




# IMPACT OF VISA LIBERALIZATIONS ON AUSTRIA



**Martin Stiller**

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# EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003 by the European Commission by order of the European Council in order to satisfy the need for a regular exchange of reliable information in the field of migration and asylum at the European level. Since 2008, Council Decision 2008/381/EC has constituted the legal basis of the EMN and National Contact Points (NCPs) have been established in the EU Member States (with the exception of Denmark, which has observer status) plus Norway.

The EMN's role is to meet the information needs of European Union (EU) institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU in these areas. The EMN also has a role in providing such information to the wider public.

The NCP Austria is – pursuant to an agreement with the Federal Ministry of the Interior – located in the Research and Migration Law Department of the Country Office for Austria of the International Organization for Migration (IOM). The IOM office was established in 1952 when Austria became one of the first members of the Organization. The main responsibility of the IOM Country Office is to analyse national migration issues and emerging trends and to develop and implement respective national projects and programmes.

The main task of the NCPs is to implement the work programme of the EMN including the drafting of the annual policy report and topic-specific studies, answering Ad Hoc Queries launched by other NCPs or the European Commission, carrying out visibility activities and networking in several forums. Furthermore, the NCPs in each country set up national networks consisting of organizations, institutions and individuals working in the field of migration and asylum.

In general, the NCPs do not conduct primary research but collect and analyse existing data and information. Exceptions might occur when these are not sufficient. EMN studies are elaborated in accordance with common study templates in order to achieve comparable results within the EU and

Norway. Since the comparability of the results is frequently challenging, the EMN has produced a glossary, which ensures the application of similar definitions and terminology in all national reports.

Upon completion of national reports, the European Commission with the support of a service provider drafts a synthesis report, which summarizes the most significant results of the individual national reports. In addition, topic-based policy briefs, so-called EMN Informs, are produced in order to present selected topics and compare national results in a concise manner. All national studies, synthesis reports, informs and the Glossary are available on the website of the European Commission Directorate-General for Migration and Home Affairs.

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# EXECUTIVE SUMMARY

This national report for Austria researches the impact of visa liberalizations for third countries of the Western Balkans and the Eastern Partnership on Austria. Therefore, various aspects that seem particularly relevant are examined.

According to experts, visa liberalizations cannot be identified as having any immediate impact on Austrian foreign trade or on the Austrian economy. Visa liberalizations similarly have not had any negative impact on criminal activity in Austria: no higher incidence of crime or even first-time offences could be identified to any significant degree in Austria as a result of visa liberalizations.

In the area of public administration, visa liberalizations have not led to any major changes in cooperation with visa-exempt third countries. While generally perceived as good, cooperation had in fact already existed in some cases prior to visa liberalizations. The scope of cooperation is not limited to third countries' readmission of their own citizens but extends further to include, for example, the combating of visa misuse, a phenomenon which Austria is observing very closely in the face of higher incidence. It should also be mentioned that collaboration in visa affairs in particular has all but ceased due to lack of need. Also worth noting is the fact that Austria, faced with a scarcity of resources, has concentrated on collaboration with immediate neighbour countries while not engaging in or establishing any further cooperation with visa-exempt third countries, despite visa liberalizations. The legal framework in Austria has not been influenced by visa liberalizations, with only minor adjustments being made regarding internal procedures. Any administrative burden on state institutions arising from visa liberalizations could not be identified. Instead, because visa applications no longer needed to be processed, it has been possible for staff numbers at Austria's diplomatic representations in other countries to be reduced.

Changes that occurred in tourism were regarded as positive. Examples to be mentioned include increased incoming travel from Albania and Georgia, even though this trend, observed by experts, cannot be substantiated due to a lack of statistics.

The impact that has occurred in relation to irregular employment is perceived as negative. Visa liberalizations have led to a persistent influx of migrants from the relevant third countries,<sup>1</sup> partly due to the region's historic ties with Austria and partly due to the networks and communities of citizens from these countries who had already been living in Austria. While such networks have made it possible to provide relatively strong assistance to newly arriving compatriots, in some cases there has been a sharp increase in irregular employment. The Austrian Trade Union Federation has identified this circumstance as well as the additional counselling activities for individuals employed irregularly in Austria as a burden caused by visa liberalizations. In responding to this increase, Austria has for the most part relied on existing mechanisms, so that in the context of visa liberalizations only minor adjustments were made to existing procedures but no new measures were implemented. After visa liberalizations for the various countries, tendencies were observed for citizens of several of the visa-exempt third countries to misuse visa-free entry to Austria in order to gain easier access to the asylum system and the health-care system. These tendencies are also viewed in Austria as a negative impact of visa liberalizations.

In summary, visa liberalizations can be observed to have had impact of varying magnitude depending on the aspect examined. It is therefore difficult to rate the impact of visa liberalizations overall. Yet, apart from irregular employment, misuse of visa-free regimes in some cases, and tourism, no significant advantages or disadvantages resulting from visa liberalizations can be identified. Thus the impact of visa liberalizations should probably be rated as mostly neutral.

1 "Relevant" in the framework of this study are those visa-exempt States, to which this study refers, that is the former Yugoslav Republic of Macedonia, Serbia, Albania, Bosnia and Herzegovina, Republic of Moldova, Georgia, Ukraine.

# 1. INTRODUCTION

## 1.1 Study background and objectives

This study was initiated against the background of visa liberalizations (visa exemptions) granted by the European Union to third countries in the Western Balkans and in the Eastern Partnership. Visa exemption was granted as follows: to the former Yugoslav Republic of Macedonia, Montenegro and Serbia in 2009,<sup>2</sup> Albania and Bosnia and Herzegovina in 2010,<sup>3</sup> the Republic of Moldova in 2014,<sup>4</sup> and Georgia<sup>5</sup> and Ukraine<sup>6</sup> in 2017. The countries listed above are referred to hereinafter in this national report as “relevant third countries”.

Since visa liberalization for their particular country, citizens of those States have been able to travel to the Schengen area for short periods without first having to apply for a visa. Visa liberalization for these countries has potentially led to an increase in short-term mobility from visa-exempt countries to the Schengen area; nonetheless, only limited research findings are available on border policies or on any restrictions to short-term mobility

- 2 Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 336/1.
- 3 Regulation (EU) No 1091/2010 of the European Parliament and of the Council of 24 November 2010 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 329/1.
- 4 Regulation (EU) No 259/2014 of the European Parliament and of the Council of 3 April 2014 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 105/9.
- 5 Regulation (EU) 2017/372 of the European Parliament and of the Council of 1 March 2017 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Georgia), OJ L 61/7.
- 6 Regulation (EU) 2017/850 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Ukraine), OJ L 133/1.

resulting from visa requirements. The impact of visa liberalizations in particular on destination countries has apparently not been studied in the past.

This study therefore aims to provide an overview that allows comparisons of the practical experience with visa exemption gathered by the Member States and Norway. The study correspondingly identifies any challenges, good practices and positive experiences that have emerged in the Member States and Norway while also examining current information relating to recent trends in short-term mobility. In terms of geography, the scope of the study is limited to the countries listed above that have been granted visa exemption. For the statistical annex, data were collected for the period 2007–2017 to additionally allow an understanding of the changes during the two years prior to the first visa liberalizations. The study is nonetheless focused on the years following visa liberalization in each particular case.

## 1.2 European context

Even back in 1985, when they signed the Schengen Agreement,<sup>7</sup> the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands undertook to harmonize their visa policies. The European Union began more specifically to pursue a uniform visa policy at the latest as of Council Regulation 539/2001 of 15 March 2001.<sup>8</sup> The Regulation contains two lists, one of third countries whose citizens are required to be in possession of a visa when crossing the external border, and another of third countries whose citizens are exempt from such a visa requirement.

7 1999/435/EC: Council Decision of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the acquis, OJ L 176/1.

8 Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 81/1.

The Visa Code<sup>9</sup> defines uniform conditions and procedures for granting visas to third-country nationals who are required to be in possession of a visa when crossing the external border. The Code sets out the terms only for the granting of visas allowing third-country nationals to stay in the Schengen area for short periods, that is, visa-free stays of 90 days within one 180-day period (Art. 1 para 1 Visa Code). Third-country nationals holding such visas are entitled to stay anywhere within the Schengen area, regardless of the country that issued the visa (Art. 2 subpara 2 (a) Visa Code).

Based on Recital 26 of the Visa Code, in bilateral agreements concluded with the aim of facilitating the processing of visa applications, the European Union is allowed to derogate from the provisions of the Visa Code. The option consequently exists of waiving the visa requirement for specific countries. The European Parliament and the Council are responsible for preparing and adopting such (visa liberalization or waiver) agreements, as set out in Art. 77 para 2 (a) of the Treaty on the Functioning of the European Union. The decision to grant visa exemption is taken after an extended administrative and political process.<sup>10</sup> Various aspects are examined during such a process, including the policies on migration management and public order and security pursued by the candidate country for a visa waiver. The visa-exemption decision is taken only if the country rates positively on all of the aspects examined. The Member States have to approve the individual steps taken towards visa liberalization. Since such resolutions must be adopted unanimously by the Council, the Member States have a de facto right to veto any visa liberalization decision (Appel, 2016:39).

Based on corresponding regulations, visa exemption has been previously granted to the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, the Republic of Moldova, Georgia and Ukraine. A regulation has also been adopted that introduces a mechanism for suspending visa exemption as a means of preventing, where necessary,

9 Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243/1.

10 For more details see the Progress Reports of the EU Commission; Migration and Home Affairs, *Visa liberalisation with Moldova, Ukraine and Georgia*, available at [https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia_en) (accessed on 13 September 2018).

any misuse of this freedom.<sup>11</sup> That regulation specifies the conditions to be met for suspending exemption from the visa requirement and thus for temporarily reintroducing such an obligation.

### 1.3 Definitions

The study makes use of the following definitions, which are taken from the Asylum and Migration Glossary of the European Migration Network:<sup>12</sup>

**Application for asylum:** An application made by a foreigner or a stateless person which can be understood as a request for protection under the Geneva Refugee Convention and Protocol or national refugee law.

**Asylum seeker:** A third-country national or stateless person who has made an application for protection under the Geneva Refugee Convention and Protocol in respect of which a final decision has not yet been taken.

**Irregular/illegal employment:** Economic activity carried out in violation of provisions set by legislation.

**Pull-factor:** The condition(s) or circumstance(s) that attract a migrant to another country.<sup>13</sup>

**Readmission agreement:** An agreement between the European Union (EU) and/or an EU Member State with a third country, on the basis of reciprocity, establishing rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence in the territories of the

11 Regulation (EU) 2017/371 of the European Parliament and of the Council of 1 March 2017 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (revision of the suspension mechanism), OJ L 61/1.

12 See European Migration Network, *EMN Glossary zu Asyl und Migration 5.0* (European Commission, Brussels, 2018). Available at [www.emn.at/wp-content/uploads/2018/07/emn-glossar-5-0\\_de.pdf](http://www.emn.at/wp-content/uploads/2018/07/emn-glossar-5-0_de.pdf) (accessed on 30 July 2018); European Migration Network, *Asylum and Migration Glossary 6.0* (European Commission, Brussels, 2018). Available at [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary/a\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary/a_en) (accessed on 30 July 2018).

13 Cf.: Federal Office for Migration and Refugees, 2008:15.

third country or one of the EU Member States, and to facilitate the transit of such persons in a spirit of cooperation.

**Residence permit:** Any authorization issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory, in accordance with the provisions of Regulation (EU) No 265/2010 (Long Stay Visa Regulation).

**Return decision:** An administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return.

**Smuggling of migrants:** The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a (UN) Member State of which the person is not a national or a permanent resident.

**Third country:** A country that is not a member of the European Union as well as a country or territory whose citizens do not enjoy the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code).

**Third-country national:** Any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code).

**Trafficking in human beings:** The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

**Travel document:** A document issued by a government or international treaty organization which is acceptable proof of identity for the purpose of entering another country.

**Visa:** The authorization or decision of an EU Member State required for transit or entry for an intended stay in that EU Member State or in several EU Member State.

**Voluntary return:** The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.

Besides the above, the term “**relevant third country**” as used in this national report refers to the visa-exempt countries of the Western Balkans (the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, and Bosnia and Herzegovina) and of the Eastern Partnership (Republic of Moldova, Georgia and Ukraine), which were granted visa exemptions in the years 2009, 2010, 2014 and 2017.

## 1.4 Methodology

The present study was conducted by the National Contact Point (NCP) Austria in the EMN within the framework of the EMN’s 2017–2018 Work Programme. To facilitate the comparability of findings across all Member States, the study follows a common study template with a predefined set of questions developed by the EMN.

Legislative texts, national and international publications, press releases and internet sites were used as sources. A relevant part of information used in this study was provided by the Federal Ministry of the Interior. Furthermore, relevant information was drawn from a continuous media monitoring provided by the Country Office for Austria of the International Organization for Migration (IOM). The statistics used for this study were taken from the Eurostat database as well as the Statistics Austria database. Furthermore, statistics were provided by the Federal Ministry of the Interior and the Finance Police.

