.9%. This is to say that their numbers continue to rise but not to the same extent as the numbers of EU/EEA citizens. The lower growth rate is due to the fact that, by now, many of the former third country citizens have joined the European Union.

The composition of foreign labour by nationality and gender

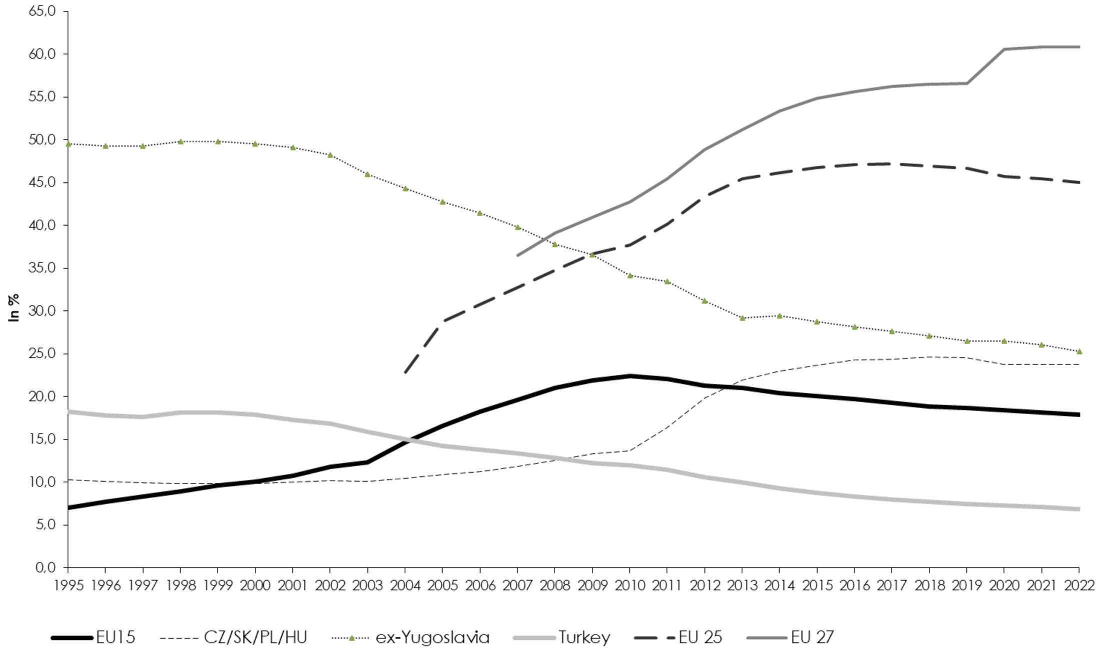
The composition of foreign labour by nationality is changing. The most pronounced development of the past few years is the rising share of EU citizens in the foreign workforce. In the wake of EU-enlargement the share rose to almost 35% in 2004 and after the following EU-enlargement of 2007 to almost 39%. In 2008, the share of EU-27 citizens in the foreign work force exceeded the share of workers from the region of pre-war Yugoslavia for the first time (38%). This shift marks a historic transition, especially in light of the fact that citizens from (former) Yugoslavia accounted for more than three quarters of foreign labour in Austria in 1970 and represented almost half of foreign workers until 2002. Most of the foreign workers from the new EU-MS are citizens from the Czech Republic, Slovakia, Poland and Hungary, i.e., nationalities that made up a sizable proportion of the foreign workforce in Austria even before EU-enlargement. (Figure 48)

The data indicate that the absolute number of workers from EU 27 countries follows a clear and steeply rising trend (+360,300, +239% between 2007 and 2021). While the absolute number of workers from the region of pre-war Yugoslavia rose slowly between 2007 and 2021 (54,700, +33.3%), the proportion of migrant workers from this region is on a clear decline. The same holds for Turkey, apart from cyclical fluctuations. Thus, the proportion of EU citizens working in Austria can be expected to continue to rise at the detriment of the source regions of former guest workers.

Accordingly, the share of EU-14 (except AT) citizens has been rising from 7.1% of the foreign workforce in 1995 to 18.2 percent in 2021. The major influx is from Germany - Germans account for 71% of all EU-14 citizens in the Austrian workforce. But increasingly also Italians, French and Dutch citizens take up work in Austria. Due to Brexit the number of British wage and salary earners, now among third country citizens, may be of particular interest: their numbers increased from 3,400 in 2014 to 4,300 in 2019, remained at this level until 2021, and increased in 2022 slightly to 4,500, constituting 1.3% of third country citizens in 2022.

In contrast, the share of persons from the region of pre-war Yugoslavia has been declining from 49% in 1995 to 26.1% 2021. Within that group, the share of persons from Croatia is rather small (5.2 percent of all foreign workers in 2021). The proportion of Bosnians has increased more, as they received preferential treatment on humanitarian grounds when applying for work permits in the early 1990s; their numbers rose as their family members joined them. In 2021, they accounted for 6.2% of all foreign workers. The Slovenes, now citizens of an EU-MS, account for 3.2 percent of all foreign workers. Some 19% of all workers from pre-war Yugoslavia continue to have the "old" Yugoslavian citizenship or declare themselves as Yugoslavs (40,700) in 2021. This indicates that they are immigrants who have been in Austria for a long time. The foreign workers from current Yugoslavia (including Serbia, Montenegro, North-Macedonia, Bosnia-Herzegovina and Kosovo) accounted for 17.7% of all foreign workers in 2021 (a subgroup of the 26.1% that includes all the immigrants from the region of pre-war Yugoslavia).

Figure 48: Composition of foreign labour by region/country of origin: 1995-2022



Source: Amis-BALIweb. Federation of Austrian Social Security Institutions.

The share of Turks in foreign employment has declined between 1989 and 1997 from 23.4 percent to 17.7 percent. In 1998 their numbers increased again more than proportionately to a share of 18.2 percent of all foreign workers – basically as a result of the implementation of the association agreement of Turkey with the EU (article 4c/2 AuslBG). The integration of the association agreement into the Austrian Foreign Worker Law meant that access to the labour market had to be granted (either a work permit or any other type of work entitlement) upon request of the eligible Turkish citizen. In 1999, the number of work-permits of Turkish citizens rose proportionately such that their share in foreign employment remained stable at 18.2%. After 1999, the decline picked up again such that the share of Turks in foreign employment reached 7.1 percent in 2021; this is the lowest share of Turks in foreign employment since the late 1970s.

The decline is the result of various factors, one being a reduction in net-inflows in the wake of increasing return migration to Turkey (since 2012 inflows start to gain momentum again, however, and outflows slow down), another of continued naturalisations. (Biffl, 2012)

Ever since 1993, the employment share of foreign women increased – a consequence of a shift in the composition of migrants towards nationalities with a higher propensity of labour force participation. The share of women in foreign employment rose from 33.5% in 1992 to 41.2% in 2015, but declined since then slightly to 40.6 percent in 2022. Over that time span the proportion of women in foreign employment remained clearly below the Austrian average (2022: 46.4%). (Figure 49)

The share of women in foreign employment differs greatly by country of origin. Women from Serbia and Montenegro (2022: 46.9%) tend to have the highest female shares in employment. Next in line are Bosnian and Croatian women (with a share in total Bosnian resp. Croatian employment of 42.2 % resp. 41.4% in 2022. The lowest proportion of women in total employment of former Yugoslav regions is amongst Macedonians (38.6%), albeit with rising tendency. The lowest share of female employment has traditionally been among Turkish workers, but also in this case we observe in the last couple of years an increasing tendency of Turkish women to work in the regular labour market, leading to 36.5% in 2022.

The lifting of labour market entry barriers to Turkish citizens as a result of the implementation of agreements of the EU with Turkey in 1997 tended to raise the share of women in the employment of Turks in Austria from 24.8 percent in 1997 to 33 percent in 2012; the rise was not continuous and slowed down over time, partly due to limited work opportunities in their major skill segments, partly due to marriage of Turkish men in Austria who look for wives in Turkey, who tend to stay at home.

Women from other countries, largely from CEECs, tended to have low employment shares relative to men, largely because of a high degree of clandestine work as well as self-employment, in particular in domestic and care services; but signs are for the better as female employment shares (wages & salaries) are rising, reaching 39% in 2022, after 28.9 percent in 2001. In particular, the share of women in employment of workers from the EU12 is rising, reaching 39.9% in 2016, and declining somewhat until 2022 to 39%. (Table 28)

Figure 49: Female employment share in total salaried employment 1971-2022

Source: Federal Ministry of Economics and Labour; Federation of Austrian Social Security Institutions. - [1] Since 1994 foreign employment according to social security data.

Table 28: Foreign workers of third countries by gender and selected nationalities
Annual average

	2017				2021				2022			
	Male	Female	Total	Female	Male	Female	Total	Female	Male	Female	Total	Female
Nationalities				In %				In %				In %
Serbia&Montenegro	15733	12742	28475	44,7	20519	17614	38133	46,2	22008	19471	41479	46,9
Croatia	15830	12224	28054	43,6	25525	17777	43302	41,1	29581	20876	50457	41,4
Bosnia	25447	18250	43697	41,8	30521	21562	52083	41,4	32039	23357	55396	42,2
Macedonia	4761	2540	7301	34,8	5910	3439	9349	36,8	6262	3938	10200	38,6
Turkey	37197	18854	56051	33,6	38595	20906	59501	35,1	40193	23091	63284	36,5
Others	316902	218032	534934	40,8	383761	253503	637264	39,8	420448	285720	706168	40,5
Of whom												
EU12	154721	100093	254814	39,3	192085	119561	311646	38,4	209627	134042	343669	39,0
Total	415870	282642	698512	40,5	504831	334801	839632	39,9	550531	376453	926984	40,6

Source: LMS, Baliweb. http://www.dnet.at/bali/ own calculations.

Table 29: Foreign workers by nationality 1971-2022[1]
Annual average

	Foreign workers Total	EU-15/14	of which: Germany	EFTA	EU-10	EU-2	Yugoslavia (1)	Yugoslavia (2)	Croatia	Bosnia	Turkey	Others
		In percent										
1971	150 200	.	3.0	.			76.0		.	.	13.1	7.0
1972	187 100	.	2.8	.			77.7		.	.	11.4	7.2
1973	226 800	.	2.5	.			78.5		.	.	11.8	6.4
1974	222 300	.	2.6	.			76.2		.	.	13.5	7.0
1975	191 000	.	3.1	.			73.9		.	.	14.1	8.0
1976	171 700	.	6.2	.			70.2		.	.	14.3	8.3
1977	188 900	.	6.3	.			69.7		.	.	14.3	8.7
1978	176 700	.	6.6	.			68.5		.	.	14.8	8.9
1979	170 600	.	6.8	.			67.2		.	.	15.6	9.2
1980	174 700	.	6.9	.			65.9		.	.	16.2	9.8
1981	171 800	.	7.1	.			64.5		.	.	16.9	10.3
1982	156 000	.	7.6	.			62.0		.	.	18.3	10.6
1983	145 300	.	7.8	.			61.4		.	.	19.0	10.5
1984	138 700	.	8.0	.			59.9		.	.	20.0	10.7
1985	140 200	.	8.0	.			58.5		.	.	20.8	11.4
1986	146 000	.	7.8	.			57.3		.	.	21.4	12.1
1987	147 400	.	7.8	.			56.0		.	.	22.2	12.6
1988	150 900	.	7.9	.			55.1		.	.	22.7	14.3 2)
1989	167 400	.	7.4	.			54.3		.	.	23.4	14.9 2)
1990 2)	217 600	.	6.0	.			50.8		.	.	23.2	20.0 2)
1991 3)	266 500	7.2	5.1	0.7			48.5		.	.	21.6	22.0 2)
1992	273 900	6.9	5.0	0.7			48.8 4)		0.4	.	20.3	22.4
1993	277 500	6.9	5.0	0.7			45.6		2.3	1.2	19.6	22.1
1994 4)	291 000	6,3	4,2	0,3			44,4		1,3	2,3	18,6	26,7
1995	300 300	7,1	4,5	0,3			43,1	49,2	1,6	3,6	18,2	25,3
1996	300 400	7,8	4,9	0,4			42,0	49,3	1,8	4,5	17,8	24,8
1997	298 800	8,3	5,2	0,4			41,3	49,3	1,9	5,0	17,7	24,3
1998	298 600	9,0	5,7	0,4			41,0	49,8	2,1	5,5	18,2	22,6
1999	306 400	9,7	6,1	0,4			40,1	49,8	2,3	6,0	18,2	22,0
2000	319 900	10,1	6,5	0,4			38,8	49,5	2,6	6,6	17,9	22,1
2001	329 300	10,8	7,1	0,4			37,3	49,1	3,0	7,3	17,3	22,4
2002	334 400	11,8	7,9	0,4			35,8	48,2	3,2	7,6	16,8	22,7
2003	350 400	12,4	9,0	0,4			33,4	46,0	3,2	7,6	15,9	25,3
2004	362 300	14,7	10,8	0,5	11,8	3,6	31,3	44,3	3,3	7,6	15,1	12,2
2005	374 200	16,6	12,6	0,5	12,3	3,6	29,1	42,8	3,4	7,6	14,3	10,4
2006	390 700	18,3	14,2	0,5	12,6	3,5	26,9	41,4	3,5	7,5	13,8	10,2
2007	412 578	19,6	15,5	0,5	13,2	3,7	24,8	39,9	3,3	7,1	13,4	10,2
2008	437 055	21,0	16,5	0,5	14,0	4,1	22,5	37,8	3,3	7,0	12,8	10,2
2009	431 552	21,9	17,2	0,5	14,7	4,3	21,0	36,6	3,5	7,4	12,2	10,2
2010	451 276	22,4	17,4	0,6	15,3	4,5	19,1	34,2	3,4	6,9	12,0	11,5
2011	488 934	22,1	17,4	0,5	18,1	4,8	17,1	33,4	3,3	6,6	11,5	10,0
2012	527 062	21,3	16,5	0,5	22,1	5,0	15,1	31,2	3,2	6,4	10,6	9,8
2013	556 752	21,0	15,9	0,5	24,5	5,2	17,0	28,2	3,3	6,5	10,0	10,1
2014	588 722	20,4	15,2	0,5	25,8	6,7	17,0	29,4	3,5	6,4	9,3	8,3
2015	615 681	20,0	14,8	0,5	26,7	7,6	16,0	28,8	3,7	6,3	8,7	8,1
2016	651 690	19,7	14,3	0,5	27,4	8,1	15,1	28,2	3,8	6,3	8,3	8,2
2017	698 512	19,3	13,9	0,5	27,9	8,6	14,3	27,6	4,0	6,3	8,0	8,5
2018	752 892	18,9	13,5	0,4	28,1	9,1	13,6	27,1	4,2	6,2	7,7	8,6
2019	799 484	18,7	13,2	0,4	28,0	9,5	12,9	26,5	4,3	6,1	7,5	12,6
2020	777 270	18,5	13,4	0,4	28,0	9,5	12,9	26,5	4,3	6,1	7,5	13,6
2021	839 632	18,2	13,1	0,4	28,0	9,5	12,9	26,5	4,3	6,1	7,5	14,3
2022	926 985	17,9	12,7	0,4	28,0	9,5	12,9	26,5	4,3	6,1	7,5	15,6

Source: Federal Ministry of Labour. Official series, not corrected for statistical breaks. - [1] 1971-1976 estimate. - [2] Including work permits surpassing actual employment of foreign workers. - [3] Starting with 1992 new frontiers. - [4] Since 1994 foreign employment according to social security data. – [5] From 2007 onwards EEA25/27 includes Bulgaria and Romania, taken out of others. Yugoslavia (1) citizenship "Yugoslavia" + Macedonia, Serbia and Montenegro, Kosovo; Yugoslavia (2) includes citizens from Bosnia Herzegovina, Croatia and Slovenia.

Industrial structure of foreign employment

The industrial structure of employment before and after 2007 cannot be compared without a significant margin of error due to the introduction of a new industrial classification (statistical break, ÖNACE 2008). Accordingly, we only look a medium-term look at data.

The employment development followed a rising trend between 2016 and 2022, i.e., dependent employment (excluding conscripts and persons on maternity leave) rose between 2016 and 2022 by 342,500 or 9.8% to 3,844,600 in 2022. Over the same time span the employment of foreign workers increased more than proportionately, namely by 275,300 or 42.2% to 927,000 in 2022. This means that 80.5% of the employment growth over the last six years accrued to foreign wage and salary earners. Thus, the share of foreign workers in total employment increased from 18.6% in 2016 to 24.1% in 2022.

Employment in **manufacturing industries** had started to recover in 2016, but could not yet attain the employment level of 2012 (-1,700, - 0.3%). Employment in the industrial sector continued to recover until 2019, the year before the economic and social disruptions flowing from the corona-pandemic triggered a decline, above all in tourism due to the closure of borders. In 2021 and 2022 the situation improved again, allowing an increase in employment (excluding construction) by 55,300 (+9.5%) vs 2016 to 637,000. The weak employment growth is partly the result of productivity increases flowing from digitalisation but also of an increasing implementation of leasing workers rather than regular workers in manufacturing. The employment increase of the latter shows up in "Other Business Services", where employment levels in 2022 surpassed the level of 2016 by 20.3% or 40,200.

Foreign workers were more than proportionately affected by employment declines in the crisis of 2009/10, partly as a result of their skill composition, which tends to be concentrated at the lower end of the skill segment. In the economic upswing they were, however, also on average more than proportionately profiting from employment growth. As a result, the share of foreign workers in manufacturing industries declined from 2008 to 2009,but rose to the level of 2008 in the following year and increased to 22.3% in 2022, after 16.9% in 2016.

The construction sector exhibited a similar cyclical employment pattern as manufacturing. The decline was just as pronounced such that, by 2022, the number of wage and salary earners only slightly surpassed the values of 2016 (+27,800, +10.6%). The share of foreign workers is higher than in manufacturing with 32.2% on average in 2022 (vs 25.4% in 2016). The employment decline of foreign workers in construction in the crisis year of 2009 was fairly proportional to native workers, keeping their employment share constant between 2008 and 2009. The covid-pandemic did not affect construction to the same extent as many services industries such that their employment levels hardly declined in 2019. In the following years employment of foreign workers in the construction sector increased more than proportionately to 93, 094, i.e., by 29,900 or 47.2% vs 2016.

Table 30: Employment of wage and salary earners by industry
Annual average

	Total employment			Change versus a year ago 2021/22		Foreign employment			Change versus a year ago 2021/22		Foreigners in % of total 2022
Industries(ÖNACE 2008)	**2020**	**2021**	**2022**	**Numbers**	**In %**	**2020**	**2021**	**2022**	**Numbers**	**In %**	**In %**
Agriculture and Forestry	24 804	25 749	25 981	232	0,9	13 190	13 735	13 724	-11	-0,1	52,8
Mining, stones and minerals	5 935	5 693	5 662	-31	-0,5	707	606	607	1	0,2	10,7
Production of Commodities	619 522	623 417	636 980	13 563	2,2	124 281	130 247	141 940	11 693	9,0	22,3
Energy Supply	25 947	26 064	26 822	758	2,9	1 302	1 466	1 641	175	11,9	6,1
Watersupply and environmental clean up	17 860	17 865	18 167	302	1,7	3 618	3 681	3 867	186	5,1	21,3
Construction	271 077	284 994	289 259	4 265	1,5	81 464	89 605	93 094	3 489	3,9	32,2
Trade, repairworks	548 822	562 139	572 304	10 165	1,8	110 894	120 192	129 168	8 976	7,5	22,6
Transport and Storage	194 995	194 275	200 072	5 797	3,0	52 185	54 057	59 863	5 806	10,7	29,9
Tourism	178 025	186 717	217 472	30 755	16,5	89 895	95 622	118 668	23 046	24,1	54,6
Information and Communication	106 494	110 852	117 174	6 322	5,7	19 116	21 607	24 570	2 963	13,7	21,0
Financial Services, Insurance	112 797	111 372	111 853	481	0,4	11 807	12 439	13 769	1 330	10,7	12,3
Real estate and housing	42 866	43 575	43 783	208	0,5	8 659	8 934	9 252	318	3,6	21,1
Services of Professionals	187 954	194 296	202 905	8 609	4,4	33 768	36 471	40 745	4 274	11,7	20,1
Other business services	211 076	228 127	238 678	10 551	4,6	95 838	109 400	120 194	10 794	9,9	50,4
Public administration, social security	583 155	587 998	592 677	4 679	0,8	32 186	34 516	38 895	4 379	12,7	6,6
Education and research	110 263	110 111	113 063	2 952	2,7	25 438	27 830	30 762	2 932	10,5	27,2
Health-, veterinary and social services	276 851	295 260	303 043	7 783	2,6	45 105	50 717	55 223	4 506	8,9	18,2
Arts, entertainment and recreation	36 877	37 960	40 066	2 106	5,5	9 666	10 065	11 100	1 035	10,3	27,7
Other Services	83 910	83 111	83 921	810	1,0	16 153	16 320	17 790	1 470	9,0	21,2
Private Households	2 746	2 760	2 627	-133	-4,8	1 157	1 200	1 157	-43	-3,6	44,0
Exterritorial organisations	808	849	863	14	1,6	425	463	466	3	0,6	54,0
Unknown	1 149	1 181	1 200	19	1,6	418	461	489	28	6,1	40,8
Sum of all industries	3 643 933	3 734 365	3 844 572	110 207	3,0	777 272	839 634	926 984	87 350	10,4	24,1
Maternity leave, conscripts,	73231	70575	69063	-1 512	-2,1	0	0	0			
Sum	3 717 164	3 804 940	3 913 635	108 695	2,9	21,3	22,5	24,1			

Source: Amis-databank, https://www.dnet.at/Amis/Datenbank/DB_Be.aspx. Federation of Austrian Social Security Institutions (HSV).

The services sector does not exhibit the pronounced cyclical fluctuations of manufacturing and construction. This is because many services are part of public infrastructure, in particular education, health and public administration. However, in 2020, the covid-pandemic hit above all tourism and many consume oriented services due to social distancing rules. Accordingly, on average in 2022, total employment in the services sector (excluding self-employed) did not exceed the level of 2016 by more than the manufacturing sector, i.e., by

240,700 or 9.3%. The share of the services sector in total dependent employment declined therefore slightly in 2022 vs 2016 to 73.9%, after 74.3%. The share of foreign workers in the services sector is lower than in construction but somewhat higher than in manufacturing industries with 23.7% in 2022. In certain services industries the proportion of foreign workers is amongst the highest of any industry. Tourism industries take the lead with a share of 54.6% foreign workers in 2022, followed by other business services (50.4%), in particular cleaning (65.8%), and domestic services (44%). The lowest share of foreign workers is in public administration with 6.6%, the highest share of any industry is in agriculture and forestry with 52.8% in 2022. (Table 30)

Regional distribution of foreign employment

The regional distribution of foreigners in terms of the proportion of foreign workers in total employment has remained very stable in the second half of the 1990s but changed after 2000. Every federal state started to increase the share of foreign workers in total employment from 1999 onwards and the rank order changed somewhat. Particularly Burgenland, the easternmost province bordering on Hungary and Slovakia, and Vienna saw very pronounced increases in the foreign worker share in employment since enlargement of the EU in 2004 and 2007. Thus, the increase is largely due to employees from the enlargement countries, partly as cross-border workers partly as immigrants. As a result, the ranking of the provinces has changed, with Vienna taking the lead (2022: 30.9% foreign worker share), followed by Burgenland (2022: 28.2%), the easternmost province, and Vorarlberg (27.2%) the westernmost region. The range between the highest and the lowest foreign worker share has remained fairly constant between 1995 and 2022 (1995: 14 percentage points vs 13.5 in 2022). The provinces with the lowest share remained the same, namely Styria and Carinthia, but they switched places with Styria having a slightly higher share than Carinthia in 2022, i.e., 19.2% versus 17.4%, compared to 1995, when Styria had the lowest share with 4.5% versus Carinthia with 5.9%. (Figure 50)

The rank order was affected by a differing regional mix of temporary workers, cross-border workers, settlers, and a regionally differing propensity to take up citizenship.

The distribution of foreign workers across Austria is quite concentrated. In Vienna alone we find 30% of all foreign employees in 2022 (compared to 35% in 2000), a further 15% are employed in Upper Austria and 14.3% in Lower Austria. 59.2% of all foreign workers in Austria were working in these 3 regions in 2022. (Figure 51 and Table 31)

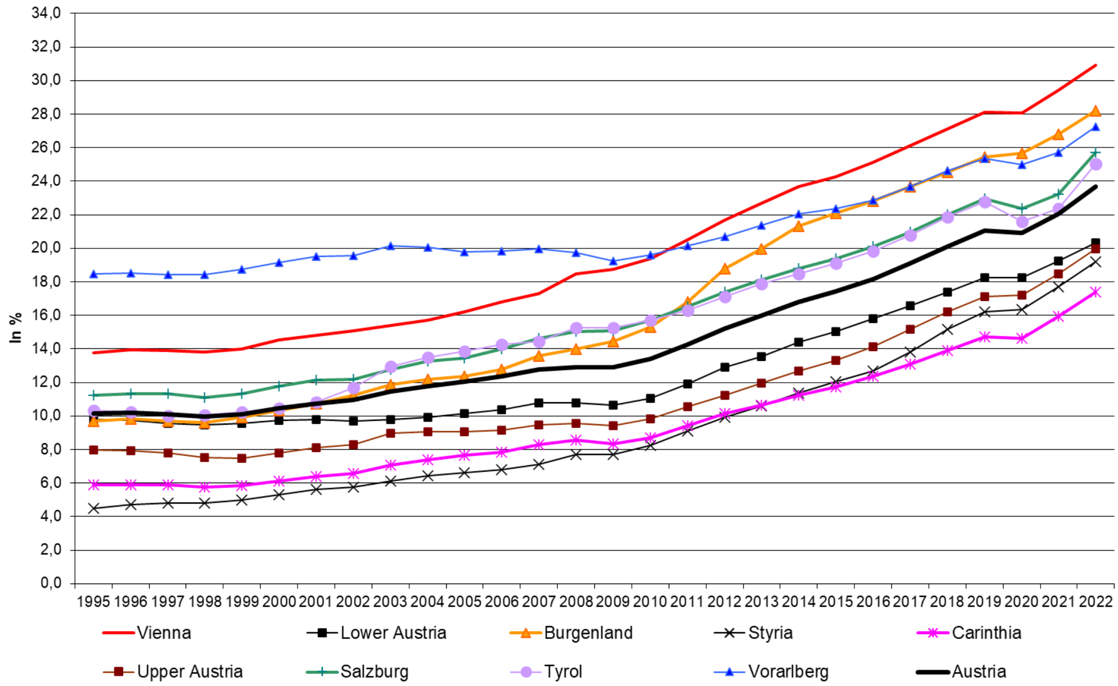
The regional concentration of foreign workers differs somewhat by the nationality of foreigners. While Yugoslavs, Turks and the multicultural conglomerate of 'Others' tend to be to a larger extent than the average foreign worker in Vienna, Germans tend to be concentrated upon the western regions, Tyrol, Vorarlberg, Upper Austria and Salzburg. Yugoslavs tend to concentrate, apart from Vienna, in Lower and Upper Austria. Turks, given their occupational specialisation in textiles, clothing and leather, are, apart from Vienna, more than proportionally represented in Vorarlberg, Lower Austria and Tyrol.

Table 31: Foreign worker share by provinces: 2005-2022

Province	Foreigners					Foreigners in % of total employment				
	2005	2010	2015	2020	2022	2005	2010	2015	2020	2022
Vienna	118 629	148 243	194 639	236 675	277 443	16,2	19,8	24,3	28,1	30,9
Lower Austria	52 229	62 383	88 524	113 980	132 493	10,1	11,5	15,1	18,2	20,3
Burgenland	10 194	14 153	22 047	27 003	31 508	12,4	15,9	22,1	25,7	28,2
Styria	28 506	38 361	58 949	85 097	104 714	6,6	8,5	12,0	16,3	19,2
Carinthia	14 568	17 719	24 086	30 705	38 615	7,6	9,0	11,7	14,6	17,4
Upper Austria	49 325	58 535	83 860	114 702	138 689	9,1	10,2	13,3	17,2	20,0
Salzburg	28 823	36 956	47 900	56 695	68 904	13,5	16,2	19,4	22,4	25,7
Tyrol	37 357	46 663	60 665	71 161	87 866	13,9	16,2	19,1	21,6	25,1
Vorarlberg	26 337	28 264	35 011	41 252	46 754	19,8	20,2	22,4	25,0	27,2
Austria	365 968	451 277	615 681	777 270	926 986	11,8	13,8	17,4	20,9	23,7

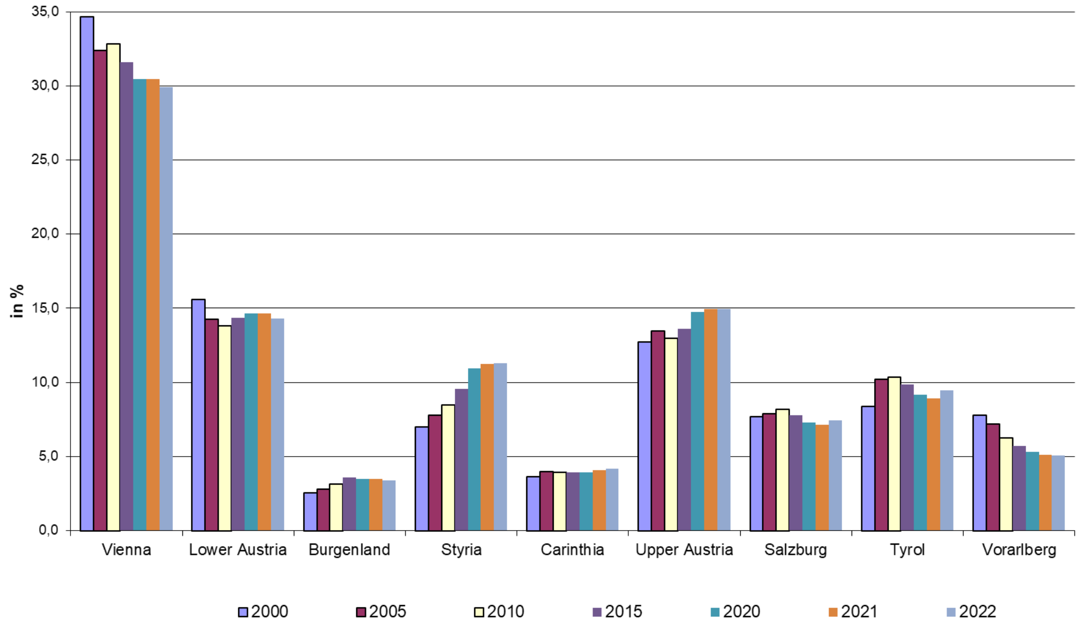
Source: BALIweb, Federation of Austrian Social Security Institutions.

Figure 50: Foreign worker share by region/Bundesland in Austria (foreigners in percent of total dependent employment): 1995-2022



Source: BALIweb, Federation of Austrian Social Security Institutions.

Figure 51: Regional distribution of foreign labour in Austria (total foreign employment = 100): 2000-2022



Source: BALIweb, Federation of Austrian Social Security Institutions.

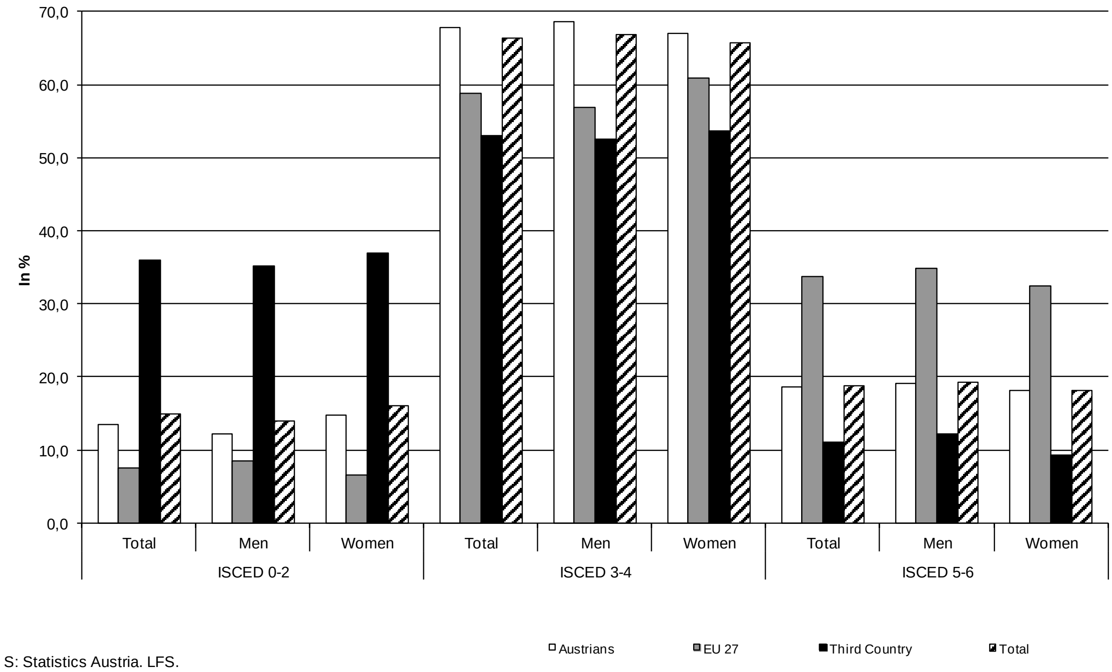
Migrant workers by educational attainment level

Austria has in international comparison an above average proportion of workers in the medium skill bracket (ISCED 3-4). This group is very heterogeneous in terms of educational background, with a narrow academically oriented stream (Gymnasium), which prepares for university education in humanities, medicine, law, philosophy and the like, as well as streams of upper secondary education with a strong vocational orientation geared towards higher education either in engineering or commercial/business fields. It comprises also the medium skills obtained through apprenticeship education and middle vocational schools as well as postsecondary non-tertiary education. Accordingly, the proportion of unskilled workers, defined as persons with high school as a maximum educational attainment level (ISCED 0-2), is fairly low just as the proportion of university graduates, basically only long-cycle university studies (ISCED 5-8).

With the introduction of short cycle university studies in the period 2000 to 2007, i.e., the bachelor, the proportion of university graduates was bound to rise, reducing the share of the upper medium skill segment (Biffl et al., 2010). In international comparison, Austria has a pronounced gender gap of the educational attainment level. While the gender gap in the low skill segment amounts to less than one percentage point in the EU 15/27 it amounted to

8.4 percentage points in Austria in 2011 - but declined to 2.7 percentage points by 2018. In addition, while in 2011 more men than women were university graduates in Austria (+3.3 percentage points), the situation changed until 2018, and the share of female university graduates surpassed that of men by 5.4 percentage points (men: 16.9%; women 22%). (Figure 52).

Figure 52: Composition of employment by educational attainment level and citizenship: 2011



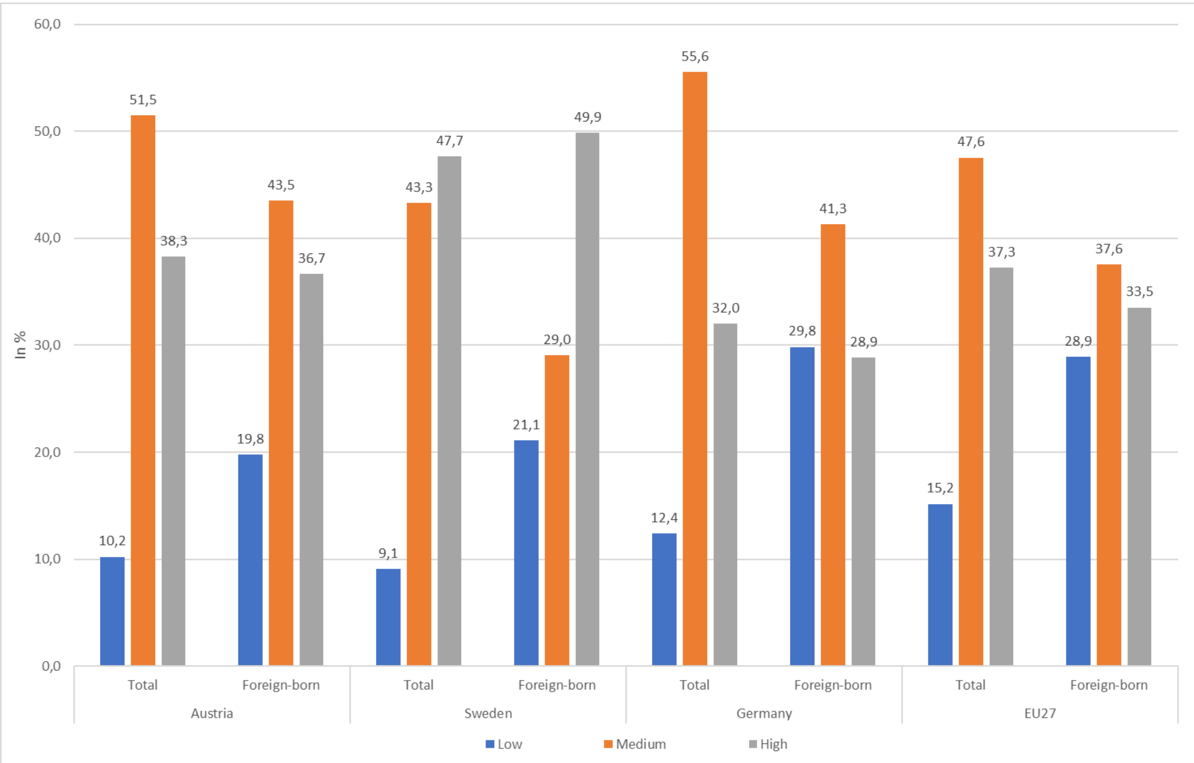
S: Statistics Austria. LFS.

Another distinctive feature of the Austrian labour market is the gap in the labour force participation rate by educational attainment level, particularly in the case of women. Accordingly, the proportion of the unskilled amongst workers (ISCED 0-2) is significantly lower than in the population aged 15-64, above all in the case of women, while the share of university graduates is higher. This pattern is somehow linked to the limited outsourcing of household production to the labour market, indicating that the balance between work and family life is not easy to obtain in Austria. This situation results in a marked difference in fertility by educational attainment level on the one hand and a high poverty risk of single earner families with (many) children, many of them migrants, on the other. (Biffl, 2008; Neyer, 2008)

The long-term improvement of the skill composition of the labour force features above all in a rapidly declining trend of unskilled labourers (ISCED 0-2), a slow rise in the share of university graduates (ISCED 5-8) and a rise in the medium to upper medium skill bracket (ISCED 3-4) between 1971 and 2001. Ever since then the proportion of workers with medium skills more or less stagnated while the diverging trends at the upper and lower end of the skills' spectrum continued well into 2021. However, a slowdown in the decline of the share of unskilled workers can be discerned since the 1990s, and an acceleration in the rising trend of workers with university education.

It can be taken from Figure 53 that, in 2021, Austria had in comparison with the EU-27 a significantly smaller proportion of workers in the lowest skill group (ISCED 0-2)): 10.2% as compared to 15.2%, and even a smaller share than Germany (12.4%) but a slightly higher one than Sweden (9.1%). Also, in the case of foreign-born, the proportion of unskilled workers is smaller than on average in the EU27 as well as Sweden (19.8% vs 28.9% for the EU27 and 21.1% for Sweden) and considerably lower than in Germany (29.8%). The forte of Austria is the medium skill group. In Austria in 2021, all in all 51.5% of the workforce were in the skill group ISCED 3-4, while the share of this skill group was around 43.3% in Sweden and 47.6% in the EU27. Only Germany had a higher share than Austria at 55.6%. This is also the skill segment in Austria in which migrants tend to be concentrated (43.5%), while only 29% of all foreigners in Sweden were in this skill group – compared to some 37.6% in the EU27 on average. In contrast, there is hardly any difference between Austria and the EU27 in the share of highly skilled workers (38.3% vs 37.3%). But Sweden has the highest proportion of highly skilled workers in the total workforce (47.7%) as well as among foreign born (49.9%).

Figure 53: Educational attainment level of foreign-born vs total employment in Austria in comparison with other EU-MS in % (2021)



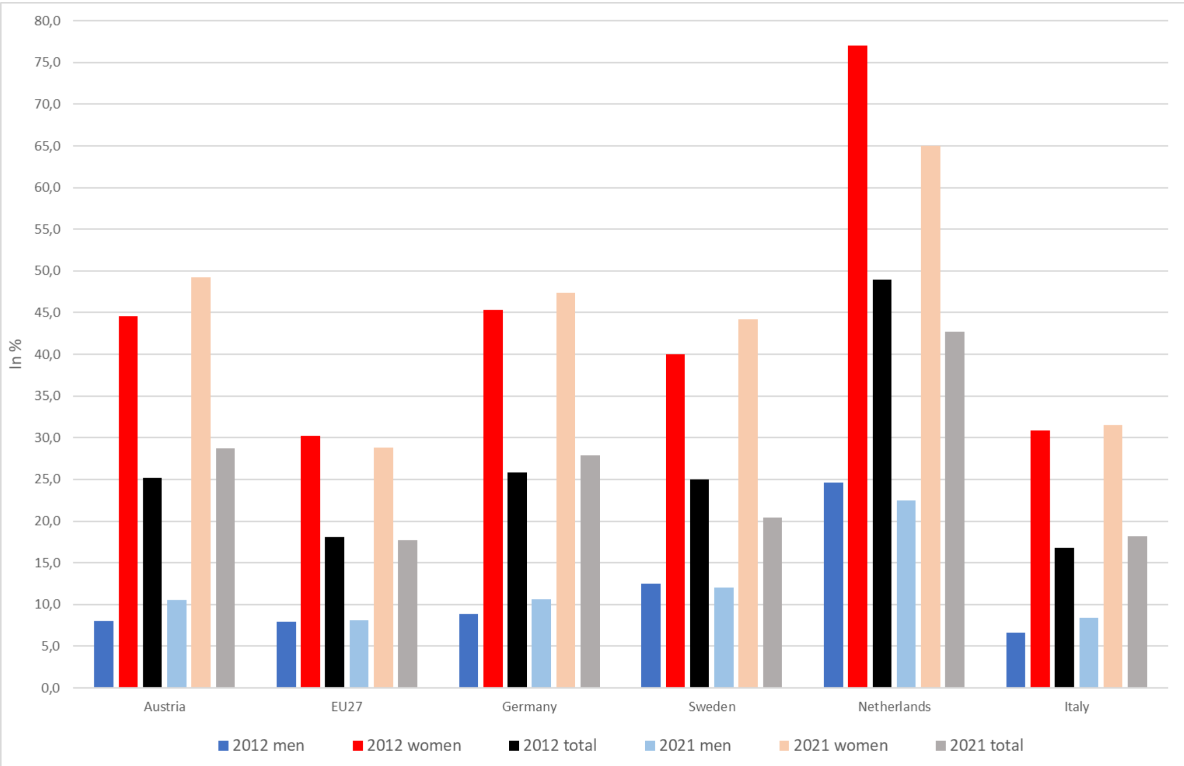
Source: Eurostat lfsa_egaisedm

It is obvious that Sweden is at the upper end of the technology frontier with a large demand for the highly skilled. And this demand is largely met by migrants. (OECD, 2015; Baller et al., 2016)

Employees in non-standard employment

In 2012, in the EU27 18.6% of all employees were working part-time, 7.9% of all men and 30.2% of all women. Until 2021 the situation did not change much with 17.7% of all 15-64-year-olds working part time in the EU27 (8.1% of men and 28.8% of women). In Austria part-time work is very frequent with women and a rare event for men. In 2012, 26% of all employees were working on a part-time basis, 44.6% of all women and 8% of all men. Until 2021 the situation changed somewhat with the part-time share in employment rising to 28.7%: whereby 49.2% of women worked part time and 10.5% of men. Normal working hours for female part-timers tend to be 27 hours a week, while men tend to reduce their normal working hours to a lesser extent, namely to 35 hours per week. In certain industries, e.g., retail trade, part-time work is the norm for female workers and not full-time work. (Figure 54)

Figure 54: Part-time employment in % of total employment by sex (15-64-year-olds)

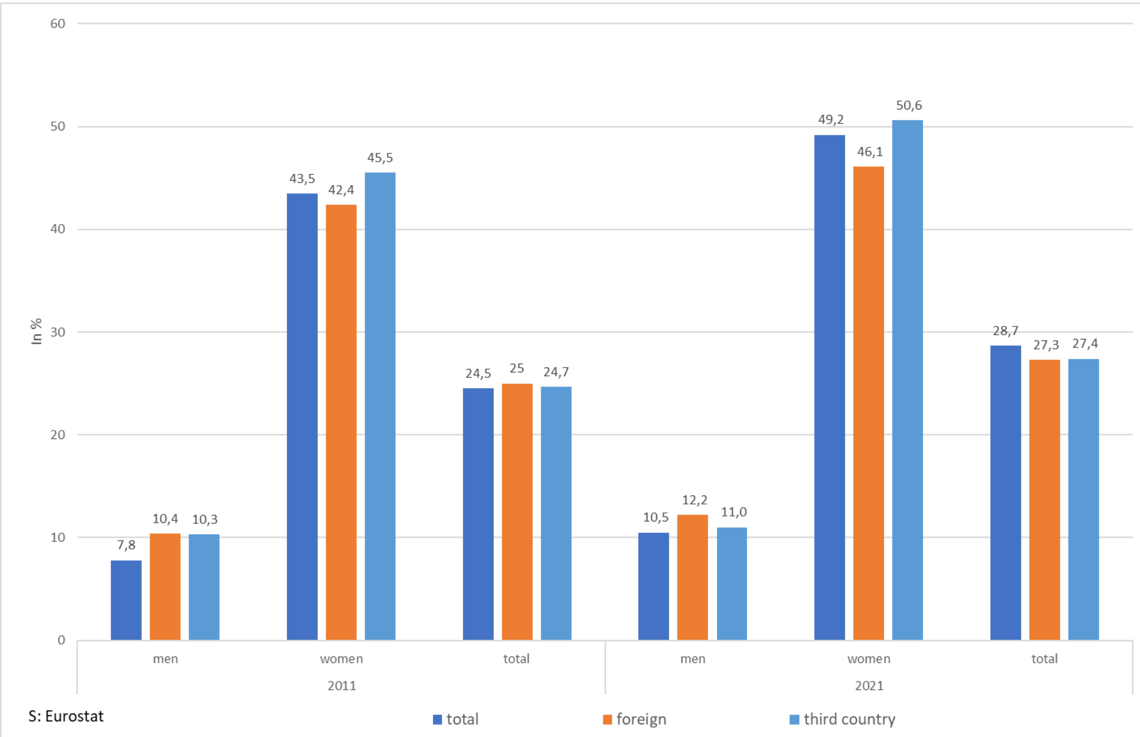


Source: Eurostat (lfsa_eppgan)

Austria is at the upper end of part-time employment rates of women, only surpassed by the Netherlands. But while the trend towards part-time work of women is on the rise in Austria, less so in Germany, it is declining significantly in the Netherlands. At the lower end of part-time employment rates is Italy, but there the labour force participation rate of women (55.4%) is significantly lower than in Austria (72.6%), and even more so in Sweden (80.8%) and the Netherlands (90.2%).

Foreign citizens have a somewhat higher share of part-time work in Austria, namely 25% in 2011 and 27.3% in 2021 (men: 10.4% in 2011 and 12.2% in 2021; women: 42.4% in 2011 and 46.1% in 2021). The share of part-time work in total employment differs somewhat by citizenship. It is highest among native women and rising over time, closely followed by third country origin women (50.6% 2021), but fairly stable over time. Women from EU-12 countries have the lowest share of part-time work. (Figure 55)

Figure 55: Part-time work in % of total employment (15-64 year old) by sex and citizenship in Austria: 2011 and 2021)

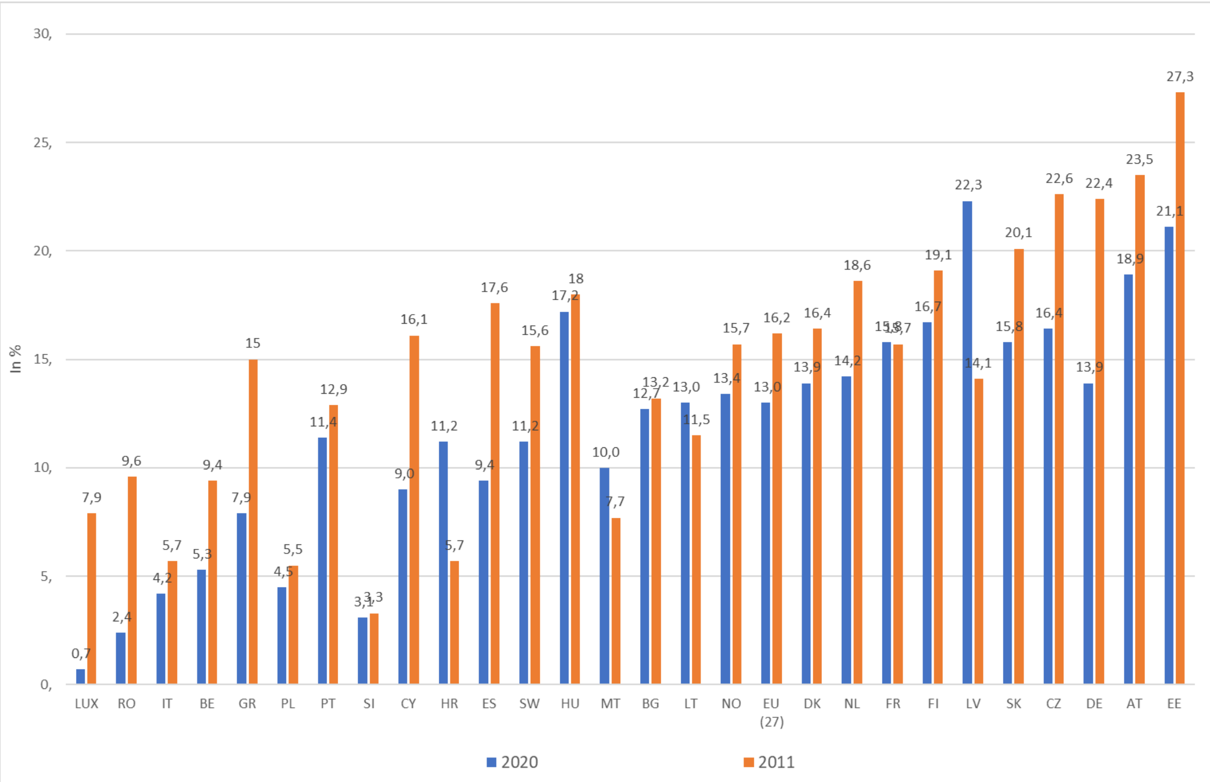


In contrast to part-time work, temporary employment is comparatively rare in Austria, affecting only 5.4% of natives, 6.9% of third country migrants and 7.2% of EU27 citizens in 2020. This is less than in the EU27 on average (natives 11.7%, third country migrants: 20.2%, EU27 citizens: 13.6%), and clearly below the leading country in that respect, namely Spain (natives: 21.8%, third country: 35.1%, EU27: 27%) in 2020.

It may not come as a surprise, given the high proportion of female part-time work and the higher share of women in temporary employment that the gender gap in the annual net wage and salary income is fairly high, women earning on average 76.5% of men in 2011, 81.1% in 2020. If one takes only full-time work into account, female wage and salary earners earn on average 15% less than male earners. In 2020, in EU-comparison, the unadjusted gender pay gap in Austria amounted to 18.9% (difference between average gross hourly earnings of male and female employees as % of male gross earnings) and was thus higher than in the EU27 on average (13%). (Figure 56)

On a household income basis, however, Austria has one of the most equal income distributions in the EU, as women, also highly skilled ones with good earning potential, tend to fill in household income rather than opting for their personal careers. (Biffl, 2008)

Figure 56: The unadjusted gender pay gap (difference between average gross hourly earnings of male and female employees as % of male gross earnings)



Source: Eurostat: Gender Pay Gap Statistics.

2 Unemployment of foreign workers

Unemployment has followed a long-term rising trend with intermittent cyclical fluctuations. This holds for Austrian as well as foreign workers. The numbers of unemployed men have always surpassed those of women; but men tend to have more pronounced cyclical fluctuations than women.