To supplement the information obtained from secondary research, qualitative semi-structured interviews were conducted with experts with additional written materials being requested in some cases. The interviewees were:

- Andrea Götzelmann-Rosado, head of the Assisted Voluntary Return and Reintegration Unit at the IOM Country Office for Austria;
- Katie Klaffenböck, Focal Point Counter-Trafficking at the IOM Country Office for Austria;
- Wilfried Lehner, Head of Finance Police;
- Tobias Molander, head of Unit III/5/c (Resettlement, Return and International Affairs) of the Federal Ministry of the Interior, and Stephanie Theuer, deputy head of Unit III/5/c of the Federal Ministry of the Interior;



- Johannes Peyrl, Chamber of Labour Vienna, responsible for labour market and integration;
- Eva Pflieger, deputy head of Unit III/4 (Residence, Civil Status and Citizenship) of the Federal Ministry of the Interior;
- Gernot Resinger, head of Unit II/3/b (Visa for foreigners) of the Federal Ministry of the Interior;
- Hannes Schreiber, head of Unit IV.5 (Visa, border related matters, residence and asylum matters; migration; counter trafficking in human beings) of the Federal Ministry for Europe, Integration and Foreign Affairs;
- Marcus Strohmeier, head of the International Unit at the Austrian Trade Union Federation;
- Christoph Sturm, project manager at Advantage Austria/Austrian Economic Chamber;
- Gerald Tatzgern, B.A. M.A., head of the Joint Operational Office for fighting organized smuggling of migrants.

The study was compiled by Martin Stiller (Legal Associate, IOM Country Office for Austria) under the supervision of Julia Rutz (Head of Research and Migration Law, IOM Country Office for Austria). The statistical data were processed by Maria-Alexandra Bassermann (Research Associate, IOM Country Office for Austria).

The interviewees mentioned above deserve special thanks for sharing their knowledge and experience in expert interviews and their written responses. The author also wish to thank Arpad Fa, Lukas Humer and Fabian Bonertz (Interns, IOM Country Office for Austria) for the assistance provided in various cases.

The study was prepared in close cooperation with the Federal Ministry of the Interior.

## 2. PRIOR SITUATION IN AUSTRIA

The chapter below presents a summary of the situation prevailing in Austria prior to visa liberalizations. Alongside a general description of Austria's history of passports and visas, the other items described include the most important links between Austria and the relevant third countries, as well as the state of political opinion before liberalization of any of the visa policies.

### 2.1 Introduction: passports and visas

Passports and visa are based on the notion of excluding from entry to a country undesirable persons who represent a potential threat to the security, prosperity or identity of that state, and of maintaining surveillance of such individuals over long distances (Mau, S. et al., 2015:1194). Such surveillance has a price, however, as the additional administration and personnel needed for enforcing a visa requirement are costly. It can also counteract the level of mobility that countries seek to maintain for economic reasons (Mau, S. et al., 2015:1195).

The necessity of holding a visa and in particular a passport when travelling or moving goods across international borders originated in Modern Europe. Such travel documents later became increasingly important, while States primarily pursued the goal of monitoring their subjects' (travel) movements (Stiller, 2011:12). In the wake of the events of the revolutionary year of 1848, passport inspections and bans on migration were enforced much more stringently. Those regulations considered an unnecessary burden on travellers were subsequently revoked by most (European) governments in the late 1850s, when the requirement to procure a consular visa<sup>14</sup> prior to entry as well as systematic passport inspections at borders were abolished (Fahrmeier, 2000:76).

14 According to Austrian law visa are only issued if the applicant holds, inter alia, a valid passport (Art. 21 para 1 subpara 1 Aliens Police Act; FLG No. 100/2005, in the version of FLG No. 56/2018).

The liberal policy ended and more stringent inspections were reintroduced with the outbreak of the First World War.<sup>15</sup> There was overwhelming concern not only about potential or actual conscripts leaving the country, but also about undesirable persons gaining entry (Stiller, 2011:12–13). While policies were relaxed in part after the First World War,<sup>16</sup> new and more stringent passport and visa laws were introduced in time, among other things due to internal political developments in Austria and the approach of the Second World War.

After the war, the Austrian Passport Act<sup>17</sup> of 1 October 1945 was adopted, with Art. 12 requiring “all persons not holding Austrian citizenship” to obtain a visa (*Sichtvermerk*) as a prerequisite for entering the territory of Austria and travelling through the country, “unless otherwise stipulated in bilateral agreements or decreed by the State Office of the Interior”. As far as can be discerned, the first agreement lifting the visa requirement for foreign citizens was concluded with Switzerland, only six years later, on 12 September 1951.<sup>18</sup> By the end of the twentieth century, the Republic of Austria had signed agreements defining mutual exemption from visa requirements with numerous additional countries. Since becoming a member of the European Union in 1995,<sup>19</sup> Austria is now also subject to the EU directives and regulations defining the uniform visa policy.

15 Cf.: Regulation of the Ministry (“Gesamtministerium”) introducing restrictive police orders on the passport system, ILG No. 187/1914 as well as Regulation of the Ministry (“Gesamtministerium”) introducing restrictive police orders on the passport system, ILG No. 11/1915.

16 Cf.: Exchange of notes between Austria on the one side, Switzerland and Liechtenstein on the other side on the abolition of the visa obligation, FLG No. 14/1926 or Exchange of notes between Austria and Brazil on the abolition of the visa obligation, FLG No. 250/1931.

17 FLG No. 180/1945.

18 Agreement between the Austrian Federal Government and the Swiss Federal Council on the reciprocal cancellation of the visa (endorsement) obligation, FLG No. 202/1951.

19 FLG No. 45/1995, in the version of FLG No. 680/1996.

## 2.2 Austria's relations with the relevant third countries and their citizens

Austria seems to be an attractive country of destination for citizens of the relevant third countries (for definition see chapter 1.3).<sup>20</sup> This is reflected among other things by the proportion of foreign citizens among the Austrian population: the share grew from 10.8 per cent in 2007 to 18.1 per cent in 2017, whereas the total population shrank by a mere 0.6 percentage points.<sup>21</sup> This appears to be related to several factors, including the high standard of living,<sup>22</sup> the well-developed health-care system, the internationally recognized system of education<sup>23</sup> and a very high ranking on the United Nations Human Development Index.<sup>24</sup>

Similarly, the communities of nationals from the relevant third countries that already exist in Austria are likely to represent a pull factor. There is traditionally an especially high number of citizens of relevant Western Balkan third countries living in Austria. Already numbering 236,287 in 2007, this group grew to 239,074 by 2017. For comparison, 8,430 citizens of the relevant third countries of the Eastern Partnership were living in

20 Austria is the overall number three in a European comparison between States with the highest rate of foreigners; Eurostat, *Share of non-nationals in the resident population, 1 January 2017 (%)*, available at [http://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Share\\_of\\_non-nationals\\_in\\_the\\_resident\\_population,\\_1\\_January\\_2017\\_\(%25\).png](http://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Share_of_non-nationals_in_the_resident_population,_1_January_2017_(%25).png) (accessed on 16 July 2018).

21 Statistics Austria, *Population at the beginning of the year 2002 to 2018*, available at [www.statistik.at/web\\_de/statistiken/menschen\\_und\\_gesellschaft/bevoelkerung/bevoelkerungsstruktur/bevoelkerung\\_nach\\_staatsangehoerigkeit\\_geburtsland/index.html](http://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/bevoelkerungsstruktur/bevoelkerung_nach_staatsangehoerigkeit_geburtsland/index.html) (accessed on 14 June 2018).

22 According to the study "The Challenge of Converting Wealth into Well-Being" by the Boston Consulting Group from 2017, Austria ranks fourth in an international comparison; Chin, V. et al., *The Challenge of Converting Wealth into Well-Being. The 2017 Sustainable Economic Development Assessment* (BCG, June 2017). Available at [www.bcg.com/Images/BCG-The-Challenge-of-Converting-Wealth-into-Well-Being-June-2017\\_tcm58-161002.pdf](http://www.bcg.com/Images/BCG-The-Challenge-of-Converting-Wealth-into-Well-Being-June-2017_tcm58-161002.pdf) (accessed on 28 May 2018). Vienna, the capital, was elected for the ninth year in a row world's top city for quality of life; Mercer, *Lebensqualität: Wien weltweit auf dem ersten Platz*, available at [www.mercer.at/newsroom/quality-of-living-2018.html](http://www.mercer.at/newsroom/quality-of-living-2018.html) (accessed on 28 May 2018).

23 Advantage Austria, *Tipps und Wissenswertes*, available at [www.advantageaustria.org/international/zentral/business-guide-oesterreich/arbeiten-in-oesterreich/Tipps\\_und\\_Wissenswertes.de.html](http://www.advantageaustria.org/international/zentral/business-guide-oesterreich/arbeiten-in-oesterreich/Tipps_und_Wissenswertes.de.html) (accessed on 28 May 2018).

24 Jahan, S., *Overview Human Development Report 2016, Human Development for Everyone* (UNDP, New York, 2016). Available at [http://hdr.undp.org/sites/default/files/HDR2016\\_EN\\_Overview\\_Web.pdf](http://hdr.undp.org/sites/default/files/HDR2016_EN_Overview_Web.pdf) (accessed on 16 May 2018).

Austria in 2007, whereas this number increased to 14,906 by 2017 (Statistics Austria, n.d.b.). This enormous divergence is not simply due to the geographical relationship but is also attributable to the historical, commercial and societal links between Austria and the Balkans (Inzko, 2012:331). The historic ties between Austria and the Balkans date back to some extent to the time when major portions of the Balkans belonged to the Austrian Empire and were under the rule of the emperor in Vienna. Connected with this is the wave of migration from the Balkans that had already started by the end of the eighteenth century, when many Serbian merchants relocated to Vienna, prompted by the prospect of receiving privileges from the emperor.<sup>25</sup> In the wake of the Russo-Turkish War, the former Ottoman province of Bosnia was put under Austro-Hungarian administration in 1878 (Moll, 2018:32), thus drawing it into the Danube monarchy's sphere of intellectual influence. Numerous Bosnian students went to Vienna, among them Marija Kon, who in 1916 became the first Bosnian woman to complete a doctorate there (Djordjević, 1995:73; Dordević, 2003:986). It therefore comes as no surprise to find that the term "Vienna school" in the Bosnian language is still used today to refer to someone with good manners and a matching high level of education (Hrustić, 2018:253).

After the Second World War, Austria was also affected by a labour shortage and consequently signed an agreement in 1966 with what was then Yugoslavia,<sup>26</sup> allowing Gastarbeiter ("guest workers") to be recruited on an institutionalized and controlled basis (AT EMN NCP, 2015:28–29, Biffl, 2011:19).<sup>27</sup> The former Yugoslavia in turn encouraged labour migration (Softić, 2017:237), so that thousands of workers came to Austria from that country,<sup>28</sup> which then became by far the most prominent source

25 Der Standard, *Beč, das Herz des Balkans*, 19 October 2016, available at <https://derstandard.at/2000046043981/Bec-das-Herz-des-Balkans> (accessed on 16 May 2018).

26 Agreement between the Republic of Austria and the Socialist Federal Republic of Yugoslavia on the arrangements for the employment of Yugoslav employees in Austria, FLG No. 42/1966.

27 Medien-Serviceestelle Neue Österreicher/innen, *Geschichte der Zuwanderung von GastarbeiterInnen*, 6 December 2011, available at [http://medienservicestelle.at/migration\\_bewegt/2011/12/06/geschichte-der-zuwanderung-von-gastarbeiterinnen/](http://medienservicestelle.at/migration_bewegt/2011/12/06/geschichte-der-zuwanderung-von-gastarbeiterinnen/) (accessed on 16 May 2018).

28 Medien-Serviceestelle Neue Österreicher/innen, *Serbien wählt: Rund 300.000 Personen mit serbischen Wurzeln*, 1 April 2017, available at [http://medienservicestelle.at/migration\\_bewegt/2017/04/01/serbien-waehlt-rund-300-000-personen-mit-serbischen-wurzeln/](http://medienservicestelle.at/migration_bewegt/2017/04/01/serbien-waehlt-rund-300-000-personen-mit-serbischen-wurzeln/) (accessed on 16 May 2018).

of migrant workers in Austria (Bergkirchner, 2013:63). Even today, Austria continues to be viewed as an attractive place to work, as indicated by the fact that in recent years media in several Western Balkan States<sup>29</sup> have published excerpts from the Austrian Federal Government Regulation for Skilled Workers,<sup>30</sup> along with rough wage figures.

As a result of the wars in Yugoslavia in the 1990s, around 90,000 refugees arrived in Austria from Bosnia and Herzegovina, in addition to more than 5,000 individuals from Albania (Kratzmann, 2016:29; UNHCR, 2017:5). This immigration wave explains why Austria had become one of the most prominent countries of exile in Europe for people from former Yugoslavia at the end of the twentieth century.<sup>31</sup> The Serbian, Bosnian and Herzegovinian, and Albanian communities in Austria appear to have strong internal ties. Institutions founded by migrants offer opportunities for recreation and participation (Softić, 2017:239). The same applies to numerous Serbian associations and societies established in Austria.<sup>32</sup> Traditions and cultural values brought from the home country are similarly nurtured by the more than 50 associations and organizations listed by the Embassy of Bosnia and Herzegovina in Vienna (Softić, 2017:251).<sup>33</sup> The Albanian community in Austria is also organized in

29 See for example: [radiosarajevo.ba](http://radiosarajevo.ba), *Zaposlenje / Austrijatražiradnike: Plaće i do 4.400 eura*, 5 February 2018, available at [www.radiosarajevo.ba/vijesti/euphoria/austrijatrazira-radnike-place-i-do-4400-eura/290209](http://www.radiosarajevo.ba/vijesti/euphoria/austrijatrazira-radnike-place-i-do-4400-eura/290209) (accessed on 23 August 2018) or *Telegraf, Austrija Zove 30.000 Radnika: Srbibrle na skijališta, plate su i do 1.850 evra, a nude se oviposlovi!*, 28 December 2016, available at [www.telegraf.rs/zanimljivosti/2535921-austrija-zove-30-000-radnika-srbi-hrle-na-skijalista-plate-su-i-do-1-850-evra-a-nude-se-ovi-poslovi](http://www.telegraf.rs/zanimljivosti/2535921-austrija-zove-30-000-radnika-srbi-hrle-na-skijalista-plate-su-i-do-1-850-evra-a-nude-se-ovi-poslovi) (accessed on 28 May 2018).