The year 2000 marked the end of an economic boom which had entailed significant declines in unemployment. In the ensuing slowdown in economic growth, unemployment rose again to reach a peak in 2005. In 2006 unemployment declined again, for the first time in 5 years, and continued to do so until 2008 (212,300), when the financially induced economic recession set in. In 2009, unemployment levels rose to unprecedented heights, reaching 260,300. In 2010 and 2011 unemployment declined again in the wake of economic recovery but did not return to pre-crisis levels. In 2013 unemployment increased again in the wake of the economic slowdown (+26,700, +10.2%) beyond the levels of the year 2008 (+75,000 or 35%) and continued to do so until 2016 as a consequence of larger labour supply rises than demand increases (2016: 357,300; +3,000 or 1% vs 2015; +145,600 or 68% vs 2008). It was only in 2017 that the economic recovery was large enough to allow a decline in unemployment numbers to 340,000 (-17,300, -4.9%). The continued economic upswing facilitated a further decline to 301,300 in 2019. The unemployment numbers remained, however, significantly above the pre-crisis level of 2008 (+89,100, +42%). With the onset of the covid-pandemic economic growth and employment plummeted, raising unemployment to formerly unknown levels in 2020 (409,600). Successful vaccination rates of the population allowed an easing of covid-measures in 2021 and 2022, thereby allowing a comeback of economic and social life. Consequently, unemployment numbers declined to 263,100, the lowest level since 2012.

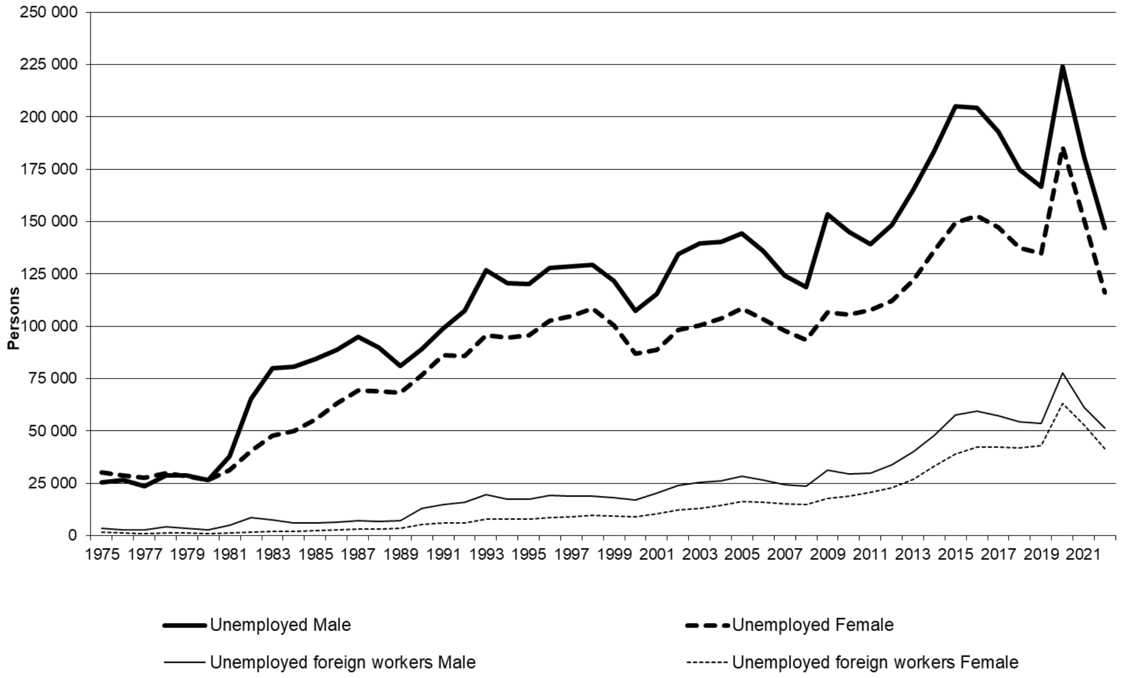
The unemployment situation of foreign workers was less favourable than for natives. Their numbers of unemployed increased from the low level of 2008 (38,300) continuously till 2016, reaching 101,800 (+63,500, +166%). The good economic conditions allowed a decline in unemployment both in 2017 and 2018, to 95,900 (-5,900, -5.8% vs 2016). In the wake of the covid-crisis, their unemployment numbers increased more than proportionately, as industries with a high dependency on migrant workers were particularly affected by the closure of borders and social distancing rules. The rebound after the abandonment of covid-measures was substantial, however, reducing unemployment numbers of foreign workers 92,700, the lowest level since 2015.

The rise in unemployment affected men more than women, apart from the covid-year 2020, and migrants more than natives. (Figure 57) In 2022, the number of unemployed men surpassed the unemployment level of 2008 by 28,200 (+23.7%), in the case of male foreign workers by 28,000 or 120%. The unemployment situation of women is on average more stable; the rise in 2022 versus 2008 amounted to 22,700 (+42%); in the case of foreign women the situation was the most difficult in relative terms with a plus of 26,500 or 178.2% versus 2008.

The share of foreigners in total unemployment has continually increased over time, from 8 percent in the mid-1970s to 35 percent in 2022. Foreign men tend to constitute a somewhat larger fraction of total male unemployment than migrant women of total female unemployment, except for the last couple of years when the shares became relatively even (2022 men: 35 percent, women: 35.6 percent). Women made up 44.1 percent of all unemployed in 2022; the proportion of foreign women in foreign unemployment was quite similar with 44.6 percent.

The total unemployment rate has been rising from 2000 till 2005 by 1.5 percentage points to 7.3 percent and declined until 2008 by 1.4 percentage points to 5.9 percent. In 2009, the unemployment rate rose at an unprecedented rate to 7.2% (1.3 percentage points versus 2008) and declined again in the wake of the economic upswing to 6.7% in 2011. With weakening economic growth thereafter, the unemployment rate increased again to 9.1% in 2015, where it stabilised in 2016. In 2017 the unemployment rate declined again for the first time in five years to 8.5%, a level comparable to 2014. The decline continued well into 2019, reaching 7.4% in 2019. The cyclical pattern for foreign workers follows the national pattern[72]. (Table 32) However, in 2020, the covid-pandemic caused anew a rise in the unemployment rate to unprecedented heights (9.9%, foreigners: 15.3%). But the rise was short-lived: by 2022 the unemployment rates had fallen below the levels of 2011 and were only slightly higher than in 2008, the year before the global financial crisis.

Figure 57: Total unemployed and unemployed foreigners 1975-2022
Annual average



Source: Federal Ministry of Economics and Labour; Austrian Labour Market Service.

72 The unemployment rate is biased downwards due to double counting of women on maternity leave who have been working before the birth of their child(ren). As to the extent of underestimation of the unemployment rate see Table 1.

Due to the employment concentration of migrant workers upon unskilled labour in combination with cyclically sensitive industries, the rise of unemployment rates of foreign workers has been more pronounced in the various recessions, e.g., by 2.1 percentage points to 10.2 percent in 2009. In the economic upswing of 2010 and 2011 the decline in unemployment was somewhat more pronounced - with the exception of foreign women, where the unemployment rate continued to rise. In 2015 the unemployment rate of foreign workers increased by 1.5 percentage point vs 2014, i.e., somewhat faster than the national average of 0.8 percentage points, but stabilised in 2016 in the wake of the economic upswing and declined thereafter to 10.8% in 2019. This was the lowest rate since 2013.

Table 32: Total unemployment rates and unemployment rates of foreigners

	Unemployment rates			Unemployment rates of foreigners				
							Of which:	
	Male	Female	Total	Male	Female	Total	Turks	ex-Yugoslavian
1998	6,9	7,5	7,2	9,1	8,0	8,7	10,8	8,4
1999	6,5	6,9	6,7	8,5	7,5	8,2	9,9	8,0
2000	5,8	5,9	5,8	7,8	6,9	7,5	9,0	7,4
2001	6,2	5,9	6,1	9,1	7,6	8,5	10,6	8,6
2002	7,2	6,4	6,9	10,5	8,5	9,8	12,1	10,4
2003	7,5	6,5	7,0	10,6	8,6	9,8	12,6	10,8
2004	7,5	6,6	7,1	10,6	9,1	10,0	13,2	11,0
2005	7,7	6,8	7,3	11,1	9,8	10,6	14,1	11,5
2006	7,1	6,4	6,8	10,1	9,2	9,7	12,8	10,6
2007	6,5	6,0	6,2	8,9	8,5	8,8	11,6	9,4
2008	6,1	5,6	5,9	8,2	7,9	8,0	10,9	8,8
2009	8,0	6,4	7,2	10,9	9,1	10,2	13,9	11,1
2010	7,5	6,3	6,9	10,0	9,2	9,6	13,0	10,4
2011	7,1	6,3	6,7	9,4	9,4	9,4	12,7	10,2
2012	7,4	6,5	7,0	9,8	9,7	9,7	13,8	10,6
2013	8,2	7,0	7,6	10,8	10,5	10,7	15,4	11,4
2014	9,0	7,6	8,4	12,1	12,0	12,1	17,8	12,6
2015	9,8	8,3	9,1	13,7	13,3	13,5	19,8	13,8
2016	9,7	8,3	9,1	13,4	13,7	13,5	19,9	13,4
2017	9,0	7,9	8,5	12,1	13,0	12,5	18,6	12,4
2018	8,0	7,3	7,7	10,7	12,1	11,3	16,8	11,0
2019	7,6	7,1	7,4	10,0	11,8	10,8	16,2	10,4
2020	10,1	9,7	9,9	14,3	16,8	15,3	21,8	14,5
2021	8,1	7,9	8,0	10,8	13,6	11,9	17,8	11,7
2022	6,5	6,0	6,3	8,5	9,9	9,1	14,1	9,2

Source: Federal Ministry of Economics and Labour; Austrian Labour Market Service, since 1994 Social Security Department (employment base). BMWA/AMS = registered unemployment. – [2] The employment base includes persons on parental leave and conscripts.

The covid-crisis affected migrants more than proportionately, as can be taken from Table 32, but the ensuing recovery was also more pronounced, reducing the unemployment rate differential between native and foreign workers to 3.7 percentage points, the lowest value since 2013.

The differential in unemployment rates between men and women has a strong cyclical component. In periods of dynamic economic growth, unemployment rates of men decline rapidly while they tend to be more stable for women. As a result, in the late 1990s, the unemployment rate of women surpassed the rate of men. With the onset of the recession in 2001, the unemployment rate of men increased significantly such that it exceeded the female rate. Ever since then the unemployment rate of men surpassed the rate of women, even though the gender gap in the unemployment rate declined to 0.2 percentage points in 2008. With the financial crisis in 2009 the gender gap in the unemployment rate increased again to 1.6 percentage points, declined in the economic upswing of 2010/2011 but increased ever since then again and stood at 1.6 percentage points in 2015, followed by a cyclically induced decline to 0.5 percentage points in 2019, where it remained until 2022.

In contrast, the unemployment rate of foreign men has always been higher than of foreign women – with the exception of one year (1987/88). The gender gap in unemployment of foreign workers was 1.3 percentage points in 2005, declined to 0.4 percentage points in 2008, rose again to 1.7 percentage points in 2009. In the wake of the economic upswing, the unemployment rate of foreign men declined while it continued to rise for foreign women, partly as a result of the unprecedented rise in foreign female labour supply due to facilitation of labour market access for various migrant groups (no labour market testing). As a result, the unemployment rates of foreign men and women converged to 9.4% in 2011. Thereafter the unemployment rate of foreign men increased faster than for women, reaching a surplus of 0.5 percentage points in 2015. Ever since then the unemployment rate of foreign women is higher than of foreign men. The covid-crisis affected migrant women more than migrant men, thereby raising the differential to 2.8 percentage points in 2021. In 2022 the difference declined again to 1.4 percentage points. (Table 32)

Turkish workers have traditionally had the highest unemployment rates of any foreign worker group. Their unemployment rates had risen between 2001 and 2005 to 14.1 percent, but declined thereafter and reached a low of 10.9 percent in 2008. In 2009, however, the unemployment rate of Turkish citizens increased again to an all-time high of 13.9%. The slight improvement of the situation in 2011 was short-lived, raising the unemployment rate of Turkish workers in 2016 to an even higher level of 19.9%. In the following years Turkish unemployment rates remained very volatile, raising the rate to 21.8% in 2020. With the reduction of preventive covid-measures the unemployment rate of Turkish workers recovered and reached 14.1% in 2022, the lowest rate since 2013. (Table 32)

The other traditional foreign worker group originates from former Yugoslavia. If we take the sum of citizens of these regions, we can calculate an unemployment rate and compare the development over a longer time span. In 2001, their unemployment rate conformed to the average of all foreign workers (8.5%). In the ensuing economic decline, their unemployment rate rose somewhat faster than the average of foreign workers, reaching a peak of 11.5% in 2005, 1 percentage point above the average of foreign workers. This gap remained more or less the same until 2012, whereupon it started to decline to 0.2 percentage points in 2015. The unemployment rate of persons from former Yugoslavia, including citizens of Macedonia, Serbia/Montenegro, Croatia and Bosnia, declined thereafter faster than for foreign workers on average, thus falling behind the average foreign worker unemployment rate by 0.4 percentage points in 2019, arriving at a rate of 10.4%. Ever since then the unemployment rate of this group of migrant workers followed the average of foreign workers.

In 2020, a computer programme (algorithm, AMAS) has been developed by the LMS that structures unemployed by their employability (3 categories) to raise the efficiency of support measures and to improve targeting; category A encompasses the best in terms of employability, category B have a medium status and category C the most difficult to place. Category B receives the best support measures, e.g., qualification courses. Youth is always in the highest support category, just as handicapped persons.[73] The federal agency for data privacy protection had issued an order in August 2020 that this procedure was against the law. But this order has been lifted by the Federal administrative high court.[74] Accordingly, the LMS can go ahead with this new procedure. In view of the difficult labour market situation of 2020 and 2021 due to Covid-19, the differentiation of active labour market policies by job prospects may be difficult, as pointed out by Allhutter et al. (2020).

Unemployment by industry

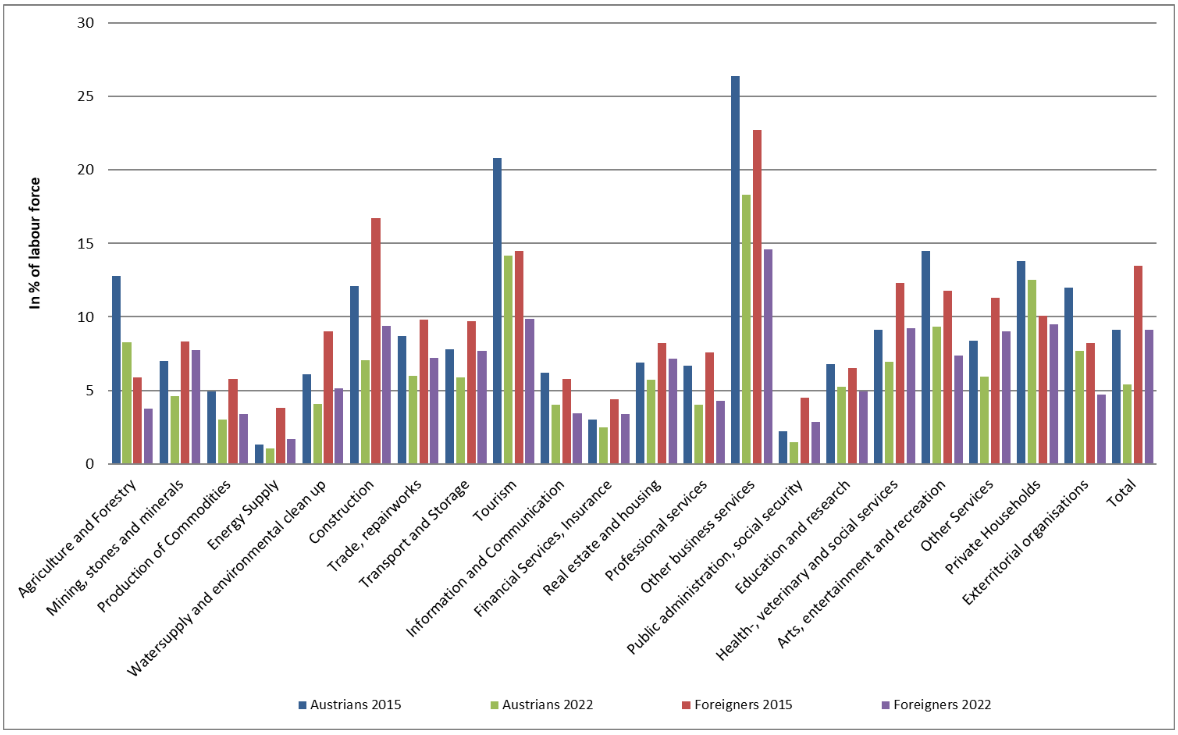
The unemployment rates by industry and citizenship indicate that unemployment is not equally distributed over nationals and foreigners. In some occupations the unemployment rates of natives are higher than of foreigners and vice versa.

Foreigners used to have higher unemployment rates in most occupations, except in tourist services and in agriculture and forestry, where foreigners tend to be seasonal workers, meaning that they have a contract for a particular period, which does not allow the acquisition of the right to unemployment benefits.

[73] https://www.sozialministerium.at/.../191018_amas_folder_pdfua.pdf

[74] For more see: https://www.derstandard.at/story/2000122684131/gericht-macht-weg-fuer-umstrittenen-ams-algorithmus-frei?ref=cpush&utm_campaign=cleverpush-1608551670&utm_medium=push-notification&utm_source=browser

Figure 58: Unemployment rates by industry of Austrians and foreigners (registered unemployed in % of dependent labour supply) 2015 and 2022



Source: Baliweb. Austrian Labour Market Service, Federation of Austrian Social Security Institutions.

More recently the unemployment rate of foreign workers is falling behind the unemployment rate of nationals in other than seasonal occupations. This has to be seen in the context of an increasing tendency on the part of foreigners to take up Austrian citizenship. Since the migrants tend to remain in their traditional occupations, their unemployment remains linked with job opportunities in those industries and occupations. In consequence, Austrian workers have a higher unemployment rate than foreign workers in the clothing industry and in retail trade, since 2005 also in wood processing, and since 2020 in tourism.

This picture emerges also if one calculates unemployment rates by industry. Industries which have a strong seasonal employment component tend to have some of the highest unemployment rates of Austrians and foreigners. 'Other' business services, largely cleaning, take, however, the lead with 18.3% for natives and 14.6% for foreign workers in 2022 – a decline vs 2015 by 8.1 percentage points. Second in line is tourism with an unemployment rate of 14.2 percent for Austrians and 9.9% for foreigners in 2022. In contrast, in construction, the unemployment rate of foreigners is higher than of natives (16.7% vs. 12.1 % in 2015; 9.4% vs 7.1% in 2022). The lowest unemployment rates of natives as well as migrants are in the high skilled occupations of electricity supplies, public sector administration and financial services. (Figure 58)

3. Entrepreneurship

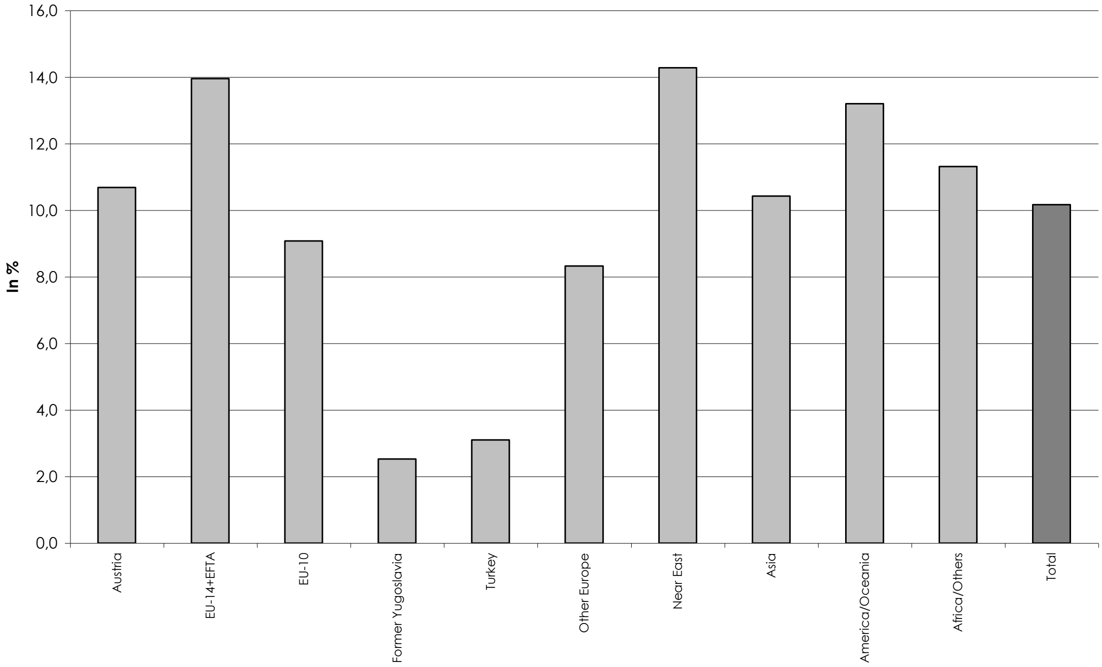
While Austria has a long history of migration, going back to the early 1960s, the focus has always been on satisfying immediate labour demand, i.e., of reducing general and specific labour scarcities of domestic enterprises via migration. (Biffl, 2011b) It was not until the settlement of 'guest workers' and their families that self-employment of foreigners set in. This was a slow process and gained momentum only in the 1990s. Accordingly, there are no comprehensive statistics on ethnic entrepreneurs in Austria until the census of 2001. Then, out of the 516,800 employed migrants (foreign born) 36,100 or 7% were self-employed, largely in the non-agricultural sector, compared to 11% of the host population. As some 3% of the Austrians were self-employed farmers, the share of self-employment of migrants in the non-agricultural sector was about as high as for natives. Research into the reasons for the take-up of self-employment suggests that the deterioration of employment opportunities of migrant workers resident in Austria became a motivating force to start a business. Accordingly, the composition of self-employed foreigners by skills, educational attainment level and source region conformed to the one of the 'guest workers'. The new self-employed tended to find niches for themselves. (Biffl, 2007) They were inclined to set up business in services, in particular cleaning, restaurants, food production and retail trade as well as in manufacturing, above all in clothing, leather ware, shoes and textile production and repairs.

Figure 59 shows that there were significant differences in the propensity to become self-employed by country of birth in 2001. Migrants from the Near East, from other EU-MS, America and Africa were more often self-employed than native Austrians. Asians were about as often self-employed as native Austrians, while persons from the traditional migrant worker source countries, i.e., Turkey and former Yugoslavia, were relatively seldom self-employed.

The development of migrant entrepreneurship is only recently receiving research attention, partly a result of limited (survey) data. But as migrant entrepreneurship gets increasing attention as an integration policy tool in the EU, more studies come forward. (Biffl, 2019) Also students, often of migrant background, are starting to take up this subject in essays and diploma theses. In addition, theoretical underpinnings are becoming a focus of reflection. (Aigner, 2012)

Since 2001 the share of self-employment in total employment remained fairly stable in Austria, amounting to 11.5% in 2010 (15-64-year-olds) and stabilising at this level until 2019 (11.4%). The proportion was slightly higher for foreign citizens with 12.3% in 2010, and remaining rather stable at this level until 2019 (12.7%). In EU comparison, the share of self-employment in total employment in Austria is somewhat below the EU-28 average (2010:14.1%; 2019:13.5%). But there are large differences in the share of self-employment in total employment across the EU, spanning from a low of 7.4% in Denmark in 2019 to a high of 27.9% in Greece. (Figure 60)

Figure 59: Share of self-employed in total employment in percent by country of birth (2001)



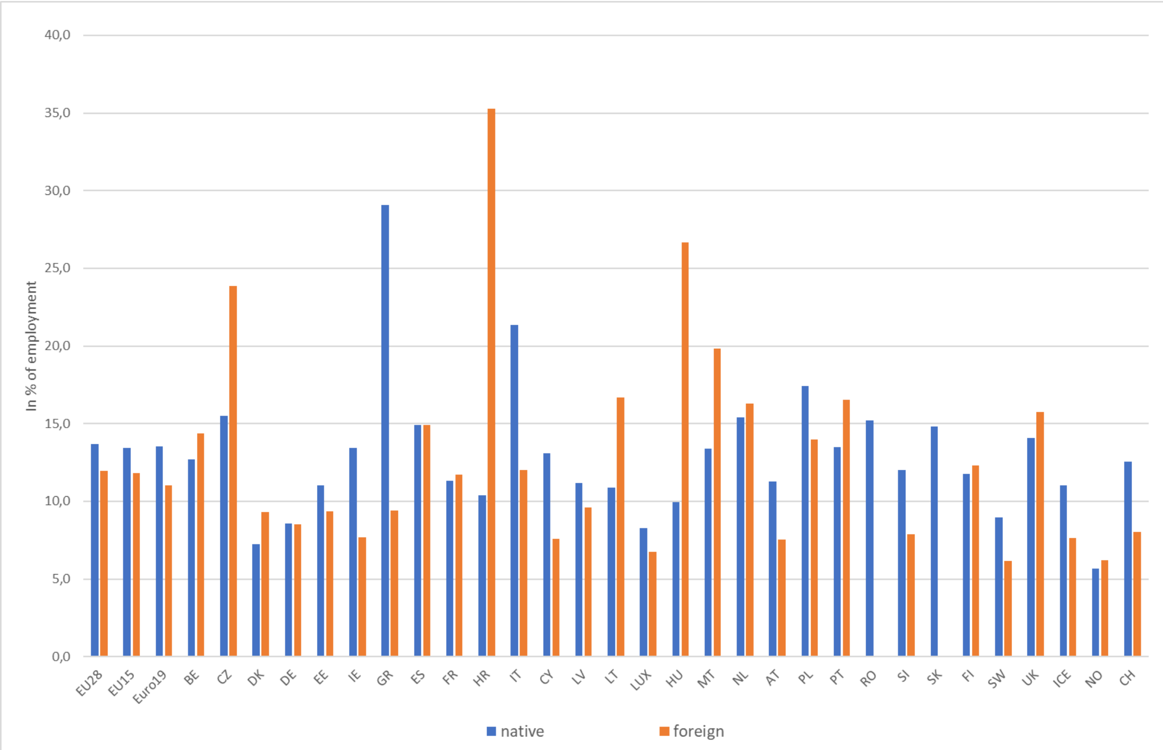
Source: Statistics Austria (Census), own calculations.

While some EU member states exhibit hardly any differences in the degree of self-employment of natives and migrants, e.g., Germany, Luxembourg and Norway, others tend to have large discrepancies, in particular Southern European countries and some Central and Eastern European countries as well as Switzerland, indicating different roles of migrants and natives in the local labour market and the economy at large.

In Austria the composition of self-employment by source country has changed significantly between 2001 and today. While the composition of the migrant entrepreneurs by country of origin conformed more or less to the one of migrant wage and salary workers in 2001, this was no longer the case in 2009 and even less so thereafter. With EU enlargement and the imposition of transition regulations for migrants from EU-8 countries (until 2011) and from EU-2 countries (until 2013), access to wage and salary employment was difficult. Only highly skilled workers and persons in designated shortage occupations (Mangelberufe) could enter wage and salary employment. But the option to set up a business in Austria remained, leading to a substantial inflow of self-employed workers from the new EU member states. Between 2004 and 2008, some 18,000 persons from the new EU member states established themselves as independent contractors/self-employed, largely self-employed homecare service providers and to a lesser extent building services and consulting. In addition, posted workers entered to provide services on a temporary basis.

In 2013, 13.3% of the foreign workforce of 642,300, i.e., 85,500, was self-employed, clearly more than in total employment (11.5%). Until 2021 the propensity to become self-employed of foreigners continued to increase. Of the total foreign workforce of 958,000 in 2021, 12.4% were self-employed, compared to 11.5% in the total workforce.

Figure 60: Self-employment rate of foreign citizens and natives (15-64-year-olds) in the EU: 2019



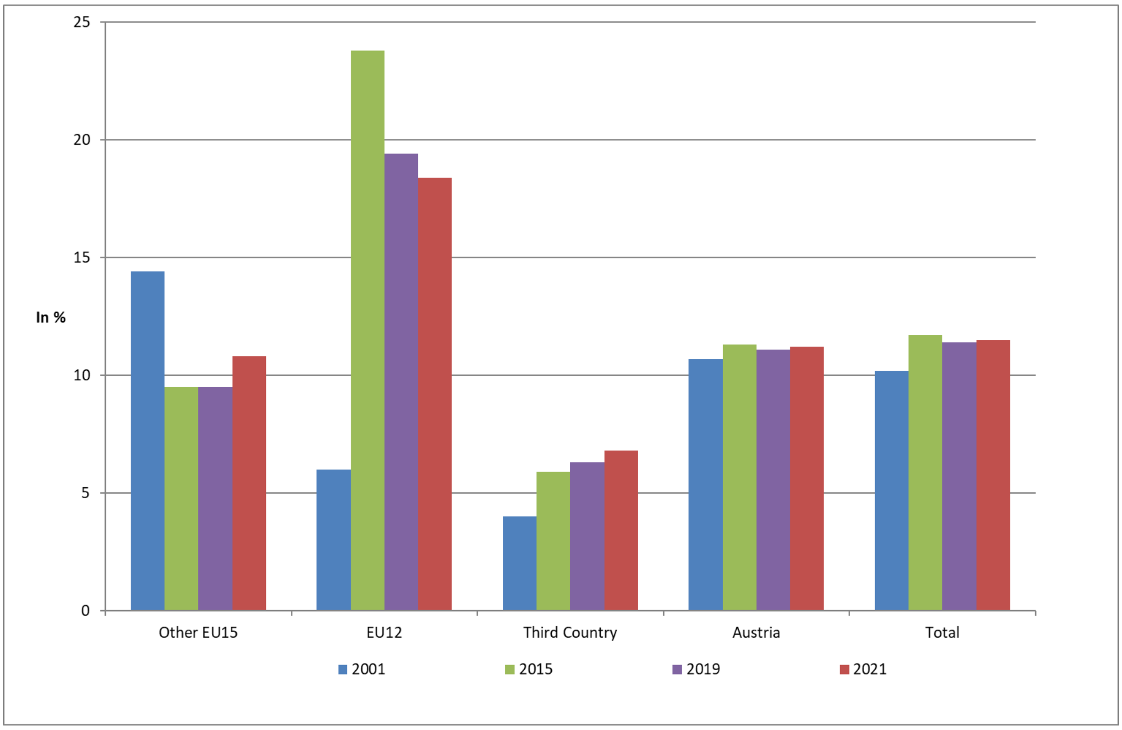
Source: Eurostat (2017), LFS.

The differences between the various nationalities were pronounced. While the self-employment rate of third country citizens, largely persons from Turkey and former Yugoslavia (excluding Slovenia and Croatia), was fairly low with 6.8% (23,700) in 2021, 31% of all workers from the EU2 were working as self-employed (37,000) in 2021. Also, citizens from the EU10 member states worked to a large extent as self-employed, namely 33,300 or 13% of total EU10 employment. Much smaller are the numbers of self-employed from Switzerland and EFTA countries, their share in total employment is, however, also quite high with 19% (114 persons) respectively 15.3% (576 persons) in 2021.

It can be taken from Figure 61 that the role of foreign business people has increased significantly over the last decade, flowing from globalisation but above all from EU enlargement. In consequence, the diversity of their professional skills and occupations has increased (see also Alteneder & Wagner-Pinter, 2013).

The self-employment rate by industry differs between Austrian and foreign citizens. If one takes into account that one third of all Austrian self-employed are farmers, an option not really open to immigrants, migrants are increasingly self-employed in non-agricultural activities; naturalisation opens up more opportunities for establishing one's own business.

Figure 61: Self-employment rate by region of origin in Austria: 2001, 2015, 2019, 2021

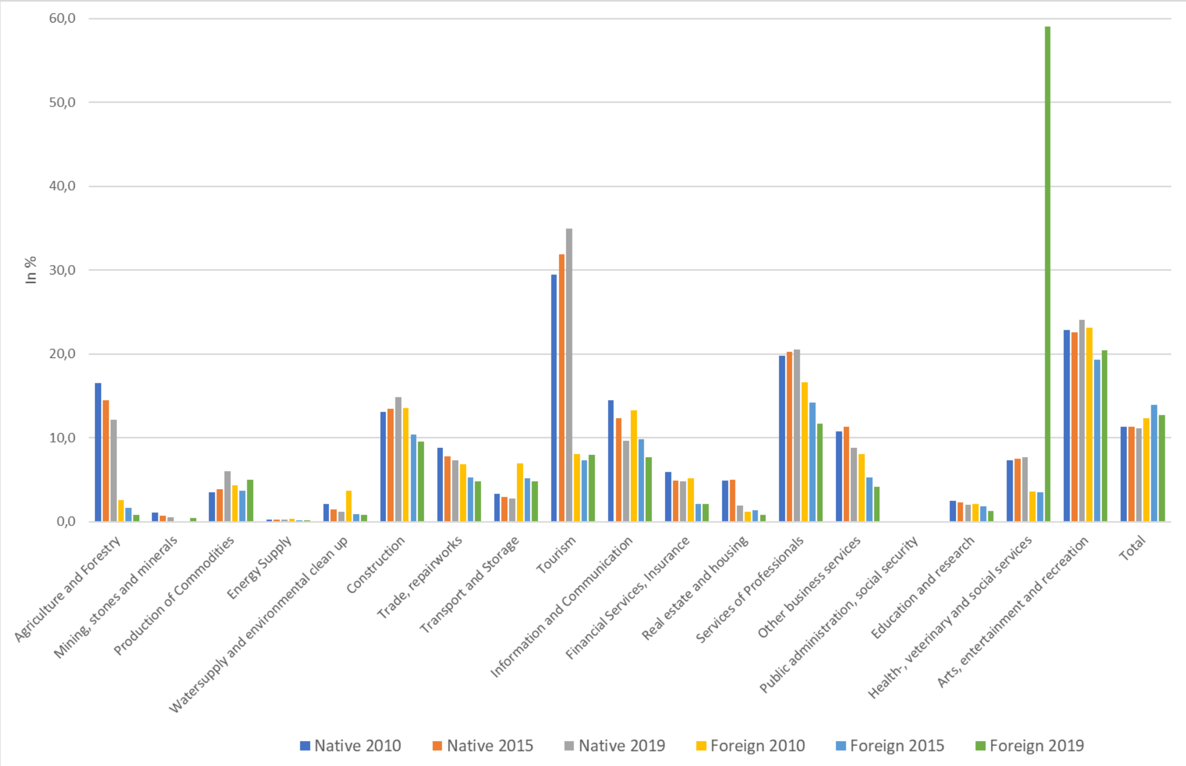


Source: Statistics Austria: census 2001, BaliWeb: 2015/19/21.

Accordingly, in 2021 12.4% of the foreign workforce was self-employed compared to 11.2% of Austrians. It can be taken from Figure 62 that Austrians tend to be independent farmers in farming, quite in contrast to foreigners who tend to work as labourers. In contrast, in health and social services foreigners, in particular women, tend to work to a large extent as self-employed, raising their self-employment rate to 59% in 2019 – compared to 7.7% of Austrian citizens. Before 2017 a large proportion was working on an informal basis, therefore the registered self-employment rate was much lower. Also, the entertainment and art sector has a very high self-employment rate, but in this case the difference between Austrian and foreign citizens is fairly small (24.1% vs 20.5% in 2019). Also, in construction foreigners have increasingly set up business in Austria, accounting for 10% of the foreign workforce in the construction sector 2019, while natives stand at 15% in 2019. The situation is not much different in the ICT-sector with a share of self-employed in the foreign workforce of 7.7%, and for natives 9.6%. (Biffl – Skrivanek, 2014) Quite different is the situation in tourist services where natives are to a large extent self-employed while foreigners tend to be employees.

Accordingly, the self-employment rate of natives stood at 35%, compared to a self-employment rate of foreigners of 8% in 2019. (Figure 62)

Figure 62: Self-employment rate by industry and citizenship (in %) 2010/2015/2019



Source: BaliWeb.

4 Foreign direct investment and business migration

Foreign direct investment as a potential driving force of economic and employment growth has only moved up the policy agenda in the 1990s, in recognition of the economic opportunities flowing from increased EU integration. (Mayer – Bellak, 2010, Bellak 2000) Today, the degree of economic interdependence in foreign direct investment in Austria is above average in international comparison. The world stock of FDI, measured in % of global GDP, amounted to some 32% in 2012. In Austria the respective value was 52% of GDP for active FDI (Austrian FDI abroad, i.e., outward FDI) and 41% for passive FDI (FDI in Austria, i.e., inward FDI), respectively. This is less than in the EU on average: the EU average was 61% (active) and 49% (passive) in 2011. The difference to the 1990s is significant such that one can say that the policy change was effective, implying even a change in paradigm: For the 1990s, the Austrian National Bank had calculated 2.8% of GDP (net active) and 6.4% of GDP (net passive) FDI for Austria, which was well below the EU-average of 10% then. (Austrian National Bank 2002, 2014) In 2017, the value of inward FDI stocks in Austria amounted to 55.5% of GDP, i.e., below the level of 2013 (65.7% of GDP) Until 2019 both active FDI and passive FDI in % of GDP increased to 55.9% of GDP and 47% of GDP respectively. Until 2021 the value of the stock of active FDI increased slightly to 56.4% of GDP but declined somewhat for passive FDI, i.e., inward investment, to 46.3%.

Despite the strong increase in investment flows in Austria over the last 20 years, the regional focus of inward and outward FDI remains on EU member states and on East and South-Eastern European countries (Jovanović - Hanzl-Weiss, 2022. Due to the Parent Subsidiary Directive of the EU, almost all income earned by Austrian foreign affiliates located largely in old and new EU member states is tax exempt in Austria. This implies that income earned abroad is not penalized compared to income earned in Austria and thus it does not influence the location choice abroad – as long as it is within the EU.

The number of non-resident direct investors in Austria amounted to somewhat more than 3,000 by the end of 2000, almost evenly divided up between EU-15 (largely Germany) and EU-12, contributing to the employment of 251,100 workers in Austria and to 276,700 in 2020. Outward FDI involved a similar number of direct investors or enterprises abroad, again almost evenly divided amongst EU-15 and EU-12 countries, involving some 250,000 jobs abroad. (Austrian National Bank 2002) By the beginning of 2013, the balance in terms of the value of FDI has shifted towards active FDI at the detriment of passive FDI: the number of active Austrian FDI investors abroad amounted to 1,361, representing a value of 158.6 billion euros; in exchange, 3,069 foreigners (passive FDI) invested in Austria, holding shares of more than 100,000 euros in 2,768 Austrian companies, representing a value of 124.6 billion euros. (Austrian National Bank 2014, 2022). The number of jobs affected by passive FDI in Austria was unchanged versus 2000 while active FDI affected 784,700 employees abroad (Austrian National Bank, 2014) and 968,500 in 2020.

The most important foreign investors in Austria are Germany, Switzerland, the United States and Italy. This ranking has not changed since 2008. Those "big four" comprise 63% of foreign participations with 59% of total FDI value and 69% of the related employment. The Netherlands, France, the United Kingdom and since 2013 also Russia are alos important countries of origin for FDI in Austria. (Austrian National Bank, 2014, 2022)

Austria has traditionally attracted significant amount of FDI owing to its geographical location at the intersection of Eastern and Western Europe. However, this strategic attraction seems to be waning as FDI inflow and outflow trends have been unstable and mainly downward since 2013. According to the UNCTAD's World Investment Report 2019, FDI inflows decreased from USD 9.6 billion in 2017 to 7.6 billion in 2018 (-31%). Overall, Austria is no longer a capital exporter: its FDI outflows stopped exceeding its inflows in 2018. In order to encourage foreign investment, Austria provides welcoming conditions for foreign companies that want to invest in capital-intensive industries and in research and development, for which considerable tax breaks are available. The investments are mainly oriented towards professional, technical and scientific activities, finance and insurance, trade, real estate, chemistry and pharmacy, administrative activities and the manufacture of transport equipment. (Ghodsi – Jovanovic, 2022)

Bilateral Investment Treaties (BIT)

In recognition of the important role of FDI, including foreign business investors in Austria, the Austrian Government has chosen to create a network of bilateral investment treaties (BITs) to promote FDI. Austria has BITs (Agreements for the Promotion and Protection of Investment) with 48 countries, in addition to all EU-MS. Among them: Albania, Algeria, Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Belize, Bolivia, Bosnia-Herzegovina, Cape Verde, Chile, China, Cuba, Egypt, Ethiopia, Georgia, Guatemala, Hong Kong, India, Iran, Jordan, Kazakhstan, Kosovo, Kuwait, Lebanon, Libya, Macedonia, Malaysia, Morocco, Mexico, Moldova, Mongolia, Namibia, Oman, Paraguay, Philippines, Russia, Saudi Arabia, South Africa, South Korea, Tajikistan, Tunisia, Turkey, Ukraine, Uzbekistan, United Arab Emirates, Vietnam, Yemen and Yugoslavia. The majority of the BITs were signed in the 1990s or later, only two of those in place were signed in the 1980s (China 1986, Malaysia 1987). (Federal Ministry of Foreign Affairs: https://www.bmaw.gv.at/Themen/International/Handels-und-Investitionspolitik/Investitionspolitik/BilateraleInvestitionsschutzabkommen-Laender.html)

In addition, double taxation treaties (DTTs) have been concluded guaranteeing favourable tax treatment of the profits from FDI. Furthermore, the long-established network of trade delegates (Handelsdelegierte) of the Austrian Chamber of Commerce is increasingly helping Austrian firms to establish activities abroad and facilitate migration to Austria.

Legislative framework: Immigrant investors and business owners

While business migration within the European Economic Area (EEA) is promoted by the 'four freedoms' of the internal market: free movement of capital, labour, goods and services, special regulations apply to third country citizens. In the investment context the focus is on immigrant investors and entrepreneurs/ business owners.

As mentioned above, the number of self-employed migrants has risen significantly since the 1990s, largely from other EU member states but also increasingly from third countries. This is not the result of an explicit policy to promote third country business migration but rather the result of the individual motivation of third country migrants to conduct business in Austria. Accordingly, there is no explicit definition of "immigrant investors" in the Austrian legislation. But BITs tend to include regulations promoting business migration, in particular immigrant investment. The definition of investment is as follows:

Every kind of asset in the territory of one Contracting Party, owned or controlled, directly or indirectly, by an investor of the other Contracting Party. Investments are understood to have specific characteristics such as the commitment of capital or other resources, or the expectation of gain or profit, or the assumption of risk, and include enterprises (e.g. a corporation, partnership, joint venture or any other association, as well as a trust, a sole proprietorship, or a branch located in the territory of a Contracting party and carrying out substantive business there), shares, stocks and other forms of equity participation in an enterprise and rights derived there from bonds, debentures, loans and other forms of debt instruments and rights derived there from any right or claim to money or performance whether conferred by law or contract, including turnkey, construction, management or revenue-sharing contracts, and concessions, licences, authorisations or permits to undertake an economic activity; intellectual property rights and intangible assets having an economic value, including industrial property rights, copyright, trademarks, trade dresses; patents, geographical indications, industrial designs and technical processes, trade secrets, trade names, know-how and goodwill; any other tangible or intangible, movable or immovable property, or any related property rights, such as leases, mortgages, liens, pledges or usufructs. (Federal Ministry of Science, Research and Economy, 2014b)

Settlement permits may be issued to immigrant investors and business owners, except in the case of business investors who do not apply for residence in Austria but feature only in National Bank figures or as temporary residents. In the Austrian legislation two legal categories of Austrian settlement permits to third country migrants can be subsumed under 'business migration': the settlement permit excluding gainful employment and the Red-White-Red-card (RWR-card) for self-employed key workers. The respective applicants may be granted a settlement permit on the basis of one or the other following criterion:

- In case of settlement excluding gainful employment the applicant has to prove a regular monthly income.
- In case of the RWR-card for self-employed key workers the self-employed occupation carried out in Austria has to bring about macro-economic benefits that go beyond the personal operational benefit. One such criterion for macro-economic benefits is a "sustained transfer of investment capital to Austria".

Accordingly, financially independent individuals and their family members, who can prove a regular monthly income, e.g., Austrian or foreign pensions, profits from enterprises abroad, income from assets, savings or company shares, equalling twice the amount of the standard rates of the General Social Insurance Act (ASVG) may apply for a settlement permit excluding gainful employment. In 2014, the threshold was 1,715.46 euros for singles, 2,572.06 euros for couples, and 264.68 euros extra for each child.

The eligibility criteria for a "R-W-R-card for self-employed key workers" encompass both, immigrant investors and immigrant business owners. Third country nationals can apply for this category of RWR-card if

- the intended occupation involves a sustained transfer of investment capital to Austria,
- the intended occupation creates new jobs or secures existing jobs in Austria,

- the settlement of the key worker involves the transfer of know-how and the introduction of new technologies, respectively,
- the key worker's company is of considerable significance for the entire region.

In contrast to the R-W-R-card categories for salaried employment, there is no point system in place for the so-called self-employed key workers under the R-W-R-card scheme. The major criterion is that their self-employed activities generate: "overall economic benefit …, especially with regard to the associated transfer of investment capital and/or the creation and securing of jobs" (§ 24 Foreign Worker Law - AuslBG).

The assessment of the macroeconomic benefits is carried out by the Regional Public Employment Service (LMS). There are no additional criteria than those mentioned above (transfer of investment capital, job creation, know-how transfer, regional importance) upon which a R-W-R-card as self-employed key worker may be issued to a third country citizen. The only documents to be submitted when applying are: "documents which allow an analysis and evaluation of the market and competitive situation and the headquarter location, including a detailed description and the objectives of the intended professional undertaking". (Federal Ministry of Labour and Social Affairs/Federal Ministry of the Interior, 2014b)

It is up to the LMS to establish if the qualifications and competences needed for the proposed self-employed activity are given. The LMS assesses whether the suggested activity is a self-employed activity or not. It is helpful if the applicant can prove experience in running a business or if he/she had a prosperous business in the country of origin. This can be part of the documentation when applying for the RWR-card, together with a business plan, such that the LMS may establish the conformity with legal requirements.

The general practice is that a potential investor turns to the first point of contact, the Austrian Business Agency (ABA), i.e., the national investment promotion company, to enquire about the requirements to obtain the right to establish a business in Austria. The ABA may help to draw up an analysis of the expected macroeconomic benefits of the intended investment/business in Austria. The applicants of an RWR-card for self-employed key workers can enclose this document in their application to the LMS. Evaluations of the outcome of proceedings are not publicly available.

In case of wanting to establish a business, which is regulated, evidence of the qualification necessary for the self-employed professional activity has to be verified by the relevant trade authority which grants the licence (Gewerbeberechtigung). In addition, evidence of sufficient capital has to be provided. In the preamble of the amendment to the Foreign Worker Law a minimum of 100,000 euros is mentioned. (BGBl. I Nr. 126/2002) Practitioners observe that the minimum can differ between the provinces, i.e., the requirements set by the provincial LMS (AMS-Landesgeschäftsstelle). The requirements also depend on the legal form of the business, e.g., the minimum charter capital for a limited liability company (Gesellschaft mit beschränkter Haftung, GmbH) amounts to 35,000 euros. An Austrian bank account is required for the establishment of a business in Austria. Background checks are carried out by banks in case of doubts as to the origins of the money.

With the amendment to the regulations on the establishment of a business (Gewerbeordnung) in 2002, access of third country migrants to self-employment has been changed. The amendment had a positive effect on third country migrants wanting to establish a liberalised trade (Freies Gewerbe). From then on, the only requirement has been a valid residence permit which grants the right to establish a business in the category of liberalised trades. This is in contrast to regulated trades where specific skills or competences have to be proven to become eligible to carry out a business. As a consequence, the number of licenses granted to third country citizens in liberalised trades increased substantially. In contrast, access to work in a regulated profession, e.g., as a medical doctor, or in a regulated trade continues to be difficult as the certificate or proof of competence may be difficult to obtain in case of the acquisition of these skills in a third country. (Biffl – Pfeffer – Skrivanek, 2012)

According to the Austrian Business Agency (ABA) professional consulting services were given to 228 companies, which located their business operations in Austria in 2013. The total investment volume amounted to 347.8 million euros. Flowing from these investments, 1,479 new jobs were created, according to ABA. Since its establishment in 1982, ABA had concluded projects attracting total investments of 6.9 billion euros, creating more than 47,100 jobs. The numbers reflect total investment, i.e., from EU and non-EU countries, and refer to both business migrant groups, immigrant investors and immigrant business owners.

As far as data are concerned, no data exist on business migration flowing from BIT and the numbers of settlement permits for business migrants as defined above are quite small: In the case of valid settlement permits for third country migrants which do not allow gainful employment 1,349 were registered at the end of 2013. The annual inflow amounted to some 250 persons in 2013. The number of such new permits is capped by a yearly quota; in 2013 it was set at 275. The number of valid settlement-permits for highly skilled third country self-employed amounted to 787 persons in 2013; in the course of the year 2013 26 Red-White-Red Cards were issued for self-employed key workers. (Federal Ministry of the Interior 2014b) There is no information available on the basis of which criterion the persons were admitted (sustained transfer of investment capital, creation of new jobs or securing jobs, transfer of know-how/introduction of new technologies, or key worker's company has considerable significance for the region).

The acceptance rate of applications for self-employment is very low, amounting to 13% in 2010 and 11% in 2011. (Biffl/Bock-Schappelwein, 2013) Accordingly, an enquiry into the reasons for the low acceptance rate was undertaken. The interviews with persons involved suggested that certain law firms specialise on helping potential business clients with the proceedings, suggesting that business migrants with poor means may face difficulties obtaining a settlement permit to establish a business in Austria.

Table 33 indicates the number of permits issued between 2009 and 2013. There has not been any significant change in numbers since the introduction of the RWR-card for self-employed key workers. In fact, this R-W-R category is a continuation of the previous model of settlement permits for self-employed key workers and continues to be marginal compared to other permit categories. (see Table 11 and Table 12)

Table 33: Number of permits for business migrants per year, 2009-2013

Yearly issued permits by category	2009	2010	2011	2012	2013
Settlement permit – gainful employment excepted[75]	206	188	248	225	250
RWR-card for self-employed key workers	23	26	24[76]	13	23
Residence permits for self-employed workers	8	9	19	14	8
Status change to RWR-card for self-employed key workers	5	2	3[77]	2	3

Source: Fremdenstatistik 2009, 2010, Niederlassungs- und Aufenthaltsstatistik 2011-13, Federal Ministry of the Interior, http://www.bmi.gv.at/cms/BMI_Niederlassung/statistiken/

Management of business migration for settlement

Various political actors and institutions are involved in the promotion and management of business migration, namely: the Federal Ministry for Science, Research and Economy, the Federal Ministry of the Interior, the Federal Ministry of Labour and Social Affairs, the Federal Ministry for Europe, Integration and Foreign Affairs, as well as the Austrian Business Chamber, the Federation of Austrian Industries and the Austrian Business Agency. Furthermore, some Austrian provinces have their own agency, such as the Vienna Business Agency.

The Austrian Business Agency is the national investment promotion agency; it is the first point of contact for foreign companies aiming to establish their own business in Austria. It is owned and operated by the Republic of Austria and reports directly to the Austrian Ministry for Science, Research and Economy. ABA actively promotes business migration via:

- Regular activities in third country markets, specific events for potential business owners/investors with information on Austria as a business location in the framework of, e.g.

[75] This number includes all titles issued, i.e. persons that could prove "adequate means of subsistence".

[76] The Red-White-Red card was implemented 1 July 2011 and replaced the settlement permit for self-employed key workers. In 2011, 10 settlement permits for self-employed key workers (Niederlassungsbewilligung für selbständige Schlüsselkraft) and 14 Red-White-Red cards were issued.

[77] 2 changes to settlement permit for self-employed key workers, 1 change to Red-White-Red card for self-employed key workers.

Economic forums (Wirtschaftsforum), economic missions of Austrian stakeholders (visits of Ministers abroad accompanied by business missions)

- ABA Webpage (www.investinaustria.at), available in German, English, French, Italian, Chinese, Japanese, Russian,
- Cooperation with consultants in third countries that approach potential investors/business persons interested in establishing a company in Austria.
- Cooperation with actors that could spread information about Austria as a business location (tax consultants, lawyers),
- Brochures,
- special offices, e.g., ABA office in China.