30 The designation of the occupation in the Regulation for Skilled Workers (FLG II No. 377/2017) is the most important precondition in order to obtain a “Red-White-Red Card” (Peyrl/Neugschwendtner/Schmaus, 2017:84). The “Red-White-Red Card” confers the right of temporary settlement and employment by a particular employer; [migration.gv.at](http://www.migration.gv.at), *Dauerhafte Zuwanderung – Rot-Weiß-Rot – Karte*, available at [www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung-rot-weiss-rot-karte.html](http://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung-rot-weiss-rot-karte.html) (accessed on 28 May 2018).

31 *Der Standard*, *Beč, das Herz des Balkans*, 19 October 2016, available at <https://derstandard.at/2000046043981/Bec-das-Herz-des-Balkans> (accessed on 16 May 2018).

32 Embassy of the Republic of Serbia in Vienna – Republic of Austria, *Verbände und Vereine*, available at [www.vienna.mfa.gov.rs/dijasporatext.php?subaction=showfull&id=1348491433](http://www.vienna.mfa.gov.rs/dijasporatext.php?subaction=showfull&id=1348491433) (accessed on 16 May 2018).

33 Embassy of Bosnia and Herzegovina, *Liste der Vereine und Verbände von Bosnien und Herzegowina*, available at [www.bh-botschaft.at/Diaspora](http://www.bh-botschaft.at/Diaspora) (accessed on 17 May 2018).

numerous associations dedicated to various objectives.<sup>34</sup> In contrast, citizens of the former Yugoslav Republic of Macedonia appear to have founded only few associations.<sup>35</sup> Only relatively few private associations of individuals from Montenegro exist, due to the small number of this nationality in Austria.<sup>36</sup>

Because of Austria's close ties with the Balkans, it is natural that its foreign policy is aligned with this region (Inzko, 2012:331). Austria's current foreign minister has stated that Austria has excellent relations with all of the States mentioned above.<sup>37</sup> Austria also has established embassies in all of those countries. Direct flights are provided from Vienna Airport to at least the capital cities of the relevant third countries in the Western Balkans.<sup>38</sup> In addition, with the exception of Montenegro, all relevant third countries in the Western Balkans are target countries for Austrian development assistance,<sup>39</sup> with Albania even being a priority country.<sup>40</sup> It should be mentioned that the Austrian Development Agency in fact supports a project

34 Medien-Servicestelle Neue Österreicher/innen, *Albanische Community: Bis zu 5.000 Personen*, 19 June 2017, available at [http://medienservicestelle.at/migration\\_bewegt/2017/06/19/albanische-community-bis-zu-5-000-personen/](http://medienservicestelle.at/migration_bewegt/2017/06/19/albanische-community-bis-zu-5-000-personen/) (accessed on 16 May 2018).

35 Medien-Servicestelle Neue Österreicher/innen, *Mazedonische Community: Rund 28.000 Personen*, 7 December 2016, available at [http://medienservicestelle.at/migration\\_bewegt/2016/12/07/mazedonische-community-rund-28-000-personen](http://medienservicestelle.at/migration_bewegt/2016/12/07/mazedonische-community-rund-28-000-personen) (accessed on 16 May 2018).

36 Medien-Servicestelle Neue Österreicher/innen, *Rund 3.000 MontenegrinerInnen in Österreich*, 4 April 2013, available at [http://medienservicestelle.at/migration\\_bewegt/2013/04/04/rund-3-000-montenegrinerinnen-in-osterreich-2/](http://medienservicestelle.at/migration_bewegt/2013/04/04/rund-3-000-montenegrinerinnen-in-osterreich-2/) (accessed on 16 May 2018).

37 Orf.at, *Kneissl fordert mehr Einsatz der EU für Balkan-Staaten*, available at <http://orf.at/#/stories/2438875/> (accessed on 17 May 2018). In 2009, the former foreign minister announced that Austria perceives itself as an advocate of Serbia's interests; Der Standard, *Österreich sieht sich als „Anwalt“ Serbiens*, 30 March 2009, available at <https://derstandard.at/1237228671874/EU-Annaeherung-Oesterreich-sieht-sich-als-Anwalt-Serbiens> (accessed on 17 May 2018).

38 Vienna International Airport, *Abflüge*, available at [www.viennaairport.com/jart/prj3/va/main.jart?rel=de&reserve-mode=active&content-id=1249344074230](http://www.viennaairport.com/jart/prj3/va/main.jart?rel=de&reserve-mode=active&content-id=1249344074230) (accessed on 14 June 2018).

39 Austrian Development Agency, *Laufende Projekte*, available at [www.entwicklung.at/projekte/laufende-projekte/map/](http://www.entwicklung.at/projekte/laufende-projekte/map/) (accessed on 23 May 2018).

40 The main emphasis in Albania are amongst others the building up of a modern and professional vocational education and training system and the integrated water management. Austrian Development Agency, *Albanien*, available at [www.entwicklung.at/laender/suedosteuropa/albanien/](http://www.entwicklung.at/laender/suedosteuropa/albanien/) (accessed on 16 May 2018).

in Austria aimed at providing incentives for the Serbian diaspora in Austria to invest and acquire business interests in their home country (AT EMN NCP, 2018:46).

In contrast, Austria's historic ties with the relevant countries of the Eastern Partnership are not as close as those with the relevant third countries in the Western Balkans. This is due on the one hand to the eastern extent of the Austro-Hungarian Empire which, when the Republic of Austria was proclaimed in 1918,<sup>41</sup> only covered territories belonging to what is today Western Ukraine<sup>42</sup> but did not include the territories of the current Republic of Moldova or of Georgia (Hölzel, 2013:71). No migration flow comparable with the one from the relevant Western Balkan States has taken place in the past.<sup>43</sup> Thus, the number of citizens originating from the visa-exempt States of the Eastern Partnership is much lower compared with the number of citizens from visa-exempt Western Balkan States.

Currently maintaining diplomatic relations with the relevant States of the Eastern Partnership, the Republic of Austria has embassies in these countries, some of which – as in Ukraine – were established decades ago.<sup>44</sup> The Austrian embassies in the Republic of Moldova and in Georgia were founded only recently.<sup>45</sup> Direct flights are provided from Vienna Airport

41 The Republic German Austria was proclaimed on 12 November 1918. See law on the Form of Government and Governance of German Austria, FLG 5/1918.

42 Österreichisch-Ukrainische Gesellschaft in Wien, *Die Ukrainer in Wien*, available at [www.oeug-wien.at/ukrainer-in-wien.html](http://www.oeug-wien.at/ukrainer-in-wien.html) (accessed on 12 July 2018).

43 Regarding citizens of the Republic of Moldova, the number even lies below the level of 2007. The number of Georgian citizens in Austria increased moderately by about 1.000 persons between 2007 and 2017. Only the number of Ukrainian nationals in Austria increased from 4.691 in 2007 to 10.199 in 2017; Statistics Austria, *Bevölkerung nach Staatsangehörigkeit und Geburtsland*, available at [www.statistik.at/web\\_de/statistiken/menschen\\_und\\_gesellschaft/bevoelkerung/bevoelkerungsstruktur/bevoelkerung\\_nach\\_staatsangehoerigkeit\\_geburtsland/index.html](http://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/bevoelkerungsstruktur/bevoelkerung_nach_staatsangehoerigkeit_geburtsland/index.html) (accessed on 14 June 2018).

44 Federal Ministry for Europe, Integration and Foreign Affairs, Über uns, available at [www.bmeia.gv.at/ueb-kiew/ueber-uns/](http://www.bmeia.gv.at/ueb-kiew/ueber-uns/) (accessed on 17 May 2018).

45 Federal Ministry for Europe, Integration and Foreign Affairs, *Grußwort der Österreichischen Botschafterin Christine Freilinger*, available at [www.bmeia.gv.at/ueb-chisinau/ueber-uns/](http://www.bmeia.gv.at/ueb-chisinau/ueber-uns/) (accessed on 18 May 2018); Federal Ministry for Europe, Integration and Foreign Affairs, *Herzlich willkommen auf der Website der Österreichischen Botschaft Tiflis!*, available at [www.bmeia.gv.at/ueb-tiflis/ueber-uns/](http://www.bmeia.gv.at/ueb-tiflis/ueber-uns/) (accessed on 18 May 2018). The in 2017 from Austria newly installed Georgian representation authority was not related to the visa liberalization, but connected to political motives in order to better represent Austria in the region. Interview with Gernot Resinger, Federal Ministry of the Interior, 10 July 2018.



to at least the capital cities of the relevant third countries of the Eastern Partnership.<sup>46</sup> These three States are target countries for Austrian development assistance,<sup>47</sup> with the Republic of Moldova and Georgia even being priority countries<sup>48</sup> for several years.

In line with the relatively small number of citizens in Austria, organized social life is not a particularly prominent feature of migrant communities from the relevant States of the Eastern Partnership. Only Ukrainian citizens appear to have set up associations with ongoing events.<sup>49</sup> The relatively small community of Georgian citizens<sup>50</sup> and the citizens of the Republic of Moldova, meanwhile, do not appear to have formed networks in Austria.

46 Vienna International Airport, *Abflüge*, available at [www.viennaairport.com/jart/prj3/va/main.jart?rel=de&reserve-mode=active&content-id=1249344074230](http://www.viennaairport.com/jart/prj3/va/main.jart?rel=de&reserve-mode=active&content-id=1249344074230) (accessed on 14 June 2018).

47 Austrian Development Agency, *Laufende Projekte*, available at [www.entwicklung.at/projekte/laufende-projekte/map/](http://www.entwicklung.at/projekte/laufende-projekte/map/) (accessed on 23 May 2018).

48 Since 2004, the Republic of Moldova is priority country within the Austrian Development Cooperation. The main focus of the Austrian Development Agency lies on projects regarding water supply and wastewater disposal as well as the environmental area, climate change, economy and employment. Austrian Development Agency, *Moldau*, available at [www.entwicklung.at/laender/suedosteuropa/moldau/](http://www.entwicklung.at/laender/suedosteuropa/moldau/) (accessed on 23 May 2018). In Georgia, the Austrian Development Agency supports the projects and programmes in agriculture and forestry as well as in the administrative area. Since 2011, Georgia is priority country within the Austrian Development Cooperation. Austrian Development Agency, *Georgien*, available at [www.entwicklung.at/laender/suedkaukasus/georgien/](http://www.entwicklung.at/laender/suedkaukasus/georgien/) (accessed on 23 May 2018).

49 Cf. list of Ukrainian organizations in Austria maintained by the Ukrainian embassy in Austria; Embassy of Ukraine in the Republic of Austria, *Die Ukrainer in Österreich*, available at <http://austria.mfa.gov.ua/de/ukraine-at/ukrainians-in-%D0%B0t> (accessed on 23 May 2018).

50 Medien-Serviceestelle Neue Österreicher/innen, *GeorgierInnen in Österreich – kaum vernetzt*, 23 October 2013, available at [http://medienserviceestelle.at/migration\\_bewegt/category/communities/georgische-community/](http://medienserviceestelle.at/migration_bewegt/category/communities/georgische-community/) (accessed on 15 May 2018). Only the Georgian Orthodox Church and the Sunday Mass would be one of the very few institutionalized meeting points. Medien-Serviceestelle Neue Österreicher/innen, *GeorgierInnen in Österreich – kaum vernetzt*, 23 October 2013, available at [http://medienserviceestelle.at/migration\\_bewegt/2013/10/23/georgierinnen-in-osterreich/](http://medienserviceestelle.at/migration_bewegt/2013/10/23/georgierinnen-in-osterreich/) (accessed on 23 May 2018).

## 2.3 Debate on visa liberalizations

Austrian media has repeatedly addressed the topic of visa liberalizations, publishing related interviews with politicians and decision makers. In such interviews, a connection has sometimes been made between the issues of public security and visa liberalizations. One example is a 2009 interview with the then interior minister, from the Austrian People's Party, who referred to visa liberalizations as being a challenge for public security in Austria.<sup>51</sup> In 2010 the same minister expressed the opinion that national asylum rules would have to be “respected” – even in view of the impending visa liberalizations for Albania and Bosnia and Herzegovina, which had just been announced at the time. She also stated that visa-free travel for additional countries was a goal pursued “by the EU foreign ministers and diplomats but not by the interior ministers” and that police border management and readmission agreements were suitable mechanisms for curbing the negative effects of visa-free travel, including a rise in crime rates.<sup>52</sup> An Austrian Freedom Party delegate to the European Parliament, referring in 2012 to the planned visa liberalization for the Republic of Moldova, forecast that one of the effects would be to give organized criminals readier access to new “sales markets” in the EU.<sup>53</sup> A member of the same party verbalized a similar view in 2015, claiming that visa liberalizations entailed an extremely high risk to public security and would further reinforce the onslaught of the European continent.<sup>54</sup> In 2016 the then interior minister from the Austrian People's Party declared that the pending cases

- 51 Die Presse, *Balkan: Serben dürfen ohne Visa in die EU*, 30 November 2009, available at [https://diepresse.com/home/politik/eu/525319/Balkan\\_Serben-duerfen-ohne-Visa-in-die-EU](https://diepresse.com/home/politik/eu/525319/Balkan_Serben-duerfen-ohne-Visa-in-die-EU) (accessed on 20 June 2018).
- 52 Der Standard, *Asyl-Hausarrest gegen Roma-Zuzug*, 27 August 2010, available at <https://derstandard.at/1282273790313/Roma-in-Oesterreich-Asyl-Hausarrest-gegen-Roma-Zuzug> (accessed on 20 June 2018).
- 53 APA OTS, *FPÖ-Obermayr zu Visa-Liberalisierungen für Moldawien: EU würde damit Pforten für organisierte Kriminalität & billige Lohnsklaven öffnen*. Press Release, Vienna, 22 November 2012, available at [www.ots.at/presseaussendung/OTS\\_20121122\\_OTS0237/fpoe-obermayr-zu-visa-liberalisierungen-fuer-moldawien-eu-wuerde-damit-pforten-fuer-organisierte-kriminalitaet-billige-lohnskklaven-oeffnen](http://www.ots.at/presseaussendung/OTS_20121122_OTS0237/fpoe-obermayr-zu-visa-liberalisierungen-fuer-moldawien-eu-wuerde-damit-pforten-fuer-organisierte-kriminalitaet-billige-lohnskklaven-oeffnen) (accessed on 20 June 2018).
- 54 APA OTS, *Weitere Liberalisierung der EU-Einwanderungspolitik verstärkt Ansturm auf Europa*. Press Release, Vienna, 6 March 2015, available at [www.ots.at/presseaussendung/OTS\\_20150306\\_OTS0114/weitere-liberalisierung-der-eu-einwanderungspolitik-verstaerkt-ansturm-auf-europa](http://www.ots.at/presseaussendung/OTS_20150306_OTS0114/weitere-liberalisierung-der-eu-einwanderungspolitik-verstaerkt-ansturm-auf-europa) (accessed on 20 June 2018).

of visa liberalizations would not be adopted as a package but that public security had to be the primary consideration, so as “not to add further pressure to the already sensitive situation in the Schengen area”.<sup>55</sup> One representative of the Social Democratic Party of Austria welcomed the prospect of visa liberalizations for the Western Balkans, explaining that it gave rise “to new possibilities and new perspectives [...] for citizens of Serbia, Montenegro and Macedonia”.<sup>56</sup> In 2009 a representative of the Austrian Green Party similarly expressed satisfaction when visa liberalizations were granted to the first States, calling for visa-free travel to be extended to citizens of other countries, including Albania and Bosnia and Herzegovina.<sup>57</sup>

Research did not, however, reveal media coverage of any debates, demonstrations or other events involving interested members of the civil society. It therefore has to be concluded that no such debates took place within Austrian civil society.

## 2.4 Responsible authorities and institutions

The authorities in Austria responsible for visa matters and for implementing visa liberalizations are the Federal Ministry for Europe, Integration and Foreign Affairs, along with the ministry’s representation authorities in other countries (Art. 7 2005 Aliens Police Act),<sup>58</sup> and the Federal Ministry of the Interior, with the police administrations in the provinces (Art. 5 Aliens Police Act). Under the Federal Ministry for Europe, Integration and Foreign Affairs, the Austrian representation authorities in other countries are tasked in Art. 7 Aliens Police Act with responsibilities that include receiving applications and issuing visas. The Federal Ministry of the Interior, with the

55 Der Standard, *Sobotka will Kurz-Vorschlag zu Flüchtlingen mit EU diskutieren*, 10 June 2016, available at <https://derstandard.at/2000038650236/Sobotka-will-Kurz-Vorschlag-zu-Fluechtlingen-mit-EU-diskutieren> (accessed on 20 June 2018).

56 APA OTS, *Maier: SPÖ begrüßt Visa-Liberalisierung für Serbien, Montenegro und Mazedonien*. Press Release, Vienna, 30 November 2009, available at [www.ots.at/presseaussendung/OTS\\_20091130\\_OTS0250/maier-spoe-beguesst-visa-liberalisierung-fuer-serbien-montenegro-und-mazedonien](http://www.ots.at/presseaussendung/OTS_20091130_OTS0250/maier-spoe-beguesst-visa-liberalisierung-fuer-serbien-montenegro-und-mazedonien) (accessed on 20 June 2018).

57 APA OTS, *Lunacek: Visafreiheit für Serbien, Mazedonien und Montenegro erfreulich*. Press Release, Vienna, 18 December 2009, available at [www.ots.at/presseaussendung/OTS\\_20091218\\_OTS0208/lunacek-visafreiheit-fuer-serbien-mazedonien-und-montenegro-erfreulich](http://www.ots.at/presseaussendung/OTS_20091218_OTS0208/lunacek-visafreiheit-fuer-serbien-mazedonien-und-montenegro-erfreulich) (accessed on 19 July 2018).

58 FLG I No. 100/2005, in the version of FLG I No. 32/2018.

provincial police administration subordinate to it, are responsible for several visa-related matters enumerated in specific legislation, such as issuing visas at Austria's external borders and cancelling visas (Art. 5 para 1 subpara 2 (c) and (d) Aliens Police Act), as well as for on-site monitoring of border crossings into Austria (Art. 8 in conjunction with Art. 12 Border Control Act).<sup>59</sup>

## 2.5 Adaptation of Austrian legislation

One of the activities in preparing this national report was to research the Legal Information System of the Republic of Austria,<sup>60</sup> with an eye to the amendments to legislation that might be implemented close to the date of visa liberalizations in each country. However, there was nothing in the legal material pertaining to the amendments to indicate any connection with visa liberalizations.

It can therefore be concluded that visa liberalizations were apparently not a catalyst for changes in national legislation in Austria. This observation was substantiated by experts from the Federal Ministry of the Interior, the Federal Ministry for Europe, Integration and Foreign Affairs, the Finance Police and Advantage Austria.<sup>61</sup> Austrian aliens law is subject to periodic amendments, which affect provisions including those relating to the entry and residence of visa-exempt third-country nationals. However, such amendments in the past have not been directly related to visa liberalizations.<sup>62</sup> Another reason is that visa exemptions are based on directly applicable regulations passed by EU bodies, in which case no changes in national legislation are required.<sup>63</sup> It should nonetheless be noted that the ministry's decrees relating to visas as well as the instructions applying at border points were accordingly adapted as a result of visa liberalizations.<sup>64</sup>

59 FLG No. 435/1996, in the version of FLG I No. 32/2018.

60 Federal Legal Information System, *Bundesrecht konsolidiert*, available at [www.ris.bka.gv.at/Bundesrecht](http://www.ris.bka.gv.at/Bundesrecht) (accessed on 14 June 2018).

61 Interviews with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 15 June 2018; Interview with Wilfried Lehner, Finance Police, 22 June 2018, as well as written input by Christoph Sturm, Advantage Austria, 12 July 2018.

62 Written input by Hannes Schreiber, Federal Ministry for Europe, Integration and Foreign Affairs, 11 July 2018.

63 Interview with Gernot Resinger, Federal Ministry of the Interior, 10 July 2018.

64 Ibid.

## 3. DEVELOPMENTS RESULTING FROM VISA LIBERALIZATIONS

To determine what impact, if any, visa liberalizations had on Austria, various aspects were examined as part of this study. The results are presented below.

### 3.1 Population

Visa liberalizations have made it possible for citizens of the relevant third countries to enter the Schengen area without requiring a visa, where such travellers hold biometric passports.<sup>65</sup> The sections below discuss immigration of citizens from the third countries now exempt from visa requirements. Besides describing immigration in general, attention is devoted especially to students as a group.

#### *3.1.1 Immigration of citizens of the relevant third countries*

Figure 1 shows how immigration to Austria on the part of citizens of **relevant Western Balkan third countries** has changed since visa liberalization in the particular case. Here the findings for the former Yugoslav Republic of Macedonia, Montenegro and Serbia, all of which were granted visa waivers in 2009, have been combined. Combined figures are also displayed for Albania and Bosnia and Herzegovina, which were granted visa exemptions in 2010.

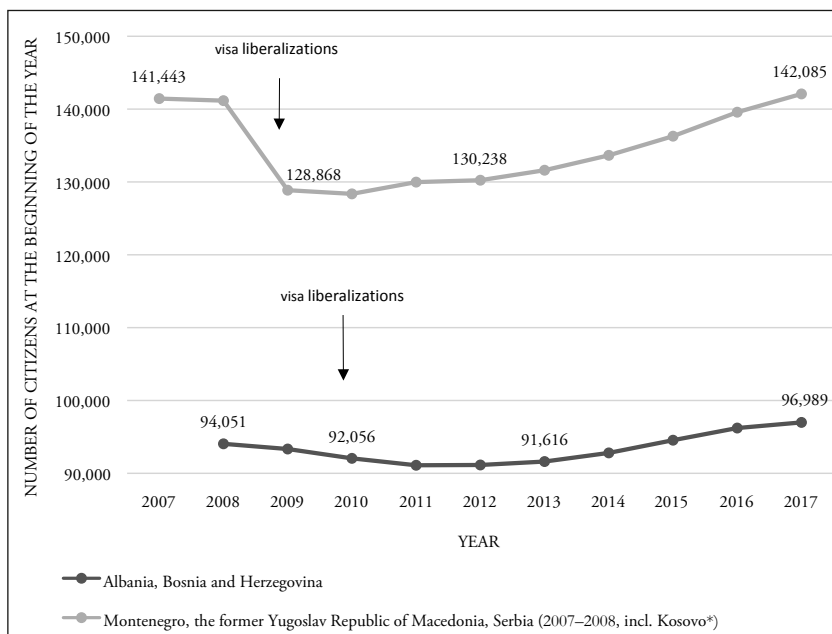
In the two years prior to visa liberalization for the former Yugoslav Republic of Macedonia, Montenegro and Serbia in 2009, the number of citizens of these countries living in Austria dropped significantly, from 141,443 in 2007 to 128,868 in 2009. A slight upward trend was then seen after 2011, followed by a steady increase beginning in 2012, from 130,238 in that year to 142,085 in 2017. This put the number of citizens of those

65 Cf.: Regulation (EU) 2017/850 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Ukraine), OJ 2017 L 133/1.

countries living in Austria at about the same level as in 2007 but above the number recorded in 2009, the year when the States were granted visa waivers.

Less significant changes were seen in the number of citizens of Albania and Bosnia and Herzegovina residing in Austria. Prior to visa liberalization for those countries, the number initially dropped to 94,051 in 2008 and then further decreased to 92,056 by 2010, when the visa exemptions were introduced. The number then fell again slightly, to remain at that level. It was only in 2013 that a somewhat more distinct increase started to be seen, from 91,616 in 2013 to 96,989 in 2017. Thus the number of citizens of Albania and Bosnia and Herzegovina residing in Austria increased to a level above that seen in 2010, when visa requirements were waived.

Figure 1: Citizens of visa-exempt Western Balkan third countries in Austria, 2007–2017



\* Note: References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

Source: Statistics Austria, 2018, representation by author.

Not least due to the historical ties with the Western Balkans and the practice of recruiting “guest workers” from there, Austria has always been a main destination for emigrants from the region, and the continued

immigration following visa liberalizations represents, in general, no major change.<sup>66</sup> As mentioned above, citizens of the relevant third countries in the Western Balkans residing in Austria apparently have close networks for the most part. These networks and contacts therefore probably facilitated immigration to Austria.<sup>67</sup>

Figure 2 shows how immigration to Austria on the part of citizens of the **relevant third countries in the Eastern Partnership** has changed following visa liberalization in the particular case.

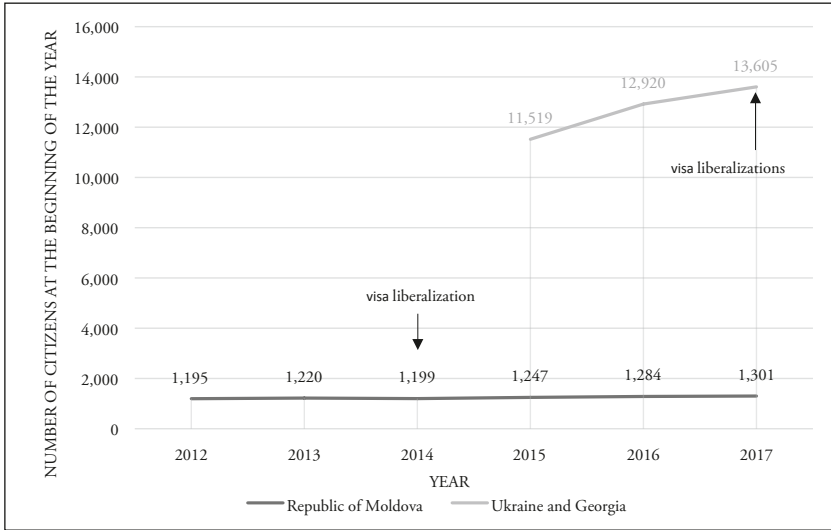
With regard to the Republic of Moldova, which was granted visa exemption in 2014, a significant increase in the number of that country's citizens living in Austria can be recognized. In 2012, two years prior to visa liberalization, 1,195 Moldavian citizens were living in Austria; after a slight increase, the number then decreased again to 1,199 by 2014. The number then rose continuously following visa liberalization in 2014, reaching the historic high of 1,301 persons in 2017.