Once a potential business migrant wants to settle in Austria, procedures are quick and efficient in case of a RWR-card. In principle, processing should not take longer than 8 weeks. This concerns the screening of the application by the local residence authority and the assessment of the macro-economic benefits by the Labour Market Service. If applicants are required to obtain visa, they have to submit their application at the Austrian representation (embassy/consulate) abroad. If the application is complete, it takes a maximum of two weeks until the application reaches the domestic residence authority, i.e., the diplomatic courier leaves every two weeks. If the application is accepted, the Austrian representation informs the applicant accordingly. The applicant then has to apply for a visa in order to pick up the R-W-R-card at the relevant residence authority in Austria. Applications for a settlement permit without the right to work have to be submitted to the Austrian representation abroad, unless the applicant is entitled to visa-free entry. Hence, the same submission procedures apply as in the case of a R-W-R-card. The processing of the application differs, however. Processing may take up to 6 months. (Federal Ministry of Labour and Social Affairs/Federal Ministry of the Interior, 2014a)

An additional motivation to set up a business in Austria may flow from preferential treatment when applying for Austrian citizenship, as Austrian citizenship may be awarded to individuals for "outstanding achievements that are in the interest of the Republic of Austria" (außerordentliche Leistungen im besonderen Interesse der Republik). In such cases no minimum period of residence in Austria is required. Between 2002 and 2011, between 17 and 39 persons annually were granted citizenships on the basis of „outstanding achievements"(Statistics Austria/Statistics of naturalisations). Due to attempted misuse no naturalisations were granted on that basis in 2012 and 2013. A politician was found guilty of passive corruption. He indicated to a Russian businessman that he had the option of Austrian citizenship in exchange for investment in Carinthia (the citizenship was to be "part of the game"). The politician also claimed that in case of investment "the usual 5 to 10 percent" should go to sponsoring his political party. (Der Standard 2012, Die Presse 2011) In response to a public outcry and legal proceedings, the criteria on the basis of which a fast track to

Austrian citizenship can be granted have been redrafted in 2014. In 2014 and 2015 the issue was resumed with 47 and 21 grants of citizenship respectively. The numbers rose to 41 in 2019 but declined to 32 in 2021.

In addition to specified criteria, these cases have to be made publicly available. The criteria set up for this "fast track" to Austrian citizenship are the following (Federal Ministry of the Interior, 2014a):

- Owner of a company or senior position with substantial influence in the company, board member is not sufficient.
- High economic performance of the company.
- Creation and protection of employment in the Austrian labour market to a relevant degree, especially in economically weaker regions in Austria.
- Substantial investment or projects of the company already implemented, a simple flow of capital is not sufficient.
- Reputation of the company abroad.
- Promotion of Austria's bi- or multilateral external relations in this economic sector.

The legal framework of migration and the gist of migration policy are not conducive to business migration. While the focus of migration policy is on persons and their residence status, investment and trade policy focus on monetary flows with no recognition of a potential need of regulation of periods of residence in Austria. In the case of business migration, we are at the interface of two different regulatory mechanisms, labour market regulation versus trade regulation. The linkage of business migration with investment and trade is indicative of different institutional prerogatives not easily captured in residence and labour market data, in particular if temporary stays as opposed to settlement are at stake. Accordingly, little is known about the numbers of third country business migrants. Thus, the contribution of this type of migration to economic growth is difficult to capture.

The introduction of the point system was meant to pave the way for more transparency, also in the specific case of business migration. We therefore provide a quick overview of migration policy and paradigmatic changes followed by specific cases of temporary business migrants who may work either under a migration regime (intracompany transfers) or under a trade regime (posted work).

Business migration, temporary residence

There is no explicit category of business visitors for establishment purposes (BVEP) in the Austrian migration policy set up. BVEP could be admitted as:

- Seconded employees: Foreign nationals employed in Austria by a foreign employer who has no registered office in Austria and whose employees are working in Austria exclusively in connection with short-term work, for which, due to its nature, domestic labour is not used, such as business negotiations, visits to fairs, conferences and the like (§ 18 Foreign worker law – AuslBG).

- Special senior executives "foreign nationals who occupy executive positions at board or management levels in internationally active groups or companies, or who are internationally recognised researchers, and whose employment serves to open up or improve sustainable economic relations or to create or secure qualified jobs in the federal territory, and who receive a monthly gross pay of generally at least 120 per cent of the maximum assessment basis pursuant to §108 (3) of the General Social Insurance Act (ASVG) plus special bonus payments." (§ 2 (5a) AuslBG). They are not subject to the AuslBG (§ 1 (2) f).
- If the foreign company has already a subsidiary in Austria and a further branch should be established the BVEP could be admitted as a "rotational worker" (Rotationsarbeitskraft).

Temporary business migrants may also be intra-corporate transferees. They are referred to in the Austrian legislation as "rotational workers" (§ 2 (10) AuslBG). They are a strictly defined group of highly skilled workers from third countries whose work contract with their internationally operating employer designates them either

- as senior executives having been assigned to leading management functions with own terms of reference and responsibility, or
- as qualified employees assigned to corporate management and obliged to enter in-house training or further training (junior executives), or
- as representatives of foreign bodies representing stakeholder interests

and who are transferred ("Rotation") within the enterprise to a specific place of assignment.

The admission process for rotational workers is rather complex. In a first step the employer has to apply for a "conditional assurance" (Sicherungsbescheinigung) at the local LMS. There the application is checked. If the requirements are met, the LMS issues a conditional assurance. Then the employer forwards it to the prospective rotational worker. For rotations that last more than six months, the prospective worker has to apply for a residence permit via the Austrian representation abroad. This has to be done within the validity period of the conditional assurance, which usually is 26 weeks (maximum 36 weeks).

The Austrian representation forwards the application for a residence to the respective residence authority in Austria. The latter checks whether the requirements for the issuance of a residence permit are met. If yes, it informs the Austrian representation, which then issues a visa to the applicant such that he or she can pick up the residence permit at the respective residence authority in Austria. Then the worker has to forward the residence permit to the employer who submits it to the local LMS together with the application for an employment permit. After the LMS has issued the employment permit, the rotational worker can take up employment in Austria. In practice, the rotational worker tends to reside in Austria after having picked up the residence permit at the domestic residence authority, i.e., there are "costs" for the business migrant while waiting for the LMS to issue the employment permit. It may not come as a surprise that the annual inflow and the extension of intercompany transfers is quite small with 379 permits issued in the course of 2013. If one includes the family members accompanying the ICT (438), their numbers rise to 817. In addition, 181 temporary residence permits were issued to third country migrants working as posted workers (Mode 4 services mobility). This is by no means a full account of the extent of temporary business migration as only stays beyond 6 months are captured in the alien register. (Table 12)

V Irregular migration

The discussion about irregular migrants cannot be disengaged from the wider theme of migration and access rights to the labour market. One has to focus on the lure of employment opportunities while at the same time acknowledging that Austria, as many other EU-MS, is trying to control and regulate inflows. In the labour market context, one has to take into consideration that formal and informal sector employment are interwoven just as regular and irregular migration. Accordingly, the numbers of irregular migrants are in a constant state of flux, depending on push factors emanating from where the migrants come from and pull factors flowing from labour demand in the formal and informal sectors of the economy and from legislative changes and regularisation programmes (Biffl, 2012).

According to estimates by Kovacheva—Vogel (2009) the number of irregular migrants in Austria, i.e., of irregular residents, amounted to 18,000-54,000 in 2008. This means that 0.2% to 0.6% of total population were irregular migrants, and thus between 2.1 and 6.2% of all foreign citizens in Austria. The countries of origin of irregular migrants tend to be the same as those of regular migrants; they also tend to follow the same routes, using transnational community networks. In addition, geographic vicinity tends to favour cross-border movement of irregular migrants in response to economic opportunities. In Austria a large number of irregular workers come and came from accession countries. Their residence status has been regularized through the enlargement of the EU, but access to the formal labour market may still be inhibited by transition regulations. Citizens from the New EU-MS, mostly from Romania, tend to fill the ranks of irregular migrant workers in Austria. (Table 34) With the end of transition regulations their residence status was legal, but in many cases they continued to work clandestinely.

Further, the changing origins of asylum seekers add to the pattern of irregular migrants. The latter may discontinue registering while remaining in the country as 'absconded asylum seekers', or they may stay on, in breach of the conditions of temporary humanitarian stay, following the rejection of their application for asylum. Consequently, the ethnic and cultural mix of irregular migrants tends to conform to that of the migrant population in Austria.

Table 34: Estimates of irregular migration in the EU-MS (2008)

Estimates of Irregular Foreign Migrants in Europe in 2008

Country/Region	Irregular foreign migrants		In % of population		In% of foreign populat		Total	Foreign
	minimum	maximum	minimum	maximum	minimum	maximum	Population	Population
EU 27	1.900.000	3.800.000	0,4	0,8	6,6	13,9	497.686.132	28.931.683
EU15	1.800.000	3.300.000	0,5	0,8	6,6	12,0	394.160.807	21.109.000
Sweden	8.000	12.000	0,1	0,1	1,4	2,2	9.182.927	555.400
Norway	10.500	32.000	0,2	0,7	3,5	10,6	4.737.171	303.000
Denmark	1.000	5.000	0,0	0,1	0,3	1,6	5.475.791	320.200
Finland	8.000	12.000	0,2	0,2	5,6	8,4	5.300.484	143.300
Austria	**18.000**	**54.000**	**0,2**	**0,6**	**2,1**	**6,2**	**8.318.592**	**867.800**
Germany	196.000	457.000	0,2	0,6	2,9	6,8	82.217.837	6.727.600
Switzerland(2005)	80.000	100.000	1,1	1,3	5,3	6,6	7.415.102	1.511.900
France	178.000	354.000	0,3	0,6	4,8	9,6	64.007.193	3.696.900
Ireland	30.000	62.000	0,7	1,4	7,3	15,0	4.401.335	413.200
United Kingdom	417.000	863.000	0,7	1,4	10,0	20,6	61.191.951	4.186.000
Netherlands	62.000	131.000	0,4	0,8	8,6	18,2	16.405.399	719.500
Belgium	88.000	132.000	0,8	1,2	8,7	13,0	10.666.866	1.013.300
Luxembourg	2.000	4.000	0,4	0,8	0,9	1,9	483.799	215.500
Portugal	80.000	100.000	0,8	0,9	18,1	22,6	10.617.575	443.100
Spain	280.000	354.000	0,6	0,8	5,0	6,3	45.283.259	5.648.700
Italy	279.000	461.000	0,5	0,8	7,2	11,8	59.619.290	3.891.300
Greece	172.000	209.000	1,5	1,9	23,4	28,5	11.213.785	733.600
Czech Republic	17.000	100.000	0,2	1,0	3,9	22,9	10.381.130	437.600
Slovak Republic	15.000	20.000	0,3	0,4	28,6	38,1	5.400.998	52.500
Hungary	10.000	50.000	0,1	0,5	5,4	27,1	10.045.401	184.400
Poland	50.000	300.000	0,1	0,8	82,8	496,7	38.115.641	60.400
Estonia	5.000	10.000	0,4	0,7	2,2	4,5	1.340.935	223.600
Latvia	2.000	11.000	0,1	0,5	0,5	2,8	2.270.894	392.150
Lithuania	3.000	17.000	0,1	0,5	8,1	45,9	3.366.357	37.001
Slovenia	2.000	10.000	0,1	0,5	2,4	12,2	2.010.269	82.176
Romania	7.000	11.000	0,0	0,1	22,3	35,1	21.528.627	31.354
Bulgaria	3.000	4.000	0,0	0,1	12,6	16,8	7.640.238	23.838

S: EUROSTAT, OECD, HWWI, Statistics Norway, Bilger—Hollomey (2011).
Foreign population: France 2007, Ireland 2006, Bulgaria 2009, Latvia, Lithuania & Slovenia 2010, Romania 2009.
Table taken from Biffl 2012: p59.

The majority of irregular migrants enters legally and subsequently moves into an irregular status by overstaying and ignoring conditions of work restrictions. The driving forces of irregular migration are the same as those for migration generally, namely to improve one's quality of life via decent jobs, adequate health provisions and education, in addition to the desire for family re-unification.[78]

Various data sources provide a fragmented picture of the numbers and characteristics of

[78] For more see Migration Policy Practice Vol. VII(2), April-September 2017. https://ortho-krems.at/team/, also: https://www.migrationdataportal.org/themes/irregular-migration

persons residing illegally in Austria, e.g., apprehensions of persons entering or residing without proper papers, recorded by the Criminal Intelligence Services (Ministry of the Interior) or client data of NGOs and welfare institutions working in the field of migration and asylum (NCP 2005). These data can only serve as an indicator without, however, providing a clear picture of the actual numbers. Of the few estimates that exist, each refers to a particular group of migrants and status (irregular residence, irregular employment but regular residence, overstayers, change in purpose of entry, etc.) but does not encompass information on all aspects of this complex phenomenon. To give an example, *Biffl* (2002) estimates that among 6 to 15-year-olds about 5,000 to 7,000 children and adolescents are residing in Austria without the adequate papers, by identifying differences in school enrolment data and the population register by citizenship and age.

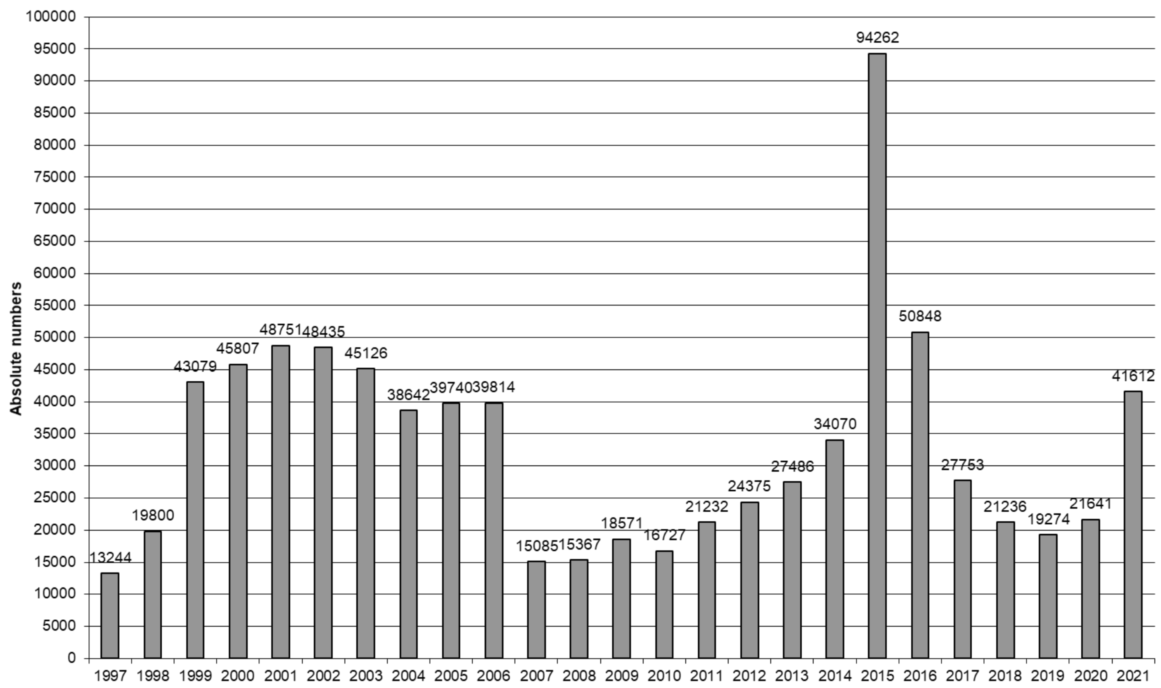
Other studies concentrate on the number of persons unlawfully residing and working in Austria (*BMI,* 2005), while others look at the number of persons in an informal employment status while residence is legal, or still irregular residence due to human smuggling and trafficking (*BMI,* 2007/2008/2009/2010/2011/2012 etc.).

Unlawful entry and residence in Austria

The 'irregular migration' report of the Ministry of the Interior (Lagebericht Schlepperei und Menschenhandel) provides information on the number of persons residing in Austria or crossing the Austrian border unlawfully, based on the number of apprehensions at the border and/or inland between 1997 and 2021. These numbers have risen between 1997 and 2001/2002, where they reached a peak with 48,800. The numbers declined thereafter somewhat to 39,800 in 2006. In 2007 the number of apprehensions took a deep dip to 15,100, where it remained until 2008 (*BMI,* 2005/06/07/08/09/10/11/12). Since then, the numbers started to increase slowly to 27,500 in 2013, whereupon the inflow of irregular migrants passing through Austria increased abruptly, reaching a peak in 2015 (94,300) and declining thereafter to 50,800 in 2016, and further to 16,600 in 2019. Since then, the numbers increased at first slightly (2020: 21,600) and significantly in 2021 reaching 41,600 (+20,000, +92% vs 2020). (Figure 63)

According to the annual report on organised smuggling of the Ministry of Interior (Organisierte Schlepperkriminalität), the numbers of apprehended persons (unlawfully entering and/or residing persons, smugglers and victims of smuggling,) halved in 2007 versus 2006 and remained more or less at that level until 2010. In 2011, the number of apprehensions increased sharply by 27% to 21,200 and further to 24,400 in 2012 (+14.8%). This increase was largely due to the North-African (Arab) spring and the civil war in Syria which resulted in large increases in migration and refugee flows. In 2013 and 2014 the number of apprehensions increased even more such that by the end of 2014 34,070 persons were apprehended in Austria (+6,600 or 24% vs 2013). The boost in apprehensions was seen by the police as a consequence of the withdrawal of the International Security Assistance Force (ISAF) from Afghanistan[79] which resulted in a sudden increase of refugee flows from that area. As migration pressure built up in the Middle East, Austria experienced the spill over. **This made the year 2015 a special case.** (Figure 63)

Figure 63: Sum of apprehensions of persons unlawfully entering or residing in Austria (including victims of smuggling and smugglers): 1997-2021



Source: Ministry of the Interior, Illegal Migration Report (Schlepperberichte 2006-2019).

In the course of 2015, a total of 94,300 migrants were intercepted (+177% vs 2014). With the help of NGOs, private voluntary helpers and public administration, the refugees were allowed to transit through Austrian territory from neighbouring countries in the East and Southeast to Germany, many of them without any registration or control of identity. In 2016, the situation calmed down, the number of apprehensions declined by 46% vs 2016 to 50,800. In 2017 apprehensions declined further by 23,100 (45%) to 27,800 – a level as low as in 2013. In the following years, until 2020, the number of apprehensions continued to decline, reaching a low of 19,300 in 2019. Thereafter the numbers started to rise again, reaching 41,600 in 2021.

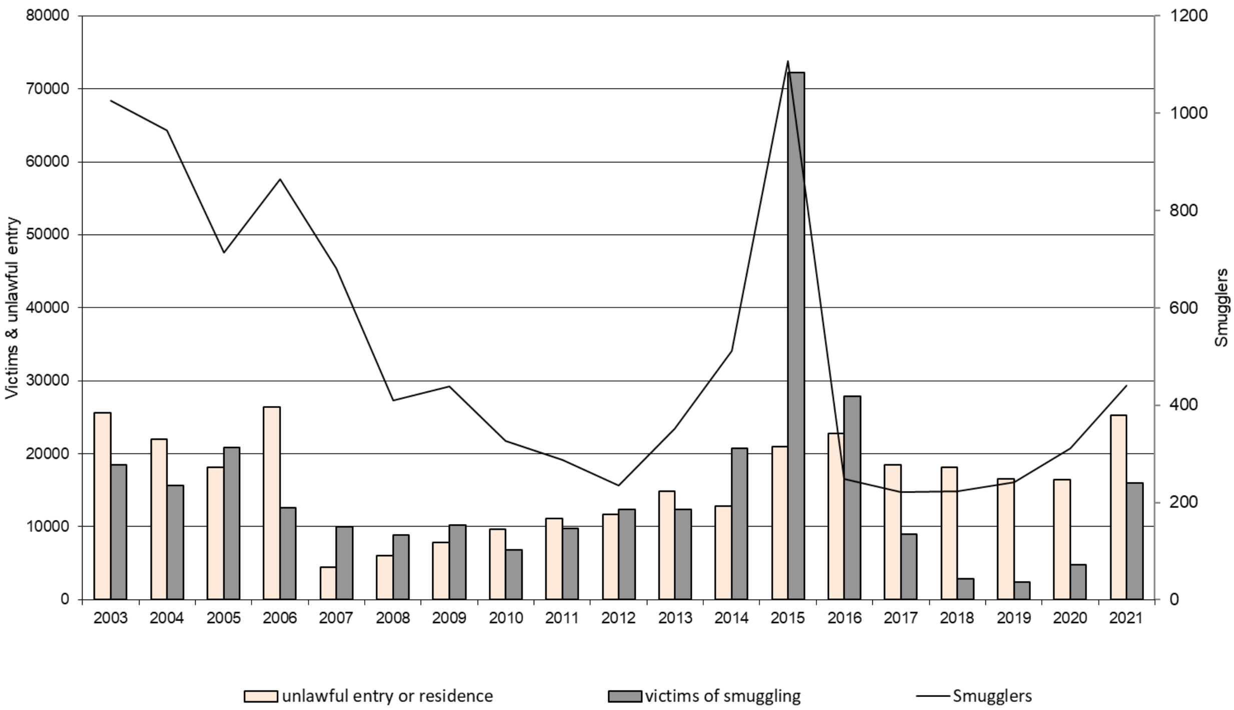
[79] ISAF was one of the largest coalitions of countries and NATO's most challenging mission, lasting from 2003 to 2014. At its height, the force was more than 130,000 strong, with troops from 51 NATO and partner nations. At the end of 2014 Afghan security forces took over. For more see http://www.nato.int/cps/en/natohq/topics_69366.htm

The abrupt decline between 2006 and 2007 had been in the main the result of a decline in the number of apprehended persons from Romania, who - with EU-membership of Romania in January 2007 - had the right to stay legally in Austria. Accordingly, not only the number of apprehensions declined but also the composition changed. It was above all the number of persons unlawfully residing in Austria which declined, reducing the share to 29 percent of all persons apprehended in 2007. After that the number of apprehensions started to rise again and the share of apprehensions of unlawfully residing migrants became unstable, dependent upon the numbers of apprehended smuggled persons; accordingly, in 2014, only 12,800 persons or 37.5% of the apprehended persons were unlawfully residing in Austria, while the numbers of smuggled persons rose to 20,800 or 61% of all apprehended persons. In 2015, the situation got out of hand. The numbers of apprehended smugglers more than doubled vs 2014, reaching 1,108. The smugglers tended to transport the refugees in closed delivery vans, often up to 80 persons in crammed circumstances. One particularly horrendous case made the public media in August 2015, with the suffocation of 71 persons, some of them children, in a lorry which was intercepted in Austria close to the Hungarian border. In 2016 the number of unlawfully residing persons increased slightly vs 2015 (+1,800, +8.5%) to 22,700, while the number of smuggled persons declined (-44,300, -61%) to 27,900. In 2017, the number of unlawfully residing persons declined further to 18,500 (-4,200, -18% vs 2016), just as the number of smuggled persons to 9,000 (-18,900, -67% vs 2016) and the number of apprehended smugglers (2017: 222; -27, -10% vs 2016). In 2018, the number of apprehensions declined further, in the main as a result of reduced numbers of victims of smuggling (-6,200, -68% vs 2017) to 2,800. The declining trend continued into 2019, with a slight fall in the number of victims of smuggling to 2,500 (- 400, -13.2% vs 2018), but a slight rise in smugglers to 242 (+19, +8% vs 2018). The decline of irregular migrant inflows in 2019 is seen as the result of the continued adherence of Turkey to the EU-Turkey migration agreement to keep refugees on Turkish territory and thus as close as possible to the source country, but also of severe border controls in the East and South-East of Austria. In addition, the restrictive immigration policy of Italy hampered the inflow of irregular migrants (boat people) from North Africa to Italy and thus further to Austria. Things changed in 2020 and 2021. More and more third country nationals were either apprehended at the border or smuggled into the country, as they were leaving Turkey or countries in the Western Balkans, where they had been prevented from leaving. Consequently, many tried to enter Austria with the help of smugglers, raising the number of victims of smuggling to 15,900 (+11,100, +230% vs 2020).

As far as smuggled migrants are concerned: their numbers have been fluctuating over time, from 12,600 in 2006 to 6,800 in 2010; they rose thereafter to the levels of 2006 in 2012 and beyond in 2013, 2014 and of course 2015. 2021 marked the largest increase since 2015. Accordingly, the proportion of apprehensions of smuggled persons has been quite volatile. In 2015 it amounted to 76.6%, after 61% in 2014 and 32% in 2006; in 2017 it declined to 32.4% of all apprehensions, and further to 12.8% of apprehensions in 2019. In 2021 the proportion rose again to 38.3%.

The number of smugglers of human beings is small and has been declining from 2006 (864) to 2012 (to 235). Their numbers rose again, at first slowly and in 2015 abruptly to 1,108, making up 1.2 percent of all apprehensions in 2015. In 2016, the number of smugglers declined again to 249, reducing their share in apprehensions to 0.5%, and even further in 2017 to 222, i.e., 0.8% of all apprehensions, but rising again in 2019 to 242 and above all in 2021 to 441, 1.1% of all apprehensions. (Figure 64)

Figure 64: Composition of apprehensions of unlawfully residing migrants and smugglers in Austria (in %)



Source: Ministry of the Interior, Illegal Migration Report (Schlepperberichte 2006-2021).

In 2021, the main routes of unlawful entry into Austria were from Hungary (17,730 apprehensions at the border, followed by Italy (3,008) and Germany (1,689). This means that in the case of Austria, the Eastern Mediterranean Route/Western Balkan Route as well as the Central Mediterranean Route are relevant for unlawful inflows. The first one is largely used to smuggle persons from Syria, Afghanistan, India and Pakistan to Austria. The second route is largely chosen by irregular migrants from Nigeria, Morocco, Gambia, Algeria and Somalia to Austria. In 2021, the Western Mediterranean Route became relevant, above all for irregular migrants from Morocco, Guinea, Ivory Coast and Mali. (Figure 65) Preferred transportation of irregular entrants were trucks and cars, followed by trains and airplanes. The preferred means of transport have not changed much over the years.