Citizens of Georgia and Ukraine have been allowed to enter the Schengen area without visas since 2017. The number of such persons residing in Austria increased on the whole prior to visa liberalization in 2017. Specifically, from 11,519 in 2015, the number had already risen to 13,605 by 2017. A look at previous years reveals that this increase was part of an existing upward trend, so that the number of Ukrainian citizens living in Austria more than doubled between 2007 and 2017. An increase of about one third was recorded for citizens of Georgia. In this context, the population increases prior to the lifting of visa requirements for each of these countries appear more likely to be part of a climbing immigration trend that had prevailed for several years and less a direct consequence of impending visa exemption.

66 Interview with Eva Pflöger, Federal Ministry of the Interior, 10 July 2018, Interview with Gernot Resinger, Federal Ministry of the Interior, 26 November 2018.

67 Interview with Marcus Strohmeier, Austrian Trade Union Federation, 9 July 2018.

Figure 2: Citizens of Eastern Partnership countries in Austria, 2012–2017



Source: Statistics Austria, 2018, representation by author.

These trends need to be seen in relation to the fact that, of immigrants from the relevant third countries of the Eastern Partnership, Ukrainians in Austria are the only ones with a large group of private associations, a feature which probably favours a continued strong flow of Ukrainian immigrants to Austria. No extensive networks of citizens from the Republic of Moldova and Georgia exist in Austria. In future the flow of citizens from Georgia and the Republic of Moldova can be expected to become stronger, once networks of citizens from these countries have become established in Austria.<sup>68</sup>

### 3.1.2 Students of the relevant third countries

The number of students from each of the **relevant Western Balkan third countries** following visa liberalization grew considerably up to 2016, both in the short and long term. In 2016 the numbers of such students were almost without exception higher than in the year of visa liberalization for the country in each case. This contrasts with the number of students from the **relevant third countries of the Eastern Partnership**, which

68 Ibid.



declined, but only to a limited extent. It should nonetheless be noted that, at 437 students in 2016, Ukrainian students in Austria represented the third largest group of foreign students from among those originating from the relevant third countries (refer to Table 1 in the statistical annex).

A correlation between visa liberalization and the higher number of students from the particular country appears doubtful, considering that the special residence titles for students were not affected by visa exemption and could be granted already prior to the waiver of visa requirements.<sup>69</sup> Applying for such a residence title might now be easier though, since visa-exempt third-country nationals can apply in Austria.

### 3.2 Visa applications

Official statistical data on visa applications from the **relevant Western Balkan third countries** is accessible only to a limited extent. This basis does not allow the identification of any trend for the number of visa applications or for corresponding refusals following visa liberalization for a particular country (see Table 2 in the statistical annex). According to the visa expert at the Federal Ministry of the Interior, in the year when visa liberalization became effective for each country and in the years immediately after, a decrease in visa applications was seen in most cases. The subsequent renewed increase is attributed to the Seasonal Workers Directive,<sup>70</sup> which requires visas for seasonal workers even from visa-exempt third countries.<sup>71</sup>

Statistical data on visa applications for the **relevant third countries of the Eastern Partnership** are available only in the case of applications made in Ukraine. These data show an overall decrease in the number of visa applications made in Ukraine since 2013. The refusal rate in such visa application cases has been consistently very low at roughly one per cent (see Tables 2 and 3 in the statistical annex).

69 Interview with Eva Pflieger, Federal Ministry of the Interior, 10 July 2018.

70 Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ 2014 L 94/375.

71 Interview with Gernot Resinger, Federal Ministry of the Interior, 10 July 2018.

The research for this national report showed that Austria has experienced no or only a marginal administrative burden as a result of visa liberalizations.<sup>72</sup> On the contrary, visa liberalization has actually eased the burden in some cases, with the administrative load for Austrian representation authorities in other countries being lightened, for example. The number of embassy staff in the relevant third countries has even been reduced.<sup>73</sup>

### 3.3 Irregular stays

It should be noted in general that regular residence status for foreigners in Austria is subject to certain requirements.

Such requirements include complying with the permitted period of stay as well as other conditions for an entry permit or for visa-free residence<sup>74</sup> as well as lawful entry into Austria, which is the basic prerequisite for a person's subsequent lawful stay in the country (Art. 31 para 1 subpara 1 Aliens Police Act; Schrefler-König/Szymanski, 2014: Art. 31, specifically para 1 and 1a). The list of cases enumerated in the applicable act is exhaustive,<sup>75</sup> meaning that any stay that does not fall under one of the cases listed is unlawful (Hinterberger/Klammer, 2017:2). Foreigners not meeting the requirements specified in Art. 31 para 1 subpara 1 Aliens Police Act are deemed as staying within Austrian territory unlawfully, in which case the Federal Office for Immigration and Asylum has the duty to issue a return decision against such persons (Art. 52 para 1 subpara 1 Aliens Police Act; Heilemann/Lukits, 2016:23 ff). Art. 39 para 3 subpara 3 Aliens Police Act additionally authorizes the arrest of foreigners who are discovered within 14 days after their stay within Austrian territory, either exempt from or under visa requirements, has ceased to be lawful.

72 Interview with Wilfried Lehner, Finance Police, 22 June 2018 and interview with Johannes Peyrl, Chamber of Labour Vienna, 1 June 2018. Johannes Peyrl explained that the Chamber of Labour is rarely involved in cases in relation to visas.

73 Written input by Hannes Schreiber, Federal Ministry for Europe, Integration and Foreign Affairs, 11 July 2018.

74 According to Art. 31 para 1 subpara 1 Aliens Police Act, such restrictions and conditions may arise out of the entry title or the visa-free residence, international agreements, Federal Acts or regulations.

75 Federal law on the deployment of aliens police, the issue of documents for aliens and the issue of entry documents, preamble, government bill, materials, p. 89 available at [www.parlament.gv.at/PAKT/VHG/XXII/I/I\\_00952/fname\\_040777.pdf](http://www.parlament.gv.at/PAKT/VHG/XXII/I/I_00952/fname_040777.pdf) (accessed on 12 July 2018).

No data are available for Austria on the total number of cases where **irregular border crossings** by citizens of relevant third countries were detected, so that no analysis of related trends can be provided. Mention should be made of the increase – in some cases significant – in unauthorized entries by citizens of the relevant third countries, with individuals wishing to enter the Schengen area via Austria despite not meeting the entry requirements (AT EMN NCP, 2018:32).

When not just irregular border crossings but also the number of **persons staying irregularly in Austria** is considered, a significant increase in irregular stays by citizens of **Albania** and **Bosnia and Herzegovina** can be recognized after the visa policy was liberalized for the particular country (see Table 4 in the statistical annex). Visa exemption was granted to those two States in 2010. In that year 155 Albanian citizens were apprehended in Austria, while the comparable figure in 2017 was 405. This equates to an increase over the long term of more than 250 per cent. Similar statistics are seen for citizens of Bosnia and Herzegovina. In 2010, when the visa policy was liberalized, 180 individuals were apprehended in Austria; in 2017 the figure was 260, representing an increase of approximately 150 per cent. Apprehensions of citizens from other relevant third countries did not rise significantly and even dropped in some cases. No such evaluation can be made for Georgia or Ukraine because visa liberalization was not introduced for those two countries until 2017.

To reduce irregular stays in the country, Austria has taken several measures. The mechanism to suspend visa exemptions<sup>76</sup> was implemented at European level, partly on Austria's initiative. Austria also exerts influence at the diplomatic level, for example, to encourage the relevant third countries to take back their irregular staying citizens.<sup>77</sup> Furthermore, Austria has created options that allow citizens of the relevant third countries to stay in Austria regularly after the visa-exempt period expires. An example is the visa D, which can be issued for humanitarian reasons to foreigners lawfully staying in Austria before their lawful stay expires (Art. 22a Aliens Police

76 Regulation (EU) 2017/371 of the European Parliament and of the Council of 1 March 2017 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (revision of the suspension mechanism), OJ 2017 L 61/1.

77 Interview with Gernot Resinger, Federal Ministry of the Interior, 26 November 2018.

Act). Such a visa is issued upon application for a maximum of six months (Art. 20 para 2 subpara 1 Aliens Police Act), if the general requirements<sup>78</sup> are met. Such visas are issued very restrictively, however.<sup>79</sup> The aforementioned provision applies equally to all third-country nationals, regardless of whether visa exemption might apply. Austrian law has no special provisions that allow prolonged stays in Austria explicitly and exclusively in the case of visa-exempt third-country nationals. Like any other third-country national, a visa-exempt third-country national seeking to reside in Austria for a longer period is required to apply for a regular residence title in accordance with the Settlement and Residence Act, provided that Art. 22a Aliens Police Act is not applicable.

### 3.4 Applications for asylum

The following section describes the short-term and long-term trends relating to asylum applications, which have emerged for each of the third countries as a result of visa liberalization. Short-term trends refer to periods of up to two years after liberalization of the visa policy for the particular country. Changes are considered long-term if occurring within the period from when visa exemption was introduced (in 2009, 2010, 2014 or 2017) until 2017.

#### *3.4.1 Applications for asylum by citizens of the relevant Western Balkan third countries*

Referring to Figure 3, discussion is given first to whether the numbers of asylum applications originating from the former Yugoslav Republic of Macedonia, Montenegro and Serbia changed shortly before and after visa exemption was granted in 2009, and if so, how.

Asylum applications filed in Austria by citizens of the **former Yugoslav Republic of Macedonia** can be seen to have risen slightly, from 155 to 205, between 2007 and 2008. In 2009, the year when the visa policy was liberalized, the figure dropped to 160 applications, increasing again slightly

78 According to Art. 21 Aliens Police Act this includes a valid travel document, the absence of grounds for refusal (such as a threat to public order or safety by the residence of the foreigner) as well as an apparently definite departure by the foreigner.

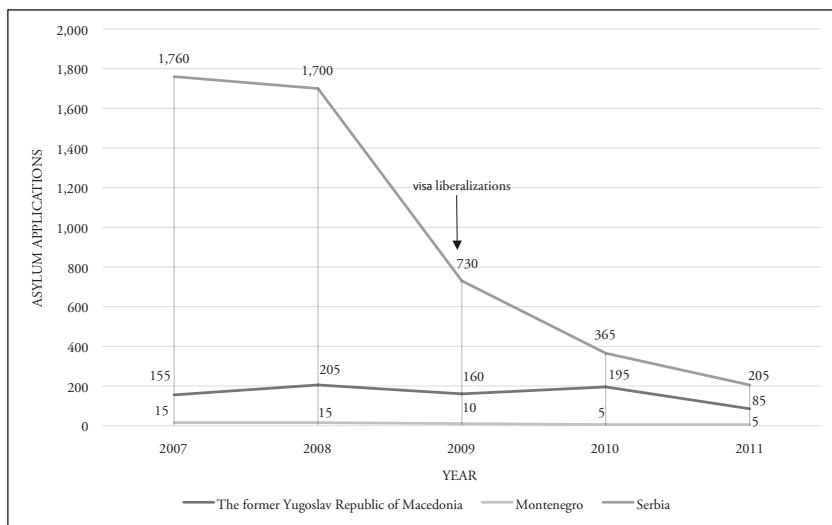
79 Interview with Gernot Resinger, Federal Ministry of the Interior, 26 November 2018.

to 195 in 2010. In the second year after visa liberalization, 2011, asylum applications again dropped significantly to 85.

The number of asylum applications from **Montenegro** remained constant at 15 in 2007 and 2008. After visa liberalization in 2009, asylum applications decreased in number, first to 10 in 2009 and then to five in each of the years 2010 and 2011.

There was a minor decline in applications for asylum from **Serbia** in the two years before visa exemption was introduced, from 1,760 in 2007 to 1,700 in 2008. The drop was then significant in 2009 when the visa policy was liberalized, with Serbian citizens applying for asylum in 730 cases. This trend continued during the years after visa liberalization. In detail, the number of applications decreased sharply in 2010, to 365, and again in 2011, to 205. Thus, by 2011, the number of asylum applications from Serbia had fallen by more than half compared with 2009, the year of visa liberalization.

**Figure 3: Asylum applications by citizens of Western Balkan States granted visa exemption in 2009, 2007–2011**



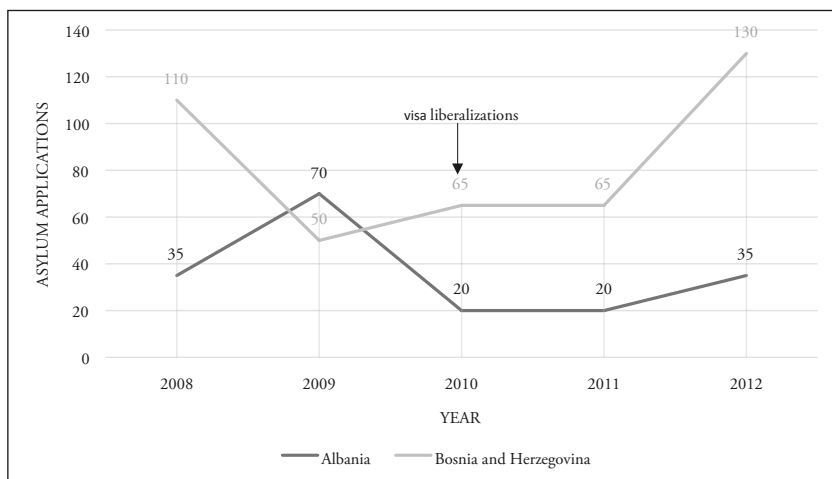
Source: Eurostat, n.d.a, extracted on 10 July 2018, representation by author.

Figure 4 shows the short-term changes in numbers of asylum applications from Albania and Bosnia and Herzegovina. Visa exemption was granted to those two States in 2010.

In 2008, two years prior to the introduction of visa exemption, 35 asylum applications were made by **Albanian** citizens. In 2009 the number of applications reached the highest level ever at 70, to then drop significantly to 20 applications in each of the years 2010 and 2011. By 2012, two years after visa liberalization, the number had again reached 35, the 2008 level.

A total of 110 citizens of **Bosnia and Herzegovina** applied for asylum in Austria in 2008. The figure dropped to 50 in 2009 and then rose slightly to reach 65 in 2010, when the visa policy was liberalized. The level remained constant in 2011. There was a significant increase again in 2012, with 130 applications recorded.

**Figure 4: Asylum applications by citizens of Western Balkan States granted visa exemption in 2010, 2008–2012**



*Source:* Eurostat, n.d.b, extracted on 10 July 2018, representation by author.

Looking at the **long-term changes in asylum applications** beginning from visa liberalization for the country, either in 2009 or 2010, and until 2017, the number of applications by citizens of the former Yugoslav Republic of Macedonia are seen to have remained relatively stable, while the numbers for Bosnia and Herzegovina, Montenegro and Serbia continued to drop and applications from Albania increased slightly. Another observation is that, in the case of all the relevant Western Balkan States, there were fluctuations in the long-term trends for the number of

asylum applications made during the period examined. The former Yugoslav Republic of Macedonia and Albania are examples here, with the number of asylum applications in 2015 reaching the highest level since visa exemptions were introduced (2009 or 2010). Yet the increase in 2015 mirrors the trend for all asylum applications filed by third-country nationals in Austria and thus does not represent an exception when compared with the overall figures (see Table 5 in the statistical annex for details).

Nonetheless, no answer can be given here to the question as to whether visa exemption had any short-term or long-term impact on the number of asylum applications filed by citizens of the relevant countries in Austria. The factors motivating an individual to leave their country of origin and choose a certain destination country are usually multidimensional. Examples include political changes in the person's home or destination country or neighbouring States, or geographic proximity to a country of destination. Specifically, the number of asylum applications from several visa-exempt Western Balkan States increased briefly after visa liberalization for the particular country; representatives from the Federal Ministry of the Interior attribute this increase to the fact that the relevant third countries are relatively close to Austria geographically.<sup>80</sup> This initial increase was reportedly also recognized by the home countries of the asylum applicants, with these countries then taking appropriate action to reduce asylum applications,<sup>81</sup> for example by raising public awareness of the potential negative consequences threatening the country as a whole in the event of a continued trend towards asylum applications or breaches of visa regulations.<sup>82</sup>

80 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 15 June 2018.

81 Ibid.

82 The Georgian Interior Minister declared in this regard on 27 March 2017 that henceforth all travellers in the Schengen area would be interrogated, informed about the visa regulation, inspected for the validity of their travel documents and instructed on possible consequences in the case of noncompliance. This occurs with the objective to avoid the possible suspension of visa freedom; Civil.ge: news. nuance. Context, *Government Speaks on Safeguards against Visa-Waiver Abuse*, 28 March 2017, available at <https://civil.ge/archives/126274> (accessed on 12 July 2018).

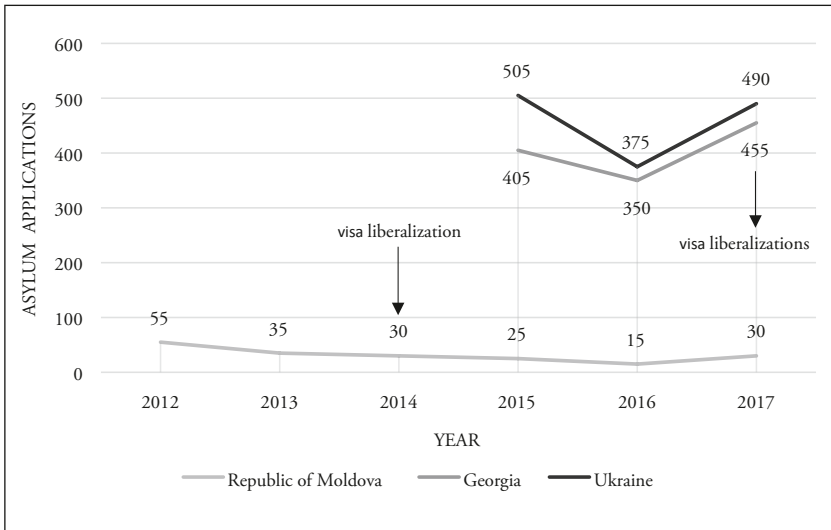
### 3.4.2 Applications for asylum by citizens of the relevant third countries of the Eastern Partnership

Figure 5 shows the number of asylum applications originating from the relevant third countries of the Eastern Partnership.

Visa exemption was granted to the **Republic of Moldova** in 2014. As seen in Figure 5, asylum applications were already declining in the years prior to visa liberalization (2012 and 2013). Specifically, the figure dropped from 55 applications in 2012 to 35 in 2013, and later to 30 in 2014. The figure continued to fall the following year, with 25 applications filed in 2015, and reached 15, the lowest level ever, in 2016. The number of asylum applications then rose again in 2017 to 30, thus returning to the level recorded in 2014, when the visa policy was liberalized.

**Georgia** and **Ukraine** were exempted from visa requirements in 2017. From a baseline level of 505 in 2015, the number of applications from Ukraine dropped to 375 in 2016. Beginning from visa liberalization in 2017, the number then rose again sharply to reach 490. Citizens of Georgia submitted 405 asylum applications in 2015. In 2016 the figure dropped to 350 applications, only to climb back up to 455 in 2017, the year when the visa policy was liberalized.

**Figure 5: Asylum applications by citizens of Eastern Partnership countries granted visa exemption in 2014 and 2017, 2012–2017**



Source: Eurostat, n.d.b, extracted on 10 July 2018, representation by author.



Georgia appears nonetheless committed to counteracting the growing number of asylum applications. In the interests of avoiding any suspension of visa exemption,<sup>83</sup> that country questions all travellers to the Schengen area, draws their attention to the visa provisions, verifies the validity of their travel documents and points out the potential consequences of non-compliance.<sup>84</sup> It cannot yet be anticipated whether, or if so how, this measure or visa liberalizations will affect the number of asylum applications from Ukrainian and Georgian citizens, since visa policies were not liberalized until 2017.

### 3.4.3 Coping with asylum procedures

Asylum applications from the visa-exempt third countries have generally declined over the long term (see also Figures 3, 4 and 5). Since Austria has not experienced any significant number of asylum applications from citizens of those countries and thus no great influx of asylum seekers, it has not taken any special action to cope with such asylum procedures.<sup>85</sup> However, since from Austria's perspective asylum-seekers from the Western Balkans mainly submit applications in Germany, Austria, Switzerland and Liechtenstein these countries collaborate at the levels of both ministries and public authorities (Rutz, 2018:35–37, 52). According to experts from the unit for Resettlement, Return and International Affairs in the interior ministry, the incidence of asylum applications from the visa-exempt third countries and the associated issues have been discussed at European level. The experts do not rule out the possibility of European States jointly putting political pressure on the asylum-seekers' countries of origin. Yet, as far as experts in the interior ministry are aware, the EU has not taken any special aid measures.<sup>86</sup>

83 The European Parliament and the Council have elaborated a mechanism for the suspension of visa liberalization, in order to prevent its abuse whenever necessary, for further information see Regulation (EU) 2017/371 of the European Parliament and of the Council of 1 March 2017 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (revision of the suspension mechanism), OJ 2017 L61/1.

84 See also the declaration by the Georgian Interior Minister from 27 March 2017, Civil.ge: news. nuance. Context., *Government Speaks on Safeguards against Visa-Waiver Abuse*, 28 March 2017, available at <https://civil.ge/archives/126274> (accessed on 12 July 2018).

85 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 15 June 2018.

86 Ibid.

### 3.5 Return decisions and voluntary return

The discussion below centres on the influence of visa liberalization on the number of return decisions issued for the particular country. The question is also examined as to whether visa liberalizations have led to measures to encourage voluntary return.

#### 3.5.1 Return decisions

It should be noted at the outset that visa liberalizations did not lead to any change in the procedure for issuing a return decision. Austria has no special statutory provisions regulating the return of citizens of visa-exempt third countries who have exceeded the permitted period of stay. This is in accordance with the Return Directive,<sup>87</sup> which defines a framework for the return of third-country nationals staying irregularly in a Member State and makes no distinction on the basis of visa exemption.<sup>88</sup> There are similarly no special provisions relating to cases of citizens from visa-exempt third countries who have lost their documents or for whom identification is difficult.

Table 6 in the statistical annex provides detailed statistical data on the number of individuals issued a return decision ordering them to leave Austria. No such data are available for 2007 and 2014. As seen in Figure 6, there was an overall decrease in the number of individuals from the **relevant Western Balkan third countries** who were ordered to depart, with 2015 and 2016 being the exceptions here. In detail, the number dropped from 2,925 in 2008 to 2,060 in 2009, when visa exemptions were extended to Serbia, the former Yugoslav Republic of Macedonia and Montenegro, and later to 1,760 in 2010, when visa-free regimes became effective for citizens of Albania and Bosnia and Herzegovina. The number continued to decrease, with 1,225 individuals ordered to depart in 2011, 1,175 in 2012 and 1,160 in 2013. A significant increase was subsequently seen in 2015, when 2,205 individuals were ordered to depart, with the number peaking in 2016 at 3,005 requested departures. In 2017 there was again a sharp decrease to

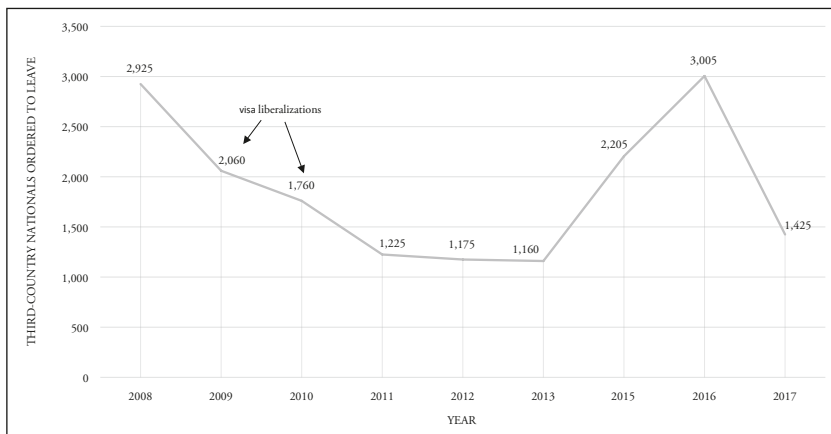
87 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ 2008 L 348 /98.

88 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 15 June 2018.

1,425, thus falling back to the level recorded back in 2009 and 2010, when visa-free regimes were introduced.

Largely similar changes to those shown in Figure 6 are identified when each individual visa-exempt Western Balkan country is examined in comparison with the number of citizens who were ordered to depart from Austria.

**Figure 6: Third-country nationals of now visa-exempt Western Balkan countries ordered to depart,<sup>89</sup> 2008–2017**



Source: Eurostat, n.d.c, extracted on 17 July 2018, representation by author.

As no statistical data are available for the **Republic of Moldova** for 2014, the year in which visa exemption was introduced there, it is difficult to identify any trend for related return decisions (see Table 6 in the statistical annex). Yet a slight downward trend is seen for the years prior to visa liberalization, with 65 individuals ordered to depart in 2012 and 60 in 2013. In 2015, the year following visa liberalization, return decisions were issued against 75 citizens of the Republic of Moldova and against 100 in 2016. The number of return decisions then dropped again, by almost half, to 55 in 2017, reaching the lowest level observed throughout the period considered.

Turning to citizens of **Georgia**, return decisions were issued to 95 such persons in 2015, with a significant rise to 245 decisions being recorded in 2016. This was comparable to the level seen in 2017, the year of visa

89 The numbers cited represent the return decisions issued in Austria.

liberalization, when 235 return decisions were issued. The trend observed for **Ukraine** was similar. With 125 return decisions issued in 2015, the number climbed to 155 in 2016 and then even further in 2017, when the visa policy was liberalized, to total 305 return decisions issued against Ukrainian citizens. That increase represents a rate of almost 250 per cent. As visa liberalizations for Ukraine and Georgia did not become effective until 2017, it is not yet possible to estimate what impact visa liberalization for the particular country had on the number of return decisions.

### *3.5.2 Voluntary return in the context of visa liberalizations*

While Austria has in the past years stepped up and expanded efforts in the way of measures that foster voluntary return,<sup>90</sup> the financial incentives offered within the framework of voluntary return are nonetheless not granted to nationals from the relevant third countries in the Western Balkans.<sup>91</sup> This category of individuals has been excluded because visa liberalization for their country has made it considerably easier for such citizens to enter Austria. Austria is accordingly concerned that granting financial incentives to promote voluntary return could result in an additional pull factor, which it would rather avoid if possible. Such persons can, on the other hand, still make use of return counselling.<sup>92</sup>

## **3.6 Cooperation with the relevant third countries**

Austria had been cooperating closely with the relevant third countries even before visa liberalizations.<sup>93</sup> One example worth mentioning here is Georgia, where a police liaison officer was stationed as long ago as 2007

90 Written input by Andrea Götzelmann-Rosado, IOM Country Office for Austria, 28 May 2018.

91 Federal Office for Immigration and Asylum, *1.000 Euro für 1.000 Personen*, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=795370614C6A57592F5A633D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=795370614C6A57592F5A633D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0) (accessed on 30 May 2018). Written input by Andrea Götzelmann-Rosado, IOM Country Office for Austria, 22 June 2018.

92 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 15 June 2018.

93 Written input by Hannes Schreiber, Federal Ministry for Europe, Integration and Foreign Affairs, 11 July 2018.

– that is, 10 years before visa liberalization<sup>94</sup> – and since when a very close basis has existed for cooperation on issues relating to the fight against crime and to migration.<sup>95</sup> These cooperative efforts were further enhanced with some countries in response to the migration developments in 2015 and 2016.<sup>96</sup>

It can be generally assumed that collaboration is especially effective in the cases where there is a will to cooperate among policymakers.<sup>97</sup> Particularly worth mentioning in this regard are readmission agreements and implementation protocols, which – according to the interior ministry – provide an excellent basis for collaboration and talks.<sup>98</sup>

Here it should be noted that, in Austria's view, the approach of the European Commission in simultaneously negotiating readmission and visa facilitation agreements in most cases has been effective.<sup>99</sup>

It should also be noted that visa liberalizations have resulted in reduced collaboration, for example in visa matters. For example, due to a lack of any direct flows of refugees or migrants from one of the relevant third countries in the Eastern Partnership to Austria, collaboration with that country is now restricted to contact being made on a case-by-case basis and to periodic working meetings at lengthy intervals.<sup>100</sup> Similarly, collaboration in visa affairs has ceased almost entirely due to a lack of any continuing need. Cooperation continues only for the limited cases of seasonal workers, who require a visa based on the Seasonal Workers Directive.<sup>101</sup>

In cooperating with the relevant third countries in the fight against crime, Austria focuses particularly on the Balkan route while striving to

94 Federal Ministry of the Interior, *Internationale Zusammenarbeit*, available at <http://bmi.gv.at/news.aspx?id=706C2F74744A4D31374C4D3D> (accessed on 18 May 2018).

95 Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

96 Written input by Hannes Schreiber, Federal Ministry for Europe, Integration and Foreign Affairs, 11 July 2018.

97 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 15 June 2018.

98 Written input by Tobias Molander, Federal Ministry of the Interior, 13 July 2018.

99 Written input by Hannes Schreiber, Federal Ministry for Europe, Integration and Foreign Affairs, 11 July 2018.

100 Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

101 Interview with Gernot Resinger, Federal Ministry of the Interior, 10 July 2018.

support the countries affected through avenues of cooperation including the Joint Operational Office, which was set up in 2016. Support of this kind is provided in the form of human resources and joint efforts, for example. Cooperation in operations at a practical level within the framework of the Joint Operational Office in particular is unbureaucratic and efficient and has already proved effective. Already, as a result of such cooperation, more migrant smugglers have been arrested in the affected regions than in Austria, thereby preventing the smugglers and those smuggled by them from reaching Austria. Police cooperation also takes place with the relevant third countries in particular with the aim of counteracting attempts to gain residence titles under false pretences. Even though prices as high as EUR 60,000 have been reportedly paid for residence titles, related cases of document falsification play only a minor role in cooperation.<sup>102</sup>

Very few new cooperative efforts relating to finance have been established – if any at all – one reason being that the Finance Police do not have the resources to establish any cooperation beyond the immediately neighbouring countries.<sup>103</sup> Visa liberalizations have not affected this situation, either.

### **3.7 Economy**

Economic changes have been examined by looking more closely at trade in goods and foreign trade, tourism, and entrepreneurship. These topics are discussed below.

#### *3.7.1 Trade in goods and foreign trade*

As a part of foreign trade, Austria's exports of goods to most of the third countries that are now visa-exempt has developed positively in recent years. Austrian goods exports nonetheless fluctuated considerably before and after visa liberalization in some cases.<sup>104</sup> According to experts, such

102 Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

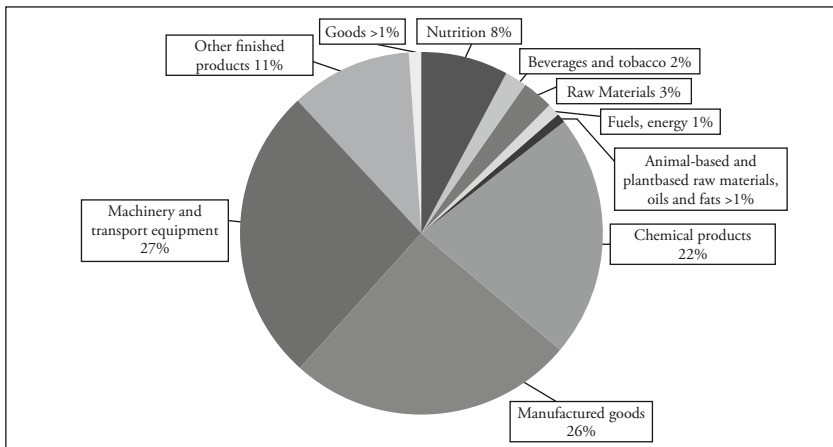
103 Interview with Wilfried Lehner, Finance Police, 22 June 2018.

104 Statistics Austria, n.d.a., *Foreign trade as of 2007 2007 by 2-digit CN*, available at <http://statcube.at/statistik.at/ext/statcube/jsf/tableView/tableView.xhtml> (accessed on 24 August 2018).

fluctuations and economic developments are normal and do not allow conclusions to be drawn with regard to the impact of visa liberalizations. It is nevertheless doubtful whether visa liberalization has had any significant impact on trade with that particular country, and it is not possible to quantify the extent to which visa exemption has facilitated or favoured any increase in the bilateral exchange of goods with any of the countries.<sup>105</sup> This assessment apparently also stems from the fact that, even though applying for a visa did take some time prior to visa liberalizations, travelling to Austria represented no great obstacle in reality – in the case of Ukrainian citizens, for example. Attention is drawn here to chapter 3.2., which refers to a very low refusal rate.

The goods most frequently exported from Austria to the relevant third countries in 2017 fell into the categories of machinery and transport equipment (27%), followed by manufactured goods (26%) and chemicals (22%).<sup>106</sup> The other groups of export goods are shown in Figure 7.

**Figure 7: Austrian goods exports to the relevant third countries in 2017**



Source: Statistics Austria, ITGS-Atlas – Austrian foreign trade Atlas, available at [www.statistik.at/itgs-atlas/](http://www.statistik.at/itgs-atlas/) (accessed on 11 June 2018).

105 Written input by Christoph Sturm, Advantage Austria, 12 July 2018.

106 Statistics Austria, *ITGS-Atlas – Atlas zum Außenhandel*, available at [www.statistik.at/itgs-atlas/](http://www.statistik.at/itgs-atlas/) (accessed on 11 June 2018).

Although visa liberalizations have not resulted in any significant measurable economic benefits, visa liberalizations are to be welcomed from a business point of view because it reduces the administrative effort required to obtain a visa. An example to be mentioned here is the foreign trade centre in Sarajevo, which – since visa liberalization – now deals with fewer requests for intervention in visa-related cases than before.<sup>107</sup>

### 3.7.2 *Tourism*

No statistical data are available that would allow reliable conclusions to be drawn regarding the impact of visa liberalizations on tourism in Austria. With the exception of Ukraine, statistics on overnight stays broken down by nationality were not collected for the relevant third countries during the period 2007–2017 (see Table 7 in the statistical annex). While overnight stays by Ukrainian citizens have increased of late, it is too early to say whether or to what extent visa exemption, which was granted in 2017, will have any impact on the number of Ukrainians staying overnight in Austria.

In the statistics, data on tourists from Georgia are collected only as part of the figures for tourists visiting Austria from CIS countries. Experts nonetheless report a clear increase in the number of Georgian tourists in Austria since visa liberalization. The number of citizens of CIS countries arriving in the 2018 winter season rose by 25,500 compared with the previous year. While this represents a 10-per cent increase, at the same time the absence of specific data for Georgia means that it is not possible to estimate the share of the increase accounted for by Georgian tourists. Experts also report a similar substantial increase in the number of tourists from Albania since visa liberalization. As a result of this Austrian Airlines AG has, for example, doubled the number of direct flights from Vienna to Tirana, and these flights are reportedly always fully booked. This is largely due to the fact that Vienna is very popular among wealthy Albanians as a destination for shopping and short trips. In each of the relevant third countries, visa liberalization has reportedly also reduced the burden on local Austrian subsidiaries, with the administrative effort involved in preparing for short-term business trips now eliminated, for example.<sup>108</sup>

107 Written input by Christoph Sturm, Advantage Austria, 12 July 2018.

108 Ibid.



According to the visa expert at the Federal Ministry of the Interior, existing personnel resources are currently sufficient for covering any additional periodic administrative duties in connection with tourism that fall under the police administrations of the provinces, such as spot checks on incoming travellers.<sup>109</sup>

### 3.7.3 Entrepreneurship

Whether Austria has experienced growth in entrepreneurship as a result of visa liberalizations cannot be determined, due to a lack of statistics. Generally speaking, however, a visa-free stay per se does not additionally grant entitlement to employment in Austria (Peyrl/Neugschwendtner/Schmaus, 2017:23). Foreigners, including citizens of visa-exempt third countries, wishing to pursue self-employment in any case require a suitable visa or residence title allowing access to the labour market, such as a Red-White-Red Card or a Settlement Permit – Artist (Art. 41 para 1 and 2 or Art. 43a Settlement and Residence Act)<sup>110</sup> (Buschek-Chauvel/Haleh, 2015:42–45, 49; AT EMN NCP, 2015:42–44). Nonetheless, visa-exempt third-country nationals are eligible under certain conditions to apply for a residence title in Austria.<sup>111</sup>

## 3.8 Labour market

The following section examines changes in regular and irregular activity in the Austrian labour market. Staying visa-free in Austria does not of itself entitle an individual to take up employment (Peyrl/Neugschwendtner/Schmaus, 2017:23); nonetheless, for the majority of the relevant third countries, significantly more citizens of those States were active in the Austrian labour market after visa liberalization for the particular country, in some cases because more residence titles for gainful employment were granted but also due to an increase in irregular employment.

109 Interview with Gernot Resinger, Federal Ministry of the Interior, 10 July 2018.

110 FLG I No. 100/2005, in the version of FLG I No. 32/2018. The regulations regarding the “Red-White-Red Card” intend different target groups and accordingly include different preconditions (Bittermann, 2013:14 ff).

111 All other third-country nationals must file an application at the Austrian representation authority in the foreign country. With the granting of a residence title a visa is issued if necessary, so that the residence title can be personally collected at the responsible settlement authority in Austria, [Help.gv.at](http://www.help.gv.at), *Allgemeines zum Erstantrag für Aufenthaltstitel für Österreich*, available at [www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120222.html](http://www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120222.html) (accessed on 13 July 2018).

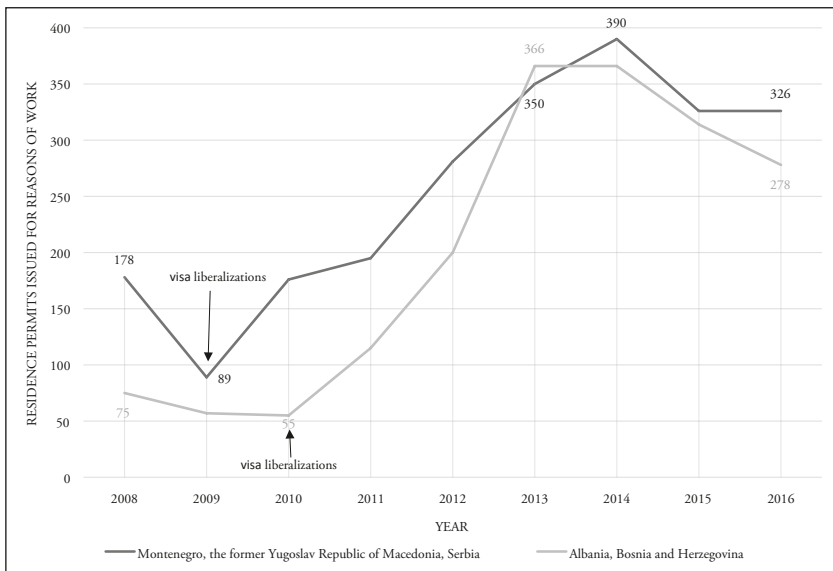
### 3.8.1 Regular activity in the labour market – residence titles issued for employment

Only the period from 2008 to 2016 is examined in the following, due to a lack of data for the years 2007 and 2017 (Figure 8; see Table 8 in the statistical annex for details).