Figure 65: Main routes of smugglers

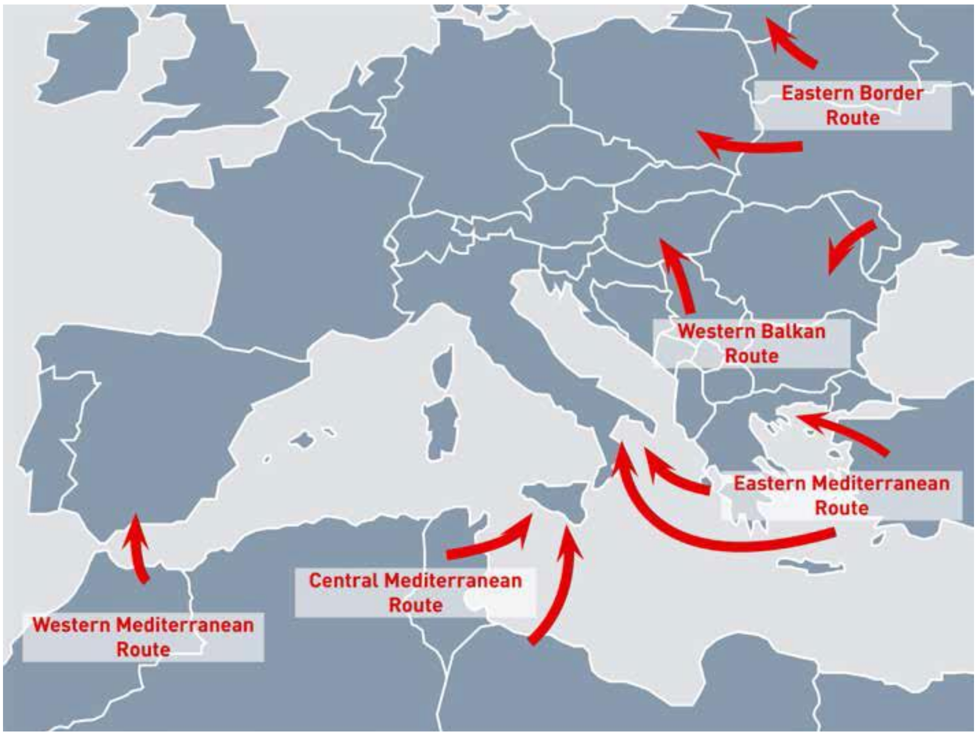
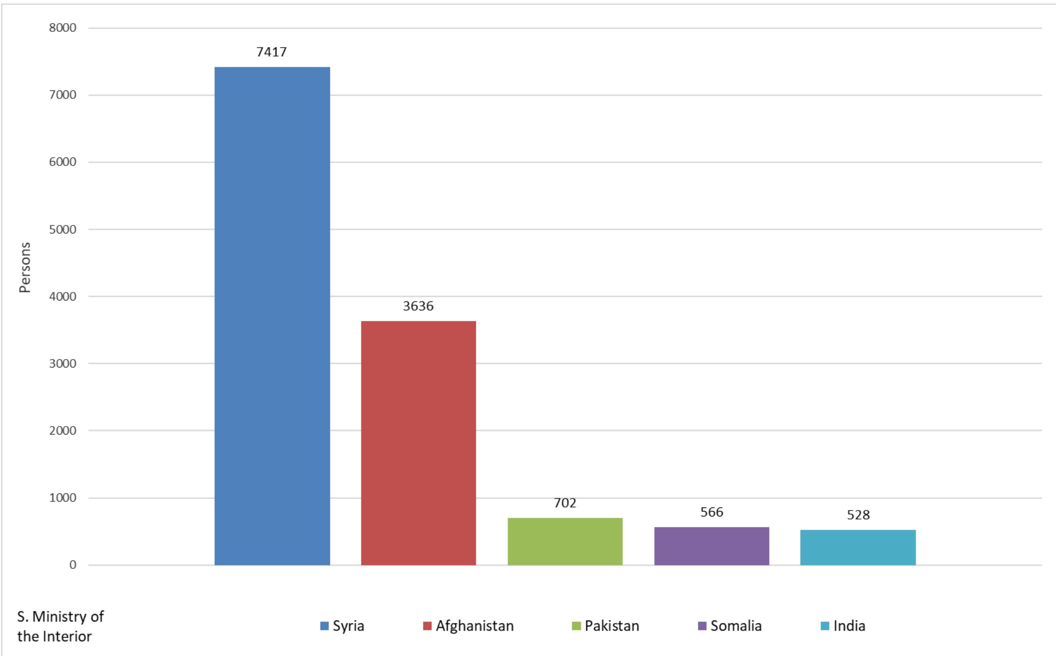


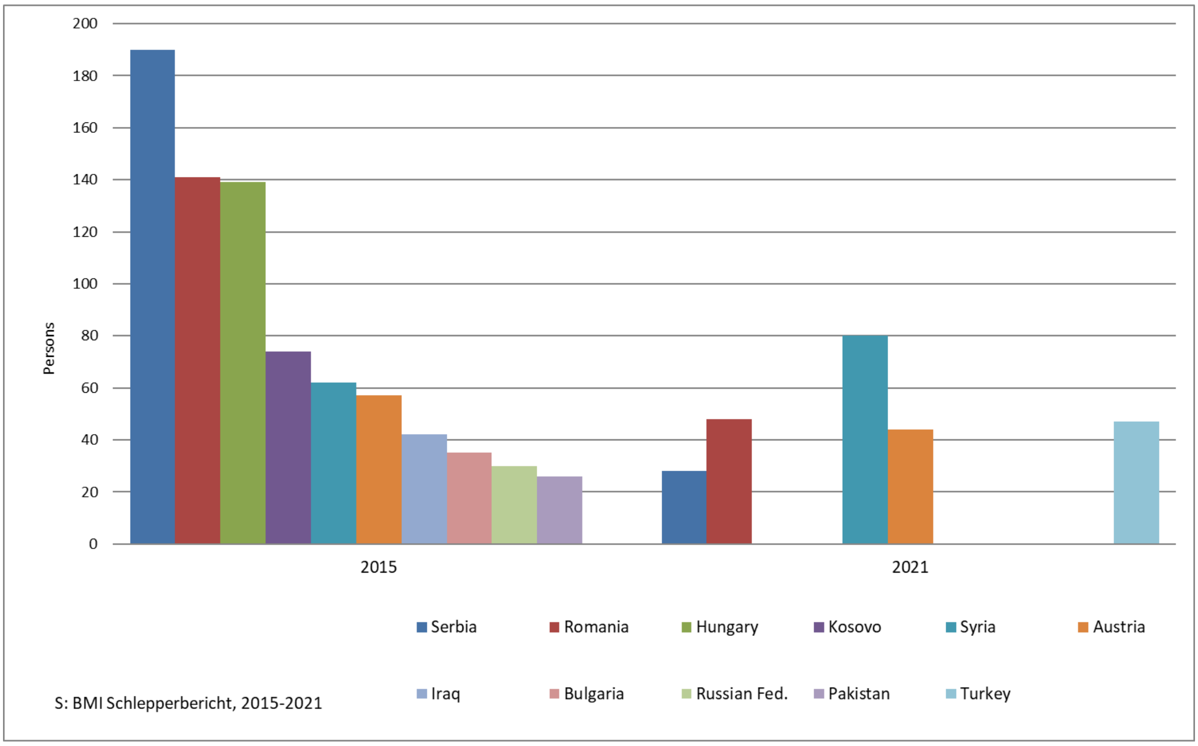
Figure 66: Major nationalities of smuggled persons 2021



The largest numbers of smuggled persons were from Syria (7,417), followed by persons from Afghanistan (3,636), Pakistan (702), Somalia (566), and India (528). (Figure 66) The majority of the smuggled migrants were men (90%), largely young or middle aged: 64% were between 18-34 years old and 23% were under 18 years old, and another 13% were older than 35.

In 2021, the major nationalities of smugglers were Syrians (80), Romanians (48), Turks (47), Austrians (44), and Serbs (28). They were largely male (90%) and represented in all age groups. As human smuggling is a well organised crime, administrative cooperation between old and new EU-MS on the one hand and source countries/countries of transit on the other is increasing. The outward movement of the Schengen-border at the end of 2007 had important consequences for the system of security controls both within Austria and across the enlarged region. (Figure 67)

Figure 67: Major nationalities of smugglers 2015/2021



In 2015, the bilateral cooperation with Czech, Slovak and Hungarian investigation authorities as to information exchange and analyses was intensified. The Austrian Central Service for Combating Human Smuggling and Human Trafficking was restructured in 2015 and staff numbers were raised. There are now three operational units and one unit responsible for information exchange and analyses. Austria continues to play a leading part in the projects coordinated by EUROPOL – EMPACT (European Multidisciplinary Platform against Criminal Threats). In 2018, a task force western Balkans was established,

In 2016, Austria implemented a Joint Operational Office (JOO) as a central hub of information and identification in the smuggling business. It is embedded in Europol with a focus on the Balkan and Central Mediterranean Route. The cooperation between police in

Vienna, Munich, Berlin, Passau and Bolzano resulted in the identification of a Syrian and Iraqi smuggler-ring, which resulted in the capture of 80 members of the groups. The prices to be paid for a person to be smuggled from Iraq, Syria and Turkey to Austria or Germany amounted to 4,000 to 6,000 Euro per person.

In June 2018 JOO was commissioned to establish a Task force Western Balkan to combat the criminal activity of human smuggling along this route. Members of this task force are not only countries of the Western Balkans but also the UK, specific EU-MS (Greece, Bulgaria, Romania, Hungary, Croatia, Slovenia, Italy, Czech Republic, Spain, Sweden and Germany), as well as Frontex, Europol and Interpol. The task force developed an early warning system between their members. Mutual support and exchange of equipment and information as well as the establishment of an early warning system were decided upon in this context.

Smuggling of human beings plays an important role in Austria; Austria is considered to be both, a destination country as well as a transit country for irregular migrants on their way to other EU member states. During the last 20 years, external border control, international police cooperation and information exchange have constantly been improved. On the international level, so-called "security partnerships" have been established with Austria's neighbouring countries in 2000, and a number of joint projects have been implemented concerning countermeasures against human smuggling and trafficking in the countries of origin. One example of such a project was the operation sunflower, where Austrian and Bulgarian police captured smugglers who were smuggling Syrians in trucks loaded with sunflower seeds from Bulgaria, across Romania and Hungary to Austria. The destination countries were Germany and Sweden. The fee per person was 10,000 euro. The group of smugglers was successful in at least 21 tours carrying at least 500 Syrian refugees. In 2015, the most spectacular operation was Mahmoud, where Austrian police cooperated with Greece, Hungary, Serbia and Germany, under the coordination of Europol; in consequence, all in all 23 persons could be arrested who were involved in the criminal organisation Jamal, involving persons amongst others from Palestine, Algeria and Syria.

In 2018 the investigative operation VISA.XIN was successful in identifying a group of Austrian, Chinese and Slovene citizens who forged papers of Russian and Chinese citizens to obtain settlement permits in Austria. Another investigation project, Ranscho, focused on an Iraqi smuggler-ring, which transported irregular migrants from the source country to Austria and Germany at a price of 7,000 to 8,000 Euro per person. In consequence, 19 smugglers and 22 members of the ring could be captured in 2018. Also, goods were smuggled, based on the traditional Hawala-system. In 2021, the project „Silk Road“ was established, focusing on cooperation with countries along the silk road to combat smuggling and trafficking of human beings. In addition, the project „COP SMUGGling“ (Common Operational Partnership) was initiated by 5 member states with a focus on smuggling and irregular migration from North-Africa.

Austria has concluded several readmission agreements on a bilateral basis with countries of origin and transit of irregular immigration (*NCP,* 2006). A report by the Austrian National Contact point on return migration (forced or voluntary) highlights the system in place in Austria (*EMN,* 2007, 2015). The continuous reporting system of the Ministry of Interior is providing increasingly differentiated data on the various forms of irregular migration and the changing dynamics over time.

In 2019 and 2021, a special section in the annual report on smuggling and human trafficking focused on specific aspects of **trafficking in human beings**. (BMI, 2019, 2021) According to these reports, 119 victims of human trafficking have been identified in 2019, 66 in 2020 and 75 in 2021. In 2021, 87% of the victims were European citizens, in particular from Romania, Moldavia, and Hungary. 13% were from Serbia and Nigeria. In 2021, 38 cases of exploitation and 31 cases of cross-border trade with prostitution were registered.

The majority were women (51 women and 24 men), 6 victims were minors. The majority of cases were in the area of sexual exploitation, but also in various forms of labour exploitation, in addition to begging, and forced criminal activities. A successful cooperation with China and Nigeria could be established. A Chinese delegation of six specialists came to Austria to help with the investigation of a Chinese trafficking -gang. With Nigeria a regular information exchange between the Austrian prosecutors and the National Agency on the Prohibition of Trafficking in Persons (NAPTIP) was put in place. The Ministry of the Interior has signed an agreement with LEFÖ-IBF (https://lefoe.at/ibf/) and MEN-VIA (https://men-center.at/arbeitsbereiche/men-via/) the major NGOs for the protection of victims of trafficking in Austria. The Ministry for European and International Affairs is responsible for the inter-ministerial coordination of measures to combat trafficking in human beings (Task-force Trafficking)[80].

Clandestine or undeclared work

As far as the number of persons who may reside in Austria legally but not access the labour market (except after an employment test) appears to be high. While the actual size is not really known, certain aspects have surfaced in 2006 when court cases brought to light that care work in the household sector was to a large extent undertaken by persons from the new EU-MS, without the legally required steps of social security backed employment contracts; thus, the employing households did not only pay significantly lower wages than the legal minimum wages, but in addition avoided paying social security contributions for the carers. The numbers cited were **40,000 illegal care workers in Austria**, the majority from Slovakia. As a consequence, the organisation of care work in the household sector became a hot topic of debate in Austria leading to legislative reform. The law was enacted in 2007 (**legalisation of the status of the current care workers** from new EU-MS). The result was that, in 2008, the

[80] For an overview of the national referral mechanism see bmi (2021, 30).

employment of foreigners (salaried as well as self-employed) increased by some 20,000, thereby contributing to the slow-down in measured productivity growth, which was an artefact rather than real.

The few data collected on irregular foreign employment reveal that, apart from care work, the industries most affected are construction, catering, agriculture and small-scale industry. Until 2002 (*Biffl et al.,* 2002), the majority of irregular migrant workers came from Poland or Slovakia on the one hand and the successor states of Former Yugoslavia on the other. Jandl et al. (2007) estimated that illegal employment was most pronounced in construction and catering/tourism (with some 15% of total employment) as well as in agriculture (13%) (ibid).

Ever since then, no comprehensive information has been made available on clandestine work by nationality. Some information is provided by the Federal Ministry of Finance (BMF) in 2015, documented in 'The Austrian tax and customs administration, Annual Report 2015'. (BMF, 2016) the Austrian Customs control personnel identified 11,961 illegally employed persons, i.e., 20.6% of all employees controlled by the Finance Ministry.

Some of the complex administrative procedures regarding access to the labour market of migrants from third countries (and for citizens of new EU-MS for as long as the transition regulations apply) have to be understood as instruments to combat clandestine work, in particular seasonal work in tourism and harvesting. The actual numbers of permits granted annually are in the order of 60,000 to 70,000 – for a limited time period, obviously. On an annual average the numbers are quite small in comparison though (26,100 in 2012, 16,900 in 2021, and 22,000 in 2022), taking into account that some may only work a few weeks and have a tradition of coming to the same employer over years. While this system is efficiently **combating clandestine work, it also** makes sure that every **seasonal worker** has social security coverage during the period of work in Austria.

Another group of persons has been taken out from the pool of clandestine workers, i.e., third country students. The amendment of the Alien Law of July 2002 allowed **students** to take up employment but not as fulltime workers but only as part-timers, to help cover their living expenses. This **amendment** was not expected to and did not raise labour supply of migrant students but tended to **legalise their work**. No exact numbers have come forward though, as most of them are 'casual workers', who do not get full social security coverage.

Also, a variety of NGOs, welfare institutions, produce data on profiles of irregular migrants. Although not representative, these sources shed light on the structure of irregular migration and unlawful residence, e.g., data on women and children affected by trafficking, refused asylum seekers, immigrants without health insurance and informally working domestic helpers.

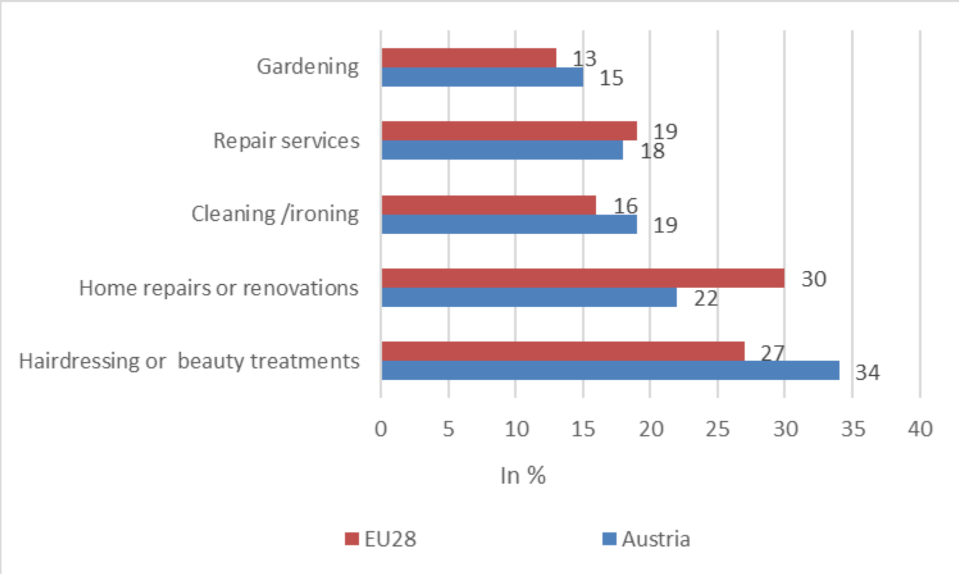
Austria implements different policies in order to prevent or control for irregular migration. The most obvious and most frequently applied approach is prevention and exertion of domestic control, followed by a policy of expulsion and deportation.

In Austria, several institutions are involved in the identification and prosecution of clandestine work; cooperation and collaboration between the relevant institutions (Ministry of Labour - Labour inspectorates, Ministry of Finance - Finance police, unions) have a focus on the improvement of information flows, e.g., via interfaces. Under the law of combating social security fraud (Sozialbetrugsbekämpfungsgesetz – SBBG; which came into effect 2016) cooperation was intensified, e.g., via the establishment of a 'social fraud database' for the purpose of detection of fraud cases under §§ 153ff of the Criminal Code. Collaboration between the finance administration and the social security institutions has been established in 2003 via a joint audit of all wage-dependent levies. The Law against wage and social dumping (Lohn- und Sozialdumping Bekämpfungsgesetz, LSD-BG) is another such law aiming at ensuring equal pay conditions for everyone employed in Austria, in addition to ensuring fair competition between Austrian and foreign companies. Penalties are imposed on companies if wages and salaries (as provided for in the collective agreements) fall short of requirements.
Other forms of cooperation encompass the establishment of a construction-site database to facilitate targeted inspection activities. In support of un(der)documented workers the counselling centre "undok" was established by several trade unions in 2014, the Chamber of Labour and several NGOs (www.undok.at). As cooperation between EU-MS in combating clandestine work is to be enhanced, the Austrian parliament considered a proposal of the government (Ministry of Labour and Social Affairs, cf. 189/ME XXV. GP – Government Proposal) in 2016, which, amongst other things, implemented the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (Enforcement Directive 2014/67/EU). The aim was the improvement of administrative cooperation and enforcement of penalty decisions by using the Internal Market Information system (IMI).[81] The Platform of undeclared work (UDW) of the GD Employment, Social Affairs & Inclusion publishes country fact sheets, as EU-MS are affected differently. A survey of undeclared work carried out in 2019 (Eurobarometer 498) indicated that one third of Europeans knows someone who works clandestinely (also in Austria), and about half of the population perceives the risk of being detected as low (Austria: 34%). Asked if, in the last 12 months, one had bought any goods or services which were expected to contain undeclared work, 10% in the EU28 and 12% in Austria said yes.

It can be taken from Figure 68 that the majority of goods and services consumed which tended to included clandestine work were in household services, in repair work and beauty treatments. There was not much difference between the EU28-average and Austria.

[81] For more see EC (2017) European Platform tackling undeclared work. Member State Factsheets and Synthesis Report. Directorate-General for Employment, Social Affairs and Inclusion.

Figure 68: Which of the following goods and services have you paid for during the last 12 months, where you had a good reason to believe that they included undeclared work, i.e., that income was not declared in full to tax or social security authorities? In % (multiple answers possible)



Source: Eurobarometer 498, Factsheet Austria.

Alien police measures and forced return migration

Alien police measures entail a number of measures which may impact on migrants. The measures include expulsions, rejections at the border, refoulement cases, denial of residence etc. With EU enlargement the number of police measures in Austria halved, as citizens of the new EU-MS could settle in Austria. This explains why the decline was basically the result of a massive reduction of rejections at the border. They used to constitute half of the police actions. They could be reduced from 31,200 in 2006 to 7,600 in 2007 and further to 263 in 2012. They started to rise again slightly thereafter and reached 2,242 cases in 2017, but declined again to 1,473 in 2019. This decline was transitory as a renewed increase could be observed in 2021 to 1,935 rejections at the border, followed by a renewed decline to 1,319 in 2022.

In 2015, in addition, 6,798 irregular migrants were returned, largely because of illegal entry (5,900 cases). The numbers declined in 2016 and 2017 to 1,201, and further to 404 in 2019, rose again in 2021 to 435 and further to 924 in 2022 – the majority were the result of illegal entry (2017: 1,086; 2018: 504; 2019: 307, 2021: 376, 2022: 870).

In addition, police may issue visa at airports or other borders. This entailed 358 visas in total in 2015 and 154 in 2016.[82] In 2015, in 15 cases the issue of visa for Austria was denied, in 2016 in 3 cases.

VI. Remittances of foreign workers

The major foreign worker groups in Austria were from the former region of Yugoslavia and from Turkey. With free mobility of labour within the EU the situation changed as increasingly Germans – particularly after the implementation of Hartz 4 regulations in 2006 – and workers from the new EU-MS in Central and Eastern Europe (CEEC) moved in. Accordingly, there is a shift of remittances over time, away from the traditional guest worker regions to the source regions of EU-migrants.

Remittances to the region of former Yugoslavia have been high and rising in the early 1970s as the employment of Yugoslavs was growing rapidly in Austria. With the onset of restrictions in the recruitment of foreign workers and the settlement tendencies of Yugoslavs in Austria the amount of money transferred to Yugoslavia decreased and came almost to a standstill after 1990 as political unrest and eventual war developed in the region of former Yugoslavia. In 1993 the transfers started to rise again until 1995 (245 million ATS or 17.8 million €). In the course of 1996, a slight decline to 17.5 million € (241 million ATS) set in again. (Figure 69)

The development of remittances to Turkey followed a different pattern over time. The pattern was anti-cyclical; the remittances increased in periods of economic slack and growing unemployment in Austria. Ever since 1987, when a very low level of money transfers to Turkey was reached, the remittances started to rise on a continuous basis until 1995. Then 119.8 million € (1,649 million ATS) were transferred to Turkey, the highest amount ever since the beginning of the series in 1966. In 1996 the sum declined again somewhat to 111.1 million € (1,529 million ATS).

Regulatory changes by the Austrian National Bank pertaining to the registration of money transfers abroad caused a break in the series. The amount of money, which an individual wanted to transfer abroad, had to be registered, if it surpassed € 5,087 (ATS 70,000). This was a rather high amount of money, which meant that a large number of small individual transfers went unregistered, while playing an important role for the individual and family welfare in the recipient countries.

In the light of the relatively small amount of money which is being transferred to the source countries annually by foreign workers via registration by the Austrian National Bank, often no differentiation by country of destination or nationality is possible. One may, however, differentiate between large destination regions of remittances. The Austrian National Bank

[82] For more see Ministry of the Interior: Fremdenpolizei, Visawesen 2015.

has completely revised the data base and provides a differentiated time series (by country) for the period 1995 to 2020. Flow data is no longer publicly available but may be provided by the National Bank upon request. (For the estimation methodology employed see statistical commentary at the end of the report).

Figure 69: Remittances of foreign workers to their home countries
1966-2006

Source: Austrian National Bank (OeNB).

Austria has seen a total net outflow of money as a result of remittances of migrants over the whole period 1995 till 2020, amounting to 226 million € in 1995 and rising to 389 million € in 2010 and further to 713.9 million € in 2020. The net flow results from 241.7 million € inflows (credit) and 955.7 million € outflows from Austria (debit) in 2020. In 2007, as can be seen in the figure below, the net financial outflows have increased drastically – an indication of the onset of the financial crisis and the increase in remittances to the regions of origin of the migrants who tended to be harder hit than Austria. The net outflow of remittances to the outside world (global) rose from 388.2 mill euro in 2007 to 713.9 mill euro in 2020, i.e., by 325.8 mill euro or 84%. (Figure 70)

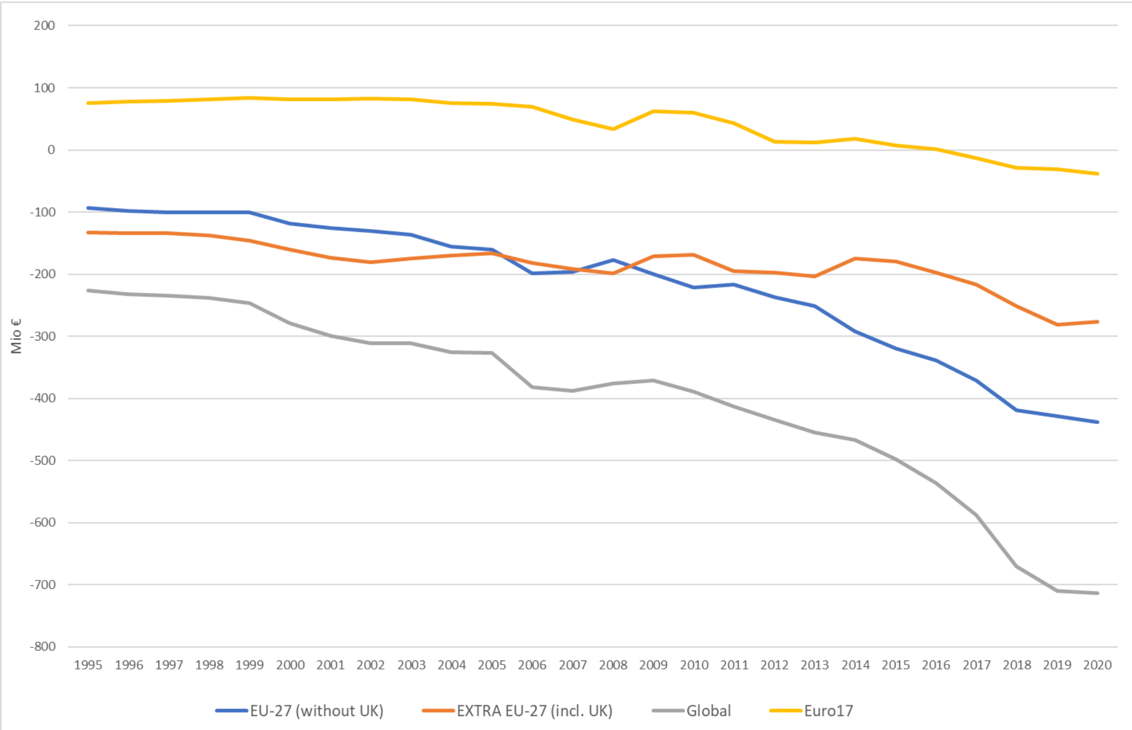
According to the World Bank Data on remittances[83] Austria received some 2.7 billion € in remittances from abroad in 2022, i.e., 0.6% of GDP, and sent some 7 billion € abroad, i.e., 1.5%

[83] For more see: https://www.worldbank.org/en/topic/migrationremittancesdiasporaissues/brief/migration-remittances-data

of GDP. This implies a net-outflow of 3,849 million € remittances in 2021, which suggests that the data provided by the Austrian National Bank tend to underestimate global inward and outward remittances flows.

According to data of the National Bank, remittances between countries of the Euro-17 area and Austria resulted in a net inflow of money into Austria until 2017, whereupon net-outflows ensued. Net inflows declined from 76 million Euro in 1995 to 0.6 million € in 2016 and became negative to some 39 million € in 2020. (Figure 70 In contrast, remittances between Austria and Central and Eastern European Countries (CEECs) were always negative, indicating that labour migrants of these regions save as much money as they can to send it back home to their families. In 2010 the net outflows to CEECs amounted to 573 million Euros, but declining to 399 million € in 2020.

Figure 70: Total net outflow of remittances from Austria to the EU27, to third countries, and globally, recently also to Euro17: 1995-2020 (in million euros)

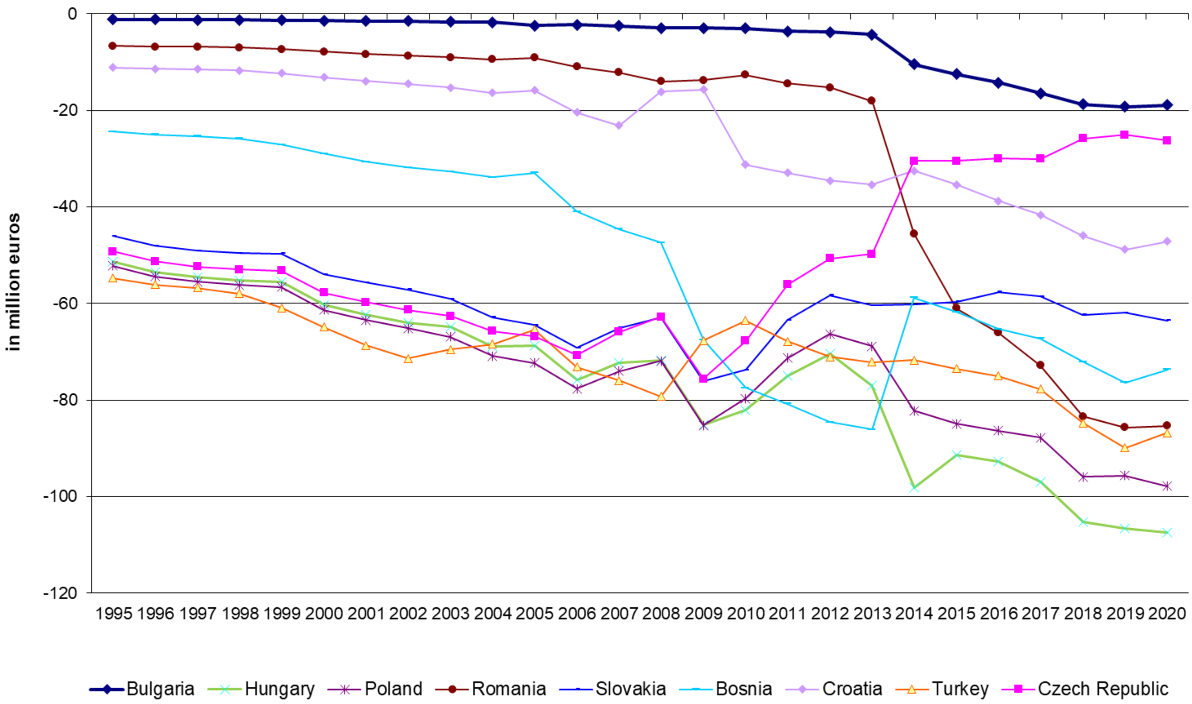


Source: Austrian National Bank (OeNB).

The flow of remittances between Austria and the EU27 is also linked with a rising outflow of money from Austria, reaching 215 million € in 2010, after 75 million in 1995. Until 2018 the net outflow of remittances to other countries of the European Union increased further, reaching 438 million € in 2020. Somewhat less pronounced is the net outflow of remittances of migrant workers in Austria to countries outside the European Union, i.e., to third countries. It can be taken from Figure 70 that – in 2010 -the net outflow amounted to 168 mill euro, somewhat more than in 1995 (132 mill€) but exhibiting by and large a rather stable picture over time, reaching a net outflow of 276 million€ in 2020.

The impact of the financial squeeze migrants experienced as a consequence of the economic downturn in 2008 becomes obvious if looked at the various major recipient countries of money transfers from migrants in Austria. Significantly more money has been transferred to the source countries of migrants, in particular Bosnia-Herzegovina, Romania and Poland. The money transfers often constitute a major source of income for the families back home. (**Fehler! Verweisquelle konnte nicht gefunden werden.**) With the improved economic situation after the recession 2008/09 net outflows of remittances declined to some EU-MS, in particular to the Czech Republic and Slovakia, while staying high or even increasing to other countries, e.g., Bosnia-Herzegovina, Poland, Romania, as well as Turkey. This may at least partly be due to increasing numbers of migrant workers from these source countries in Austria.

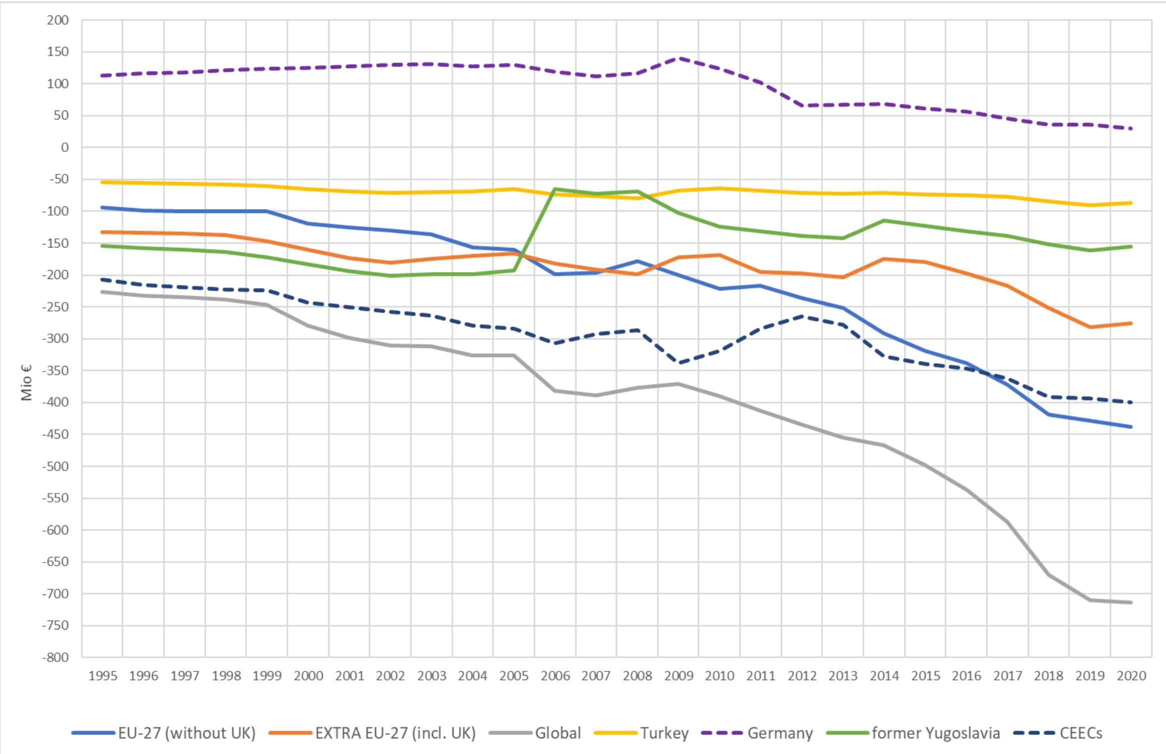
Figure 71: Net financial flows of migrants in Austria to their home countries (selected EU-MS, Turkey, Bosnia) in million Euros: 1995-2020



Source: Austrian National Bank (OeNB).

It can be taken from Figure 71 and Figure 72 that migrants from the traditional foreign worker source regions, who by now tend to be well established and to have accumulated some wealth in Austria, are the ones that send more money 'back home' than the more recent migrants from CEECs. Turkey is an interesting case; the volatility of economic growth in Turkey and the onset of the recession in 2000 triggered off increasing outflows of remittances from Austria to Turkey. Net remittances increased from 55 million in 1995 to 72 million € in 2002. In the wake of economic recovery in Turkey outflows remained stable for a while but started to increase again in the wake of the international financial crisis in 2008/09, reaching a peak of 79 million € in 2008; as the financial crisis hit Austria as well, and Turkish migrants in Austria in particular, the outflow of remittances declined to a low of 63 million € in 2010. In the wake of the economic recovery in Austria, the net outflows of remittances to Turkey picked up again and reached 86.8 million € in 2020. By sending remittances to Turkey, the Turkish migrants in Austria contribute to investment and consumption in Turkey, thereby promoting Turkish economic growth. This point is examined in more detail by Akkoyunlu—Kholodilin (2006). The authors conclude that remittances buffer above all the negative consequences of economic volatility of poor households, thereby stabilising consumer demand in Turkey.

Figure 72: Net flow of remittances from and to Austria by major region: 1995-2020



Source: Austrian National Bank (OeNB).

Figure 72 shows that remittance flows between Austria and Germany tend to be positive, i.e., more migrant money transfers go from Germany to Austria than the other way around. This is a fairly long-term trend, but the net inflows from Germany decline over time, in particular since 2009. Then the net inflow to Austria amounted to 141 million €; until 2020 the net inflow declined to 30.3 million €.

In contrast, the net outflow of remittances to the region of former Yugoslavia has lost its former dynamics. Partly because many former Yugoslavs have settled and started investing in Austria. Nonetheless there is still some net outflow of remittances to former Yugoslavia (Serbia, Kosovo, Montenegro, Bosnia, North-Macedonia, Croatia), amounting to 155 million € in 2020.

VII. Integration of migrants

Austria is a country with a long tradition of immigration, but a short history of structured and comprehensive integration.

Integration policy

It was not until 1996 that the Federal Minister of the Interior (Caspar Einem) made the first steps towards the coordination of migration and integration policies. This policy initiative is frozen in law (Fremdengesetz 1997), attempting to promote labour market integration of migrants, who had resided in Austria for a longer period of time. It was meant to facilitate access to the labour market of family members, who had arrived in Austria before 1992.

As a coordinating step on the part of the Ministry of Labour, enterprises were increasingly controlled to ensure abidance by the law, namely the execution of labour market testing in case of first issues of work permits. As a result, the 'habit' of some firms to employ a third country foreigner (who had a residence permit but no right to access work or only under the condition of labour market testing) without applying for a work permit by the LMS, had to be discontinued. The rules had to be applied, i.e., a firm got a first work permit for a foreigner granted only after four unemployed, who could in principle fill the post (unemployment benefit recipients), got the job offered but rejected it. Labour market testing is an effective labour market entry barrier of unskilled and semi-skilled third country migrants. Thus, the ‘coordination’ of policy resulted in the application of the law which in effect reduced the employment opportunities of certain groups of third country migrants.

The enforcement of labour market testing went hand in hand with an increase in the quota of seasonal workers from abroad. It is in the discretionary power of the Minister of Labour to decide upon an annual inflow of seasonal workers in tourism and in the agricultural/forestry sector, on the basis of regional and social partnership decisions. Both instruments contributed to a decline in clandestine work, but they reduced the chances of labour market integration of un- and semiskilled migrants already residing in the country.

The second and more effective legal reform step took place in 2003, with the introduction of the 'green card'. The option of long-term foreign residents to apply for a green card, which allows entry into the labour market without the firm having to apply for a work permit, i.e., the abandonment of the requirement of labour market testing, has significantly improved the employment opportunities of unskilled third country migrants. One year after the introduction of the green card system, the quota for seasonal workers from abroad had to be reduced as a result of large local labour supply increases. Unemployment numbers rose as a consequence of the substantial supply increases, particularly in the low skill segment, as seasonal work represents also an employment option for resident migrants. One has to acknowledge, however, that easy access to seasonal workers from abroad within a large quota contributes to reducing clandestine work, particularly if the season is short (harvesting) and if traditional personal connections are the basis for recruitment. One way to reduce the labour supply of unskilled migrants was via the introduction of a minimum income requirement for family reunification (family sponsoring in the new residence and settlement law (NAG 2005). This amendment was in line with regulations in other immigration countries overseas and with the EU directives for migration policy. It reduced the inflow of migrants with low earnings capacities who wanted to join a partner in Austria who himself/herself was living off welfare benefits (requiring income testing such as long-term unemployment benefit (Notstandshilfe) and social assistance). In addition, forced and/or arranged marriages became increasingly a target of control.

Thus, the coordination of migration policy with labour market policy, which started in the mid to late 1990s, introduced a better understanding of the impact of immigration on labour supply and labour market mechanisms in the respective administrative pillars. Another aspect which became increasingly an issue and resulted in amendments to migration law (NAG 2005) was the age cut-off for family reunification of children. Raising the age from originally 14 (until 2000) to 18 (2005) meant a significant improvement of the education and earnings opportunities of third country youth in Austria. While second generation migrants who arrive in Austria at a relatively young age, tend to be quite successful in school and later on the labour market, this is not the case for youth arriving at an older age. Some of the greatest difficulties migrant youth are faced with on the labour market are the result of protracted entry, often after the age for compulsory schooling in Austria (15), and the concomitant lack of school leaving certificates or acknowledgement of credentials obtained abroad.

Accreditation of skills and competences

Another instrument to reduce labour supply in the low-skilled segment was to promote the accreditation resp. validation of skills acquired abroad thereby reducing overqualification of migrants. This meant that the Ministry of Labour and Social Affairs cooperated with the Secretary of State of Integration to provide information and guidance to migrants in their quest to get credentials, which have been obtained abroad, accredited and validated. As a first step a website was implemented early 2012 (www.berufsanerkennung.at). It was the outcome of a policy debate in 2010 and 2011 which focused on ways and means to reduce the degree of overqualification of migrant employment or inadequate matching of migrant skills and jobs. This debate fuelled cooperation between the social partners, various ministries, the Labour Market Service, regional governments and education institutions, largely institutions of further education of adults with the aim to implement a lifelong learning strategy. The website was the beginning of a road map towards the accreditation and validation of skills and competences acquired formally and informally in Austria as well as abroad. In 2015, a law granting the right to accreditation/validation of one's skills and qualifications went into the houses of parliament for consultation. It came into effect in 2016.

Access to work in regulated professions, i.e., those which have a particular responsibility towards human beings and their safety, remains difficult for migrants as special regulations apply which go beyond obtaining the necessary educational skills or getting them accredited.

Between October 2020 and October 2021, a total of 10,100 persons applied for recognition or validation of a qualification obtained abroad. 68% got their application approved. 88% of all positive cases were issued to foreigners, almost two third of them were citizens of a country in the European Economic Area (3,400). Next in line were third country Europeans, including Turkey (1,300, 22%), followed by persons from Asia (800, 14%). Somewhat more than half of all cases pertained to university degrees (51.7%).

Focus on early school leavers

Another policy issue in the years of 2000 addressed early school leavers - to raise the skill level was part of the government programme of 2010. One outcome has been the implementation of a system of co-funding by the regions and the federal government (§15a agreement) to fund education of early school leavers, natives as well as migrants such that they obtain school leaving certificates at no cost to them, and may access further education (Initiative Erwachsenenbildung: Pflichtschulabschluss und Basisbildung). The funding model followed the ESF scheme of co-funding. It came into effect January 2012.[84] This initiative has been implemented for a 5 year-period and extended for another 5-year-period with equal funding in 2017. A third funding period lasts from January 2018 to end of 2023. This scheme has been very successful in addressing distant learners, in particular also migrants. The largest uptake was in the lowest skill segment, which will allow this group to enter a lifelong learning path and raise their employability. An evaluation of this scheme is part and parcel of the whole complex institutional setting and the planning of the database flowing from the education activities. (Stoppacher et al., 2014; Steiner et al. 2017) In the year 2021 6,826 participants were registered, of whom 85.8% migrants. The majority are youth (15-18: 18.6%) and young adults (19-35: 41.5%).[85]

In addition, in 2013, the Ministry of Europe, Integration and Foreign Affairs proposed - upon the advice of the expert council on integration (bmeia, 2013) - to raise the minimum age for

[84] For more see: https://www.initiative-erwachsenenbildung.at/initiative-erwachsenenbildung/was-ist-das/

[85] Annual report 2021: https://www.initiative-erwachsenenbildung.at/fileadmin/docs/ExSum_Jahresbericht_2021.pdf

the achievement of the compulsory school leaving certificate to 18 years. **The proposal led to the amendment of the Law on Education and Training (Ausbildungspflichtgesetz - APflG), which came into effect in August 2016 (BgBl 62/2016).** The objective of this amendment was to reduce the number of youths without a school leaving certificate, and to promote their propensity to engage in further education and training. The first cohort affected by the law was the school-leaving cohort of 2016. Parents were from then on obliged to ensure further education and/or training of their children beyond the compulsory school-leaving age of 15, if the children have not obtained the competences required (early school leavers without school leaving certificate). Further education may take place in any of the further education streams as well as in special schools (Produktionsschule – now AusbildungsFit) and training courses offered by the Ministry of Labour and social Affairs including intensified youth-coaching. 3,161 such youth took up one or the other further education in 2021[86].

Mandatory and free of charge kindergarten before compulsory school entry

In 2009 a mandatory kindergarten attendance for five-year-olds at no cost to the parents was established on the basis of the intervention of the then Secretary of State for Integration, Sebastian Kurz, in order to tackle German language deficiencies of migrant children when entering compulsory education. Increasing involvement of migrant parents, particularly mothers, in early language learning has also been a focus in 2010 and 2011, promoting HIPPY (Home instruction for parents of pre-school youngsters), often in combination with civic education. The aim was to raise awareness of the role of education for integration and to promote the employment of migrant women. Plans are for the establishment of a second mandatory year of kindergarten with a focus on the promotion of values/behaviour patterns (PH-Noe, 2018) and on German language training for children in need.

As many nursery schools are privately run and as the qualification criteria of nursery teachers are not regularly controlled, the then Minister of Integration, Sebastian Kurz, had some of the Muslim Kindergarten examined in 2015 (Aslan, 2016).[87] The investigation into the quality of education and training indicated that some of the nursing schools were run by Salafist organisations, indoctrinating children from an early age onwards, thereby enticing radicalisation. While the city of Vienna had not allowed access to all nursery schools in Vienna, they committed themselves to do so from then on. The analysis of the Islamic nurseries in Vienna was very controversial (Aslan, 2017), indicating that some schools were not

[86] For more see: https://www.sozialministeriumservice.at/Arbeitsmarktprojekte/Ausbildung_bis_18/AusBildung_bis_18.de.html and https://neba.at/neba-leistungen/ausbildungsfit/warum-produktionsschule, and https://www.ausbildungskompass.at/ausbildungen/106695-ausbildungsfit-produktionsschule/

[87] For more see ORF-reports http://wien.orf.at/news/stories/2759923/

contributing to integration in Austria but rather promoting self-exclusion. The examination of nursing schools was supposed to be extended to all provinces in Austria.[88]

The increasing focus on implementing structured integration measures is complemented by the reform of migration policy towards a point-based system of immigration. All these reforms are geared towards coordination of migration and integration management. Also, information and media policy are slowly changing, moving away from a focus on problems and turning towards opportunities emanating from a greater diversity of people. This tendency is, however, slowly eroded in the wake of the 'unexpected' large inflow of refugees in 2015 and challenges of social cohesion emanating from it. Somehow Austria got stuck in the 'refugee crisis' mode well into 2020. The Russian war of aggression against Ukraine sent a new wave of refugees - or rather displaced persons – to Austria, amongst other countries. While support by the authorities and civic society is strong and coordinated, Ukrainians tend to get better treatment which entices refugees and NGOs to question that practice.[89]

Institutional and Policy Framework for Integration

The institutional setting for integration is rapidly changing. Not only have almost all federal states developed 'Integration guidelines' (Integrationsleitbild) by 2010 but they are also well on their way to implement integration measures in the various fields, be they relative to the preschool and school environment, the labour market and coordination of institutions and associations which promote employment and further education (Biffl et al., 2010), or housing and regional integration (Regionalmanagement).

A major driving force between 2009 and 2011 has been the Federal policy on integration, featuring in the NAP.I (National Action Plan of Integration), the establishment of an expert council on integration, advising the Ministry of the Interior – between 2013 and 2020 the Minister of Europe, Integration and Foreign Affairs, from 2020 onwards the Ministry of Integration, Women, Family Affairs and the Media in the Federal Chancellery - on matters of integration (Expertenrat), and the establishment of an integration council (Integrationsbeirat), encompassing all government and non-government institutions on federal and state level and social partners involved in integration matters – to facilitate coordination of integration policy and measures; all these institutional changes have led to the development of a road map towards mainstreaming integration. The latest and most symbolic elements in the changing institutional ramifications have been the implementation of a Secretary of State for

[88] The research has been undertaken by Prof. Aslan (University of Vienna, Islam Studies, together with Susanne Heine (University Vienna, Theology Fakulty), Maria Fürstaller (Univ. Vienna), Elisabeth Raab-Steiner (FH Campus Wien), Prof. Wolfgang Mazal (University Vienna) and Kenan Güngör. http://iis.univie.ac.at/fileadmin/user_upload/p_iis/Abschlussbericht__Vorstudie_Islamische_Kindergarten_Wien_final.pdf

[89] https://www.dw.com/de/faktencheck-bevorzugen-eu-l%C3%A4nder-ukrainische-fl%C3%BCchtlinge/a-63548244

Integration in the Ministry of the Interior early 2011 – later turned into a ministerial position (2013); this Ministry for Integration is the hub for the coordination of integration policies in the various ministries. In addition, the Ministry is providing funds under the condition that the Bundesländer add the same amount.[90] Accordingly, the actual integration budget is double the amount of money budgeted for 'integration' in the various Federal Ministries, largely the Ministry of the Interior (bmi), of Integration (bka) and education (bm:bwf). Apart from the basic budget, every Ministry and Bundesland is requested to develop affirmative action programmes for migrants, which are in line with the 7 themes of the National Action Plan. The central institution servicing integration policy and its implementation is the Austrian Integration Fund (ÖIF: https://www.integrationsfonds.at/). The ÖIF has nine regional offices and a number of mobile welcome desks.

In 2015 the implementation of a **structured welcome culture** has had a good start. Some provinces in Austria developed a 'welcome check' for all local institutional actors, in particular the municipalities, the LMS, the education and training institutions, the various associations in the recreation field, the employers and their representatives as well as migrant associations. The objective was to promote the wellbeing of the whole communities and their actors, thereby hoping to attract skilled (migrant) workers and entice them to settle. (Biffl et al., 2015, bmeia, 2012). With the onset of the so-called 'refugee crisis' in 2015, these initiatives came to a halt.

In 2014, an initiative of the Ministry of the Interior to welcome immigrants already in the source country has come into effect in cooperation with Turkey. Turkish citizens with the right to settle in Austria (Family migration) received reception information and advice in the Austrian Embassy in Ankara, thereby facilitating integration in Austria. The initiative ran under the slogan 'Integration von Anfang an' (Integration from the very beginning). This integration service in the source country received a lot of positive feedback, which contributed to its establishment in Serbia (Belgrade) as well. **With the new coalition government of the Conservative and Freedom party coming into power in 2017, these initiatives came to a halt but were revived again by the current government, albeit at a somewhat reduced dimension.**

Perhaps one of the most important policy initiatives to promote integration was the adaptation of the **Islam-Law in Austria**. It has taken some three years of public debate before the law, which dated back to the multicultural and multireligious Austro-Hungarian Empire, could be adapted. It came into effect in March 2015, ensuring the right to practice one's religion and specifying the rights and duties of the various Muslim denominations. The law was drawn up in close cooperation with the Muslim associations in Austria and accepted by them.

[90] For budget details see the various Budget Reports of the Ministry of Finance to the parliament.

In 2017, a variety of new legislation on integration has come into effect, in particular the **Integration Act** (BgBl 2017/68) which was complemented by the **Integration-Year-Act** for refugees. The Integration Act sets out the central ramifications for the integration of migrants, who have the intention to settle in Austria. The leading principle is activation and participation, meaning that the state is obliged to offer opportunities for migrants and to request cooperation and participation of the migrants in various activities. Some of the obligations refer to the participation in German Language courses and value-seminars. The law requests also the implementation of a monitoring system on integration, more transparency and data-provision/exchange to facilitate planning of integration measures by the various institutions. The Integration-Year-Law focusses on refugees and asylum seekers with a high probability of getting asylum granted to participate in charitable and non-profit community work. In so doing they are expected to learn about work practices, the system of social organisation and to communicate with the host society. The skills and competences obtained in the course of the year are to raise their employability and facilitate long-term integration. **In 2018, the budget for funding an "integration year" has been cut, indicating that integration is increasingly seen as a duty on the part of refugees and not of the Austrian host society as well.**

The role of citizenship for labour market integration

Austria is among the countries with high barriers to the acquisition of citizenship (Bauböck et al., 2006; Valchars – Bauböck 2021), at least since the reforms of the citizenship laws in 2005-2008. Does this hamper labour market integration? If we compare labour market outcomes of Austria with France, which grants citizenship on the basis of territory (ius soli), we see many similarities in labour market outcomes. The latter may flow from the welfare model rather than the civic territorial model. Brubaker (1992) argued that citizenship may promote a feeling of belonging, but it is the welfare model which structures labour market outcomes.