The number of residence titles issued for employment purposes to citizens of the **relevant Western Balkan third countries** increased on the whole after visa liberalization for the particular country. In the cases of the former Yugoslav Republic of Macedonia, Montenegro and Serbia, the number of residence titles issued for the purpose of employment dropped initially, from 178 in 2008 when the visa policy was liberalized to 89 in 2009. This was followed by a steady increase in subsequent years, peaking in 2014 when 390 residence titles were issued. The number later fell again slightly, with 326 residence titles being issued in 2016.

In the case of Albania and Bosnia and Herzegovina, residence titles issued for employment purposes initially fell slightly, from 75 in 2008 to 55 in 2010, when the visa policy was liberalized. An increase at a constantly high rate was subsequently seen until 2013, when 366 residence titles were issued. The number subsequently dropped to 278 in 2016.

**Figure 8: Residence titles for employment issued to citizens of the relevant Western Balkan countries, 2008–2016**



Source: Eurostat, n.d.d, extracted on 16 July 2018, representation by author.

No trend can yet be identified for the number of residence titles issued for the purpose of employment to citizens of the relevant third countries of the Eastern Partnership. On the one hand, the total number of residence titles issued to citizens of the Republic of Moldova is very small, while no significant changes were seen as a result of visa liberalization in 2014 (see Table 8 in the statistical annex). In addition, no data relating to visa liberalizations for Georgia and Ukraine in 2017 are available yet, preventing any detailed analysis.

### *3.8.2 Irregular labour market activity – suspected cases of irregular employment*

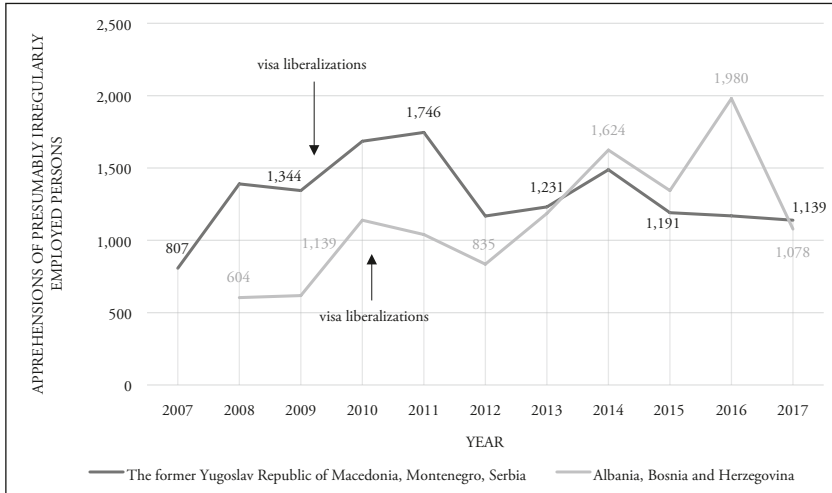
A short-term trend was seen in the wake of visa policies being liberalized for the **relevant Western Balkan third countries** in 2009 and 2010, with a significant increase in foreign citizens apprehended in Austria who are reported by the Finance Police, the authority responsible for inspections and apprehensions in such cases, as “suspected of being irregularly employed” (see Table 9 in the statistical annex).

Visa exemption was granted to the former Yugoslav Republic of Macedonia, Montenegro and Serbia in 2009. As seen in Figure 9, the number of individuals apprehended in Austria on suspicion of being irregularly employed had increased even before visa liberalization for the particular country. From a base figure of 807 apprehensions in 2007, the number rose to 1,390 in 2008, only to fall back slightly to 1,344 in 2009. The number of apprehensions rose significantly beginning in 2010, with 1,746 – the highest level for the reference period – observed in 2011, two years after visa liberalization for each of these countries. Following a decline in 2012, the number of apprehensions climbed again to 1,231 in 2013. Apprehensions subsequently declined to 1,191 in 2015 and dropped further to 1,139 by 2017. This put the number of persons apprehended in Austria on suspicion of being irregularly employed below the level recorded in 2009, when the visa-free regime was introduced.

A similar trend was seen for Albania and Bosnia and Herzegovina, each of which were granted visa exemption in 2010. From a base figure of 604 apprehensions in 2008, the number had risen sharply to 1,139 by 2010, when visa policies were liberalized. The number of individuals apprehended declined considerably in the period after the visa liberalizations, dropping to 835 by 2012. A strong upward trend was then seen beginning in 2013,

with 1,624 apprehensions recorded in 2014. Following a slight decline in 2015, the number rose again to reach a record level of 1,980 apprehensions in 2016. The number of persons apprehended in Austria on suspicion of being irregularly employed dropped again in 2017 to 1,078, which is comparable to the figure of 1,139 apprehensions recorded in 2010, when Albania and Bosnia and Herzegovina were granted visa exemptions.

**Figure 9: Citizens of visa-exempt Western Balkan countries apprehended on suspicion of being irregularly employed, 2007–2017**



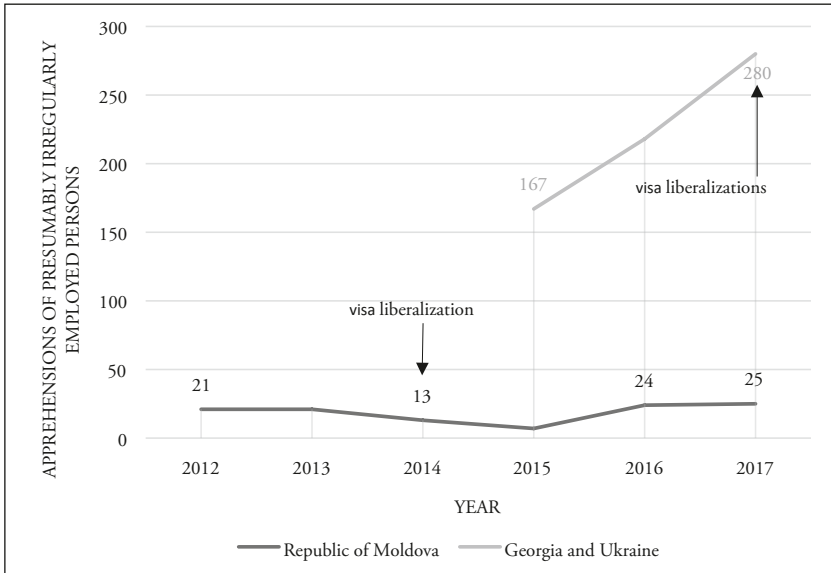
Source: Data provided by the Finance Police, 19 June 2018, representation by author.

Figure 10 summarizes the changes in the number of citizens of the **relevant third countries of the Eastern Partnership** who were apprehended in Austria on suspicion of being irregularly employed.

The Republic of Moldova was granted visa exemption in 2014. A total of 21 citizens of that country were apprehended in each of the years 2012 and 2013 on suspicion of being irregularly employed. In 2014 there were fewer apprehensions, at 13. The downward trend continued in 2015, only to give way to an increase, with 24 apprehensions reported in 2016 and 25 in 2017.

Georgia and Ukraine were exempted from visa requirements in 2017. An upward trend beginning in 2014 continued in the two years prior to visa liberalization for these two countries. The number of individuals apprehended on suspicion of being irregularly employed increased, from 167 in 2015 to 280 in 2017.

**Figure 10: Citizens of visa-exempt Eastern Partnership countries apprehended on suspicion of being irregularly employed, 2012–2017**



Source: Data provided by the Finance Police, 19 June 2018, representation by author.

These statistics support the interpretation put forth by experts that visa liberalizations have resulted in an influx of citizens from the relevant third countries to Austria who later took up employment without the necessary authorization.<sup>112</sup> The increase, or lack of any decline, in apprehensions of third-country nationals on account of irregular employment also comes as a surprise to the Finance Police, who had in fact expected a fall in the number of apprehensions of persons employed irregularly that ultimately did not happen.<sup>113</sup> According to experts, the numbers of citizens of the relevant third countries apprehended on account of irregular employment in Austria indicate that individuals who enter Austria visa-free but are not permitted to work are forced to accept undocumented employment – which is usually irregular and exploitative. Statistical data would be required to determine precisely how many such cases exist in Austria, yet no such figures are available.<sup>114</sup>

112 Interview with Marcus Strohmeier, Austrian Trade Union Federation, 9 July 2018.

113 Interview with Wilfried Lehner, Finance Police, 22 June 2018.

114 Interview with Johannes Peyrl, Chamber of Labour Vienna, 1 June 2018.

### 3.8.3 Challenges and actions

The irregular employment of citizens from the relevant third country appears to be the main challenge facing Austria as a result of visa liberalizations. Irregular employment puts law-abiding employers at a disadvantage compared with those who employ workers irregularly. And, with the Finance Police suffering from a scarcity of resources, those practising irregular employment are often not caught or fined subsequently. Based on this assumption, considerable damage is sustained to the Austrian economy and public finances due to irregular employment. Beyond this, individuals who are employed irregularly are faced with tremendous risks and disadvantages, being in many cases fully dependent on their irregular employers. In the event of an accident at work, for example, such individuals have no claim to medical care since the mandatory health insurance report is not filed. In connection with irregular employment the Austrian Trade Union Federation experiences an (additional) administrative burden, resulting from the need for more counselling for third-country nationals employed irregularly in Austria.<sup>115</sup> Furthermore, another point needs to be mentioned in connection with irregular employment. An increase is being observed in cases of forged travel documents from EU Member States. Without special equipment or experts trained in recognizing forged documents, the Finance Police are not able to detect such forgeries when checking papers.<sup>116</sup>

In the context of visa liberalizations, Austria did not alter its legal framework for combating irregular employment.<sup>117</sup> Nevertheless, internal procedures were adapted to respond to the challenges presented by irregular employment. One example to be mentioned here is collaboration between the Finance Police and the Federal Office for Immigration and Asylum. In Austria, the Finance Police is responsible for exposing cases of irregular employment,<sup>118</sup> and this authority also carries out corresponding checks.

115 Interview with Marcus Strohmeier, Austrian Trade Union Federation, 9 July 2018.

116 Interview with Wilfried Lehner, Finance Police, 22 June 2018.

117 Interview with Wilfried Lehner, Finance Police, 22 June 2018; Interview with Marcus Strohmeier, Austrian Trade Union Federation, 9 July 2018. In this regard, he further noted that the lack of such measures increases pressure on the labour market and fosters irregular migration to Austria as well as irregular employment.

118 Federal Ministry of Finance, *Finanzpolizei*, available at [www.bmf.gv.at/betrugsbekämpfung/finanzpolizei/finanzpolizei.html](http://www.bmf.gv.at/betrugsbekämpfung/finanzpolizei/finanzpolizei.html) (accessed on 6 June 2018).

The Federal Office for Immigration and Asylum is involved in such checks under certain circumstances, particularly in cases where breaches of a broad scope of provisions applying to foreigners are expected. Such cooperation on site allows measures based on aliens law to be taken or initiated.<sup>119</sup> Such measures included issuing return decisions together with entry bans against foreigners who pursue employment in violation of provisions of the Act Governing the Employment of Foreigners<sup>120</sup> (Art. 52 para 4 subpara 1a in conjunction with Art. 31 para 1 Aliens Police Act).<sup>121</sup> Experts have differing views as to whether the threat of a return decision is effective as a general deterrent for preventing irregular employment.<sup>122</sup> The Act Governing the Employment of Foreigners does not provide for any other sanctions against persons pursuing irregular employment (Deutsch/Nowotny/Seitz, 2014:506–507). Instead, as a key measure in preventing irregular employment, priority is instead placed on informing workers on issues relating to settlement and residence and to labour market access (Heilemann, 2017:3).

### **3.9 Crime and public security**

The following section examines the changes relating to crime and public security that occurred after visa liberalizations, particularly in view of the concerns expressed beforehand by certain policymakers (see section 2.3). Specific attention is given to changes relating to people smuggling and human trafficking.

119 Interview with Wilfried Lehner, Finance Police, 22 June 2018.

120 FLG No. 218/1975, in the version of FLG I No. 1/2018.

121 Art. 31 para 1 Aliens Police Act requires that, amongst others, the conditions regarding visa-free residence are met. The visa-free residence per se does not entitle to employment (Peyrl/Neugschwendtner/Schmaus, 2017:23), leading to a breach of the conditions of visa-free residence and consequently the possible issuing of a return decision, if gainful employment is taken up.

122 Interview with Johannes Peyrl, Chamber of Labour Vienna, 1 June 2018 and Interview with Marcus Strohmeier, Austrian Trade Union Federation, 9 July 2018.

### 3.9.1 Changes relating to crime

No conclusive judgement can be given as to whether visa liberalizations present Austria with a security risk, as the available statistics provide too little basis for statements.<sup>123</sup> The following observations relating to criminal offences are based on police crime statistics and thus solely on police reports. This limits the offences recorded to those reported by the police and passed on to the courts.<sup>124</sup> No details are recorded as to whether criminal court proceedings are initiated in response to a given report or, in the event that proceedings are initiated, whether the case is discontinued (Art. 190 et seq. or Art. 451 para 2 or Art. 485 para 1 subpara 3 Code