Changing union policy

There are increasing signs of a changing union policy towards immigrants. In the year 2006 foreigners have been given the right to join unions and to become members of employer councils. It has to be mentioned, however, that the latter right was not granted freely by the Trade Union Congress but only after the intervention by the European Court of Justice. The latter acted upon the appeal of the Austrian union of white-collar workers (GPA) together with a migrant association (migrare). This incidence shows that there is increasing debate on the role of migrants in the trade union movement and the implications of free mobility within the EU for trade union policy. Groups within the trade unions are increasingly giving voice to migrants (e.g., work@migration in the GPA), standing up for rights as diverse as citizenship to children born in Austria to foreign citizens and the right to access work for all migrants, independent of their legal status. (Biffl, 2010; Biffl - Huber 2023)

Labour market outcomes of integration of migrants

Integration of migrants facilitated by work-based welfare model

The integration of migrants is facilitated by a labour market governance system which is based on the social partnership concept and which is complemented by a complex system of regional institutions and integration policies on communal level. Such a system, while ensuring continuity and stability, can accommodate the needs of regions and different ethnic groups and adapt to new challenges. As the pattern of migration evolves, so will the needs of the migrants and the host communities in their quest for integration and participation. Newcomers have different needs to second and possibly third generation migrants, and the needs may differ by migrant groups and status (migrant workers, family members, and refugees), age and gender. Mainstream integration has to cater for all needs in order to ensure that social cohesion is not jeopardised.

The major bulk of action in the area of integration policy takes place in the regions (Bundesländer). Federal laws tend to provide a general framework, leaving it up to the federal states to draw up integration measures suitable for the special circumstances of the region. Also the law regulating the residence and settlement of foreigners (Niederlassungs- und Aufenthaltsgesetz - NAG 2005) leaves it up to the states to devise an institutional and budgetary framework to organise the integration of migrants. Due to the strong regional focus of policy formulation and implementation and the horizontal character of integration, comprising areas as diverse as education, employment, housing, health, social services, cultural activities and the like, little is known on a federal level about the amount of money spent on integration in the various regions, the instruments and measures implemented and their respective effectiveness[91].

Integration has been quite effectively pursued both at state and local level, as some of the good practice examples indicate, which every major federal state can boast, e.g., on the websites of regional integration platforms and as part of the policies of territorial employment pacts (TEP)[92]. Austria has fairly diverse regional systems of integration, which take the different needs of migrants as well as host communities into account. The various integration systems may differ by the speed, depth and scope of integration, which may be guided by different objectives of the regions in relation to the role of migration in their socio-economic development (Concept of Integration - Integrationsleitbild).

[91] For a first attempt to collect information about integration measures in the various regions see *IOM – BMI* (2005).

[92] The territorial Employment Pacts were implemented in Austria 1996, and continue as part of mainstream labour market policies in 5 provinces: Carinthia, Burgenland, Upper Austria, Lower Austria and Tyrol.

Migrant women and youth: the challenge of labour market integration

The integration of migrant women and youth into the labour market depends upon institutional ramifications - in particular the immigration regime, the welfare model and the education system -, on supply factors - in particular the educational attainment level and occupational skills, language competence, ethnic origin and the proximity to the ethnic cultural identity of the host country -, and demand factors - in particular the composition by economic sectors, the division of work between the household, the informal and the market sector and the economic and technological development level.

The integration of first and increasingly second-generation migrants, particularly of women, has become a challenge in view of changing demands on migrant skills and a failure to promote the education of migrant children in the regular school system adequately. Research indicates that it is the combination of different immigration and welfare regimes which account for different employment opportunities of migrant women in the various EU-MS (Baldwin-Edwards, 2002; Adsera & Chiswick 2004; Freeman, 2004). Educational attainment and employment opportunity of migrant youth in contrast are largely determined by the education system and the role of parental social status for the educational outcome of their children, in addition to the capacity to speak the host language (OECD, 2006A/B).

The employment opportunities of migrants depend to a large extent on their immigrant status, which tends to define the access rights to the labour market. For example, asylum seekers may or may not access work (depending on national immigration regime) while waiting for their case to be decided. In contrast, target workers (employer nomination scheme, intercompany transferees, seasonal workers etc.) are almost by definition employed. Settlers who are joining their partners (family formation or reunification) may adapt their employment behaviour to that of the host country, e.g., work in the formal or informal sector. The employment opportunities of migrant women differ between EU-MS as the employment opportunities of women in general differ as a result of various welfare models, economic development levels and gender roles. In addition, the educational attainment level and occupational structure of migrant women may differ which has an impact on the employment opportunities of women.

The gender composition of the various entry channels of migration differs and may change over time. A significant part of immigration continues to be labour migration, particularly as a consequence of free mobility of labour within the EEA. But family formation and reunification as well as immigration on humanitarian grounds have taken over as the most important driving forces for immigration in Austria and some other EU-MS in recent decades. The gender mix of migrants is partly the result of the migration regime (Freedman 2007, Dumont et al 2007), and partly due to different roles of migrants in the economic development (temporary work, settlement, asylum, students, illegal migrants). Family migration for settlement has become the most important entry category of permanent type immigrants (settlers) in countries as diverse as Austria, Germany, Belgium, France and Sweden. But temporary work also continues to be an important source of migrants, e.g., as domestic helpers, care workers and seasonal workers. Further, in addition to family and labour migration and immigration on humanitarian grounds, increasing mobility of students is also a source of work. Austria together with the United Kingdom, France and the Netherlands (OECD 2006A: C3) have experienced large increases in their international student population. Austria has one of the highest shares of foreign students in the EU with 18% in 2020 (OECD Data: % of students enrolled) only surpassed by the UK (2020: 20.1%).

Different models of social organisation, which are historically grown and which constitute "incorporation regimes" have an impact on employment and earnings opportunities of migrants. According to Soysal (1994), each host country has a complex set of institutions which organise and structure socio-economic behaviour of the host population; these basic models of social organisation also structure labour market behaviour of migrants. In that context it is above all the welfare model which plays a dominant role in the integration of migrant women into the labour market. Countries like Austria which relegate a large portion of work, in particular social services, to the household sector by tax incentives or transfer payments have a lower employment rate of women than countries in which the state (Nordic countries) or the private sector (Anglo-Saxon countries) are the major suppliers of these goods and services. Thus, the role of migrant women is on the one hand determined by the labour market access rights stemming from the immigration model, and the welfare model on the other (Esping-Andersen et. al., 2001).

While the immigration model determines who may settle and have access to the labour market and under what conditions, the welfare model structures the division of work between market and household work of the host society. An important consequence of the different division of labour between the household and market sector, through a complex system of taxes and benefits, are not only differing degrees of integration of women into the labour market but also differing degrees of poverty and income inequality.

The Scandinavian and Anglo-Saxon welfare models and the social security systems of the Continental European countries have a system of social protection, which is employment centred. Work is not only the source of income but also the means through which the social dividend is distributed. Thus, integration into the labour market is vital for the wellbeing of the individuals. Work related income and services are complemented by public sector services, like health care, which can be accessed by every resident.

Labour market outcomes differ significantly between men and women in the various welfare models; the gender differences are more important than the differences between immigrants and natives, particularly after a certain period of residence (with the length of stay resulting in convergence of behaviour with natives). Given gender and immigrant status, important predictors of labour market outcomes are age, educational attainment level, marital status and length of stay in the host country.

Earnings differences

Adsera & Chiswick (2004) point out that earnings of immigrants are lower upon arrival than those of natives, particularly for foreigners born outside of the EU. The countries with the lowest differences between earnings of natives and migrants are found in Germany and Austria and the highest in Sweden (period of analysis 1994-2000, data from the European Community Household Panel - ECHP). In Austria, centralised collective bargaining agreements (Kollektivverträge) ensure equal treatment in employment by industry and skills, thereby linking wages with skills acquired in the various elements of postsecondary and tertiary education. Almost every job is regulated by collective bargaining agreements (98% bargaining coverage rate[93]), encompassing regulations as diverse as wages, working hours and general working conditions. The bargaining system ensures that wages are in line with productivity developments, thereby stabilising inflation and ensuring economic stability (Fuess—Millea, 2001; Aidt—Tzannatos, 2001). As a result of the regulative density, wages in the formal sector in Austria do not differ much by nationality, as there is little room for different treatment of immigrants.

Women born outside of the EU face large wage gaps relative to native women; it is above all the Nordic countries, Southern European countries but also the UK with above average earnings gaps. In contrast, in Austria non-EU women tend to have on average higher earnings than native women. This is due to the low activity rate of third country women with a low educational attainment level and a high activity rate of highly skilled and career minded third country women. It corroborates other research results according to which Austrian women, also highly skilled ones, are facing a pronounced glass ceiling. Accordingly, the gender pay gap in Austria is amongst the highest in the EU and rising, quite in contrast to the trend in other EU-MS.

The low wage differences between migrant and Austrian women are the result of a low labour force participation of women with a low educational attainment level of Austrian as well as migrant women as care work tends to remain in the household sector, promoted by the Austrian tax and cash transfer system[94]. (BKA2010) But also foreign worker policy tends to hinder labour force participation of unskilled migrants, as access to the labour market requires labour market testing; only after 4 years of legal residence in Austria can third country citizens get the 'green card' which allows the uptake of employment without labour market testing. This feature of the law bars entry to the labour market of third country low skilled migrants who tend to immigrate on the basis of the family reunification programme. There has been no legislative change which would amend that. With the introduction of the red-

[93] The bargaining coverage is lower in most other EU-MS, ranging from 47% in the UK, 50% in Switzerland, 69% in Denmark to 89% in Sweden. (Aidt—Tzannatos 2001)

[94] Single earner tax breaks as well as cash benefits for child-care and domestic care for the sick and elderly contribute to the limited outsourcing of care work from households to the market. (BKA 2010)

white red card in 2011, however, family members of that card (Rot-Weiß-Rot — Karte plus) face no longer any restrictions to enter the labour market. This fact together with the fall of transition regulations for EU-8 member states raises competition for jobs, particularly for the unskilled. This resulted in a rise in unemployment and/or a certain downward pressure on wages for the unskilled, at least in a transition period.

Earnings differences between native women and immigrant women decline with cultural and language proximity. Chiswick & Miller (1995) find that this is also true in other immigration countries. Earnings of migrants tend to converge after around 18 years of residence.

Public opinion and discrimination

In order to provide a factual background for integration measures, Austria has developed integration indicators and published them since 2009, the year of the drafting of the NAP.I, the National Action Plan for Integration. (Statistics Austria 2011 /2012 /2014/ 2015 /2016 /2017 /2018 /2019 /2020/ 2021/2022)[95] The set of indicators includes also an 'integration barometer', i.e., subjective feelings about the integration process on the basis of a sample survey of natives and migrants. The results of the opinion polls are showing signs of improvement between 2010 and 2014. With the abrupt increase of refugee inflows, the pessimism relative to integration gained weight. Accordingly, in 2015 12.6% of the Austrians meant that integration was not working at all (compared to 12.5% 2014); in 2016, 16% of the representatives of the host society meant that integration did not work at all and a further 47.5% thought that it worked rather unsatisfactorily. In 2018, the situation improved: accordingly, only 13% were of the opinion that integration did not work at all, and 41% felt that it was unsatisfactory. In 2020, the perception of integration by the Austrians was almost evenly divided between the positive evaluations (54.7% felt integration worked very well or well) and the negative opinions (45.3% not so good or not at all). In 2022 one third (34%) meant than integration worked well or very well, while 25% felt that it worked badly.

While there is a clear improvement in sentiment vis-á-vis migrants, also relative to refugees, the atmosphere is still not reassuring, as 21% of the interviewed Austrians saw an improvement over the last 3 years in 2022, while 33% felt a deterioration and 46% saw no major change. This means that integration pessimism of the host society continues to be high.

The pessimistic views about the integration process were not spread evenly across socio-economic groups and regions. Men were more often than women inclined to judge integration as not working well. Older persons, and persons with a low and medium educational attainment level were more pessimistic in 2020 than persons with upper secondary, non-tertiary education. It is small communities (less than 5,000 inhabitants) and

[95] Statistic Yearbook: Migration & Integration: Figures, Data, Indicators 2022, Statistics Austria/bka, Vienna. https://www.integrationsfonds.at/fileadmin/user_upload/MIG_INT_2022_OEIF.pdf

large conurbations (more than 1 million inhabitants) that view integration more pessimistically than medium sized conurbations. The survey did not ask for the reasons for the views given, be it the political discourse, which is increasingly anti-immigrant, or because of actual experiences and conflicts.

The opinions voiced by migrants are in stark contrast to those of natives, but there is a difference between the immigrants with a long duration of stay in Austria and the new arrivals. As to the established migrants: 9 out of 10 from Serbia or Bosnia felt at home in Austria – 60% 'totally' and only 8% 'not at all'; in the case of Turkish migrants the share of totally integrated was somewhat lower (43%) and14% felt left out. It may come as a surprise that the new arrivals, largely refugees (Afghanistan and Syria), were even more satisfied with the cohabitation with Austrians, namely 70%, while only some 7% did not feel well.

The optimism of migrants relative to integration tends to increase over time and duration of stay. Women tend to have a feeling of belonging more often than men and youth more often than adults, with the exception of over 60year old migrants. In spring 2020, new arrivals have been interviewed for the first time, in the main refugees from Syria, Iraq, Afghanistan and Chechenia. Of those who have lived in Austria for more than 20 years in Austria 97% felt completely or almost completely at home in Austria. But only 59% of migrants with less than 5 years in Austria felt completely or almost completely at home. Particularly high proportions of Afghanis and Syrians felt at home in Austria, less so migrants from Chechnya.

The optimistic view of migrants relative to integration is highly correlated with their improvement of their personal living conditions in Austria. The proportion of migrants who state that their living conditions have improved between 2022 and 2019 depended on their duration of stay in Austria. While refugees unanimously saw an improvement in their life circumstances, those with a longer duration of stay did not differ in their estimation of their living conditions relative to Austrians.

The proportion of migrants that has experienced discrimination in the last 12 months is lowest for Migrants from Serbia and Bosnia with some 25% and is highest for Turkish migrants with 44%. The situation is similar for refugees from Syria, Afghanistan and Chechnya. The proportion of migrants who feel that they are discriminated is rising with the educational attainment level and declining with duration of stay in Austria.

Finally, questions relative to xenophobia indicate that there is increasing recognition that immigration is meant to stay and that integration is a process everybody has to participate in. As a result, racist items and statements are increasingly rejected by Austrians.

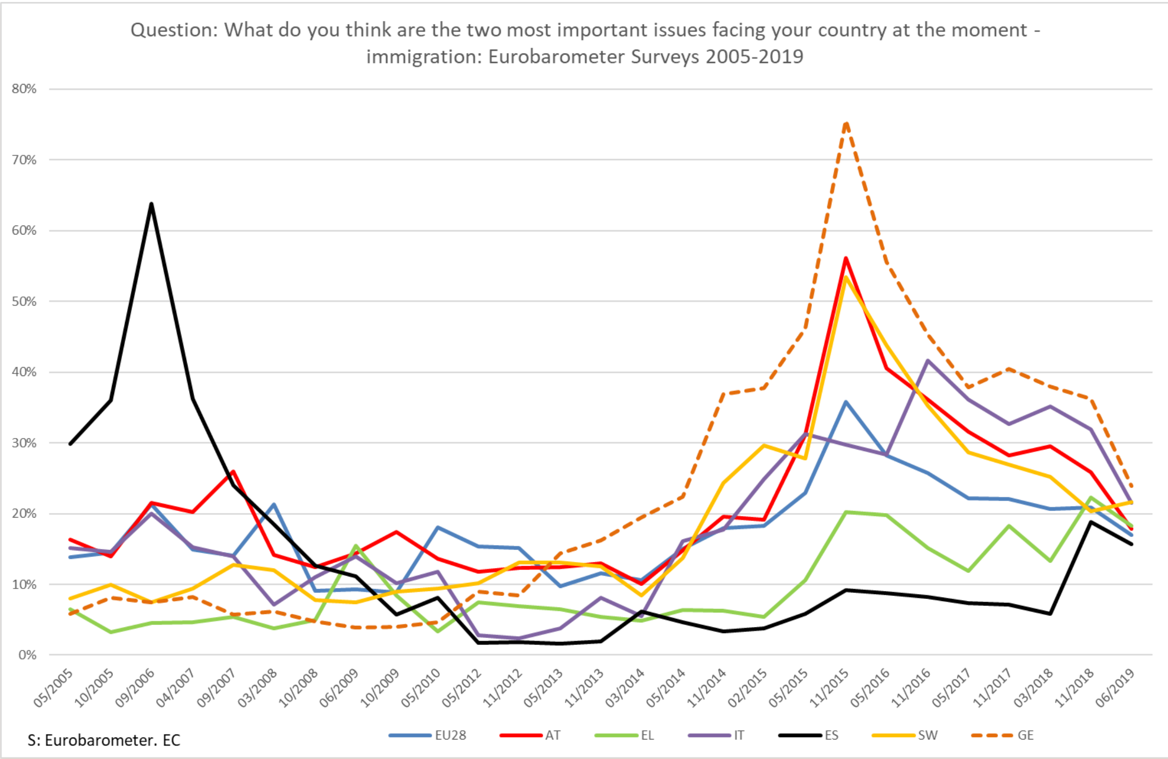
In order to promote equal treatment, the Ministry of Integration, Women, Family and the Media in the Chancelelry has implemented a Hotline against discrimination, thereby hoping to empower migrants and non-migrants to inform about observed cases and to offer help.

(https://www.bundeskanzleramt.gv.at/service/hotline-gegen-diskriminierung-und-intoleranz.html)

In 2019 the School Education Act has been amended, forbidding girls in primary school (up until the age of 10) to wear a headscarf in school. This legislative reform has been lifted by the Constitutional Court as unconstitutional in December 2020.

Public opinion on migration is strongly influenced by migration and by political rhetoric, possibly also media reports on migration issues. This can be seen in the rise of concern about immigration in the Eurobarometer surveys of the years most affected by the substantial inflow of refugees between 2014 and 2016.

Figure 73: Eurobarometer survey on the role of migration as an important political issue



It can be taken from Figure 73 that the countries with the largest per capita inflows, namely Germany, Austria and Sweden, had the highest rise in public concerns about immigration as important policy issues facing the country. Migration moved centre stage at that time as the most important policy issue, while in the surveys before and afterwards unemployment was heading the list of main issues faced by the countries. In Austria, immigration topped the agenda between 2015 (EB 11/2015) and 2018 (EB 11/2018). In 2019 (EB 06/2019), environmental issues moved centre stage and topped the national agenda for the first time.

This was a Greta Thunberg effect, which also brought the green party into the coalition government in 2019.

VIII. Fiscal aspects of migration

This topic was not an issue in the early years of immigration, when unemployment was low and when migrant workers were in the main target workers without family members. It was obvious that they were paying more into the welfare system than they took out, as they were in the main prime age workers. In the 1980s, however, as domestic labour supply growth picked up — a consequence of the baby-boom generation entering the labour market — and as immigration continued, increasingly as a result of family reunion and refugee intake, questions about the effect on welfare budgets surfaced. They became an issue of public debate, and in consequence of research, during the 1990s. The research has to be understood in the context of substantial inflows of migrants, workers as well as refugees in the wake of the fall of the iron curtain and, thereafter, the war in Yugoslavia. (*Biffl 2002, Biffl et al 1998*) Not only the large numbers but above all the composition of the inflows became a matter of concern. Immigration to Austria had changed its character from a guest worker programme to one of immigration, not dissimilar to traditional immigration countries, but also with a large humanitarian intake. (*Fernandez de la Hoz — Pflegerl 1999*) This had implications for the welfare system.

Research indicates that, on average, payments of migrants into the social security system and receipts from the system were more or less balanced in the 1990s. The analyses differentiate between the various elements of social protection, e.g., unemployment insurance, public housing contributions, child benefits, retirement benefits, health care services etc. The contributions of migrants to the public household are primarily social security contributions, wage and value added tax.

Migrants have on average a lower annual income than natives — in the 1990s it was some 85% of the national mean. This was due to the combination of various factors: the on average lower skills, the concentration on low wage industries, the high proportion of seasonal work, and the limited opportunities to join the core work force of enterprises (Insider-Outsider problem). Given the progressive tax system, their social security contributions and wage taxes were 24% below the national average.

Contributions to unemployment insurance constitute part of social security payments. As migrants are in the main in low wage industries and occupations, their contributions to the unemployment benefit system are below average — 16.3% below the national average in the period 1989-1999. The returns in terms of unemployment benefits (active and passive labour market policy measures) are somewhat higher than for nationals. This is in the main the result of the above average incidence of unemployment of migrants, which results not only from the types of jobs they occupy but also from the employment protection of indigenous workers. This was a longstanding feature of Austrian labour law dating back to the nineteen thirties. This meant that a foreign worker was the first to be laid off if the enterprise reduced its work force. It was not until 2011 that this element of the foreign worker law was eliminated (AuslBG). However, the average duration of unemployment benefit receipt is shorter in the case of migrants as they are not generally able to access long-term benefits — only permanent permit holders are treated equally with Austrians—, thus keeping the positive differential in total benefit receipts of migrants minimal.

In contrast, foreign workers pay into a public housing fund without being able to draw benefits from it as long as they are aliens. The legislation on these matters is regional and no comprehensive statistical information is available on a national basis. (*Csasny— Hartig— Schöffmann 2000; Deutsch — Spielauer in Biffl et al., 1997, Biffl et al., 2002*)

Contributions to the public pension system do not differ between natives and foreign workers at any particular point in time and there is no distinction between the pay out of pensions to migrants and natives. If pensions are transferred abroad, it may be a pension to an Austrian or a former migrant worker. As migrants, particularly foreign workers from the traditional source countries, tend to settle in Austria, retirement pay is increasingly spent in Austria. As contributions to the public pension system are on a pay-as-you-go basis, pay-outs follow after a considerable time lag. It was not until the mid-1990s that a larger number of migrant workers, namely those who came to Austria in the first wave of the 1960s, began to enter the retirement system.

The composition of migrants at a particular time informs us only about the balance of the social transfer system at that time. In order to know more about the longer-term relationship, these partial analyses need to be complemented by dynamic process analyses. This calls for longitudinal data of migrants and natives over the life cycle. In such a generations model, it becomes necessary to take into account the number of children, their use of educational resources, the income of immigrants, their health status and their life expectancy. If, for example, an immigrant has no or only one child over the life cycle and earns an above average income, then he/she is a net contributor to the social budget during the working life. When entering retirement, the situation changes, particularly if the period of retirement is long. Simulations of various phases in life would need to be made for the various categories of immigrants, low-income earners with many children, rich ones with few children, retirees staying or returning to their country of origin, etc., and compared with natives. [96]

As the composition of immigrants and natives is changing over time, so is their impact on social budgets. The balance in the transfer budget is reached when child benefits and retirement benefits are compensated by the contributions paid into the social policy budget over the life cycle. A comprehensive cost-benefit analysis of migrants in the context of social transfers has to take the generational transfers into account as well as the impact of migrants

[96] Simulations of that kind (overlapping generations models) are undertaken in Austria, e.g., by *Karin Mayr (2004)*.

on educational, health and care infrastructure, and not only direct transfer payments like child benefits and retirement pay. If we do this, migrants tend to contribute more to social budgets than they take out. This may not come as a surprise as the Austrian welfare system is contribution based and has a relatively small redistributive capacity.

Migrants have on average a higher fertility rate than natives, but the educational resources spent on migrant children are below average. (*Biffl—Schappelwein in Fassmann—Stacher (eds) 2003*) As to the health status of migrants — they are healthier when young and upon arrival but become a vulnerable group of people when getting older. The lower-than-average educational attainment level of migrants and the associated above-average physical and often also mental and psychological strain in the workplace, are the main explanatory factors for the weaker health of older migrants.

This insight should trigger off more focused medical attention on occupational diseases and their impact on health conditions over the life cycle. It may well be that a different organisation of work in enterprises, i.e., job rotation, flexible work arrangements, reduction of shift work with age and the like, can help reduce health problems of older (migrant) workers. Given the large proportion of migrants in unskilled and semi-skilled occupations, this may be rather difficult. (*Biffl 2003*)

The bad health record of older migrants adds yet another dimension to the already daunting task of providing adequate care for an aging Austrian population. This implies that health care institutions are increasingly faced with caring for people with special needs due to often chronic and multi-morbid health problems as well as different language and cultural background. This may imply institutional adjustments, e.g., intercultural training for care personnel and medication and equipment. (*Pochobradsky et al. 2002; Dogan— Reinprecht —Tietze 1999*)

IX. Statistical commentary

Due to the reform of labour market institutions by mid-1994 the data on unemployment is now being processed in the newly established Labour Market Service (AMS); administrative data on the employment of foreign workers of third country origin is being made available by the Federal Ministry of Labour. Data on wage- and salary earners is from the Main Association of Austrian Social Insurance Institutions (HSV). The employment and unemployment data are easily accessible on a common data-platform (http://www.dnet.at/bali/), also time series. Data pertaining to the residence status of foreigners of third country origin are produced by the Federal Ministry of the Interior (BMI, FIS = Alien Register), similarly data on asylum seekers and refugees. Demographic data is provided by Statistics Austria.

The Ministry of Economic Affairs and Labour together with the Labour Market Service have invested in the establishment of a matched database, longitudinal data of wage and salary earners and registered unemployed from 2000 onwards. This databank is an invaluable resource for researchers (*https://arbeitsmarktdatenbank.at/*).

In 2017, an integration monitor was implemented by the Ministry of Europe, Integration and Foreign Affairs, flowing from the Integration Act of 2017. As a result, the Integration Report 2018 provided data which had not been publicly available until 2018. (bmeia 2018) Among the new data are information on the number and composition of extra-curricular pupils (außerordentliche Schüler/innen), largely migrant children, as well as numbers on recipients of the needs-based minimum income support (bedarfsorientierte Mindestsicherung).

Data on remittances in Austria are estimates for the period 1995-2020, based on the following methodology: Estimation of workers' remittances to Austria (credit): The starting point is the number of Austrians working abroad ("residents for tax purposes"), as recorded by the ministry of foreign affairs. The National Bank uses average net income levels in Austria, adjusted for the price levels of the respective countries. The annual amount of workers' remittances to Austria is the product of the number of individuals sending remittances multiplied with price-adjusted net incomes and the ratio of remittances to GDP (based on international studies). Estimation of workers' remittances from Austria (debit): The key data source are payslip statistics, which provide information on nationality, the duration of (resident/non-resident) labour and gross annual incomes. By analogy with the credit side, the annual amount of workers' remittances from Austria is the product of the number of individuals sending remittances multiplied by their net incomes and a country-specific ratio of remittances to GDP (based on international studies).

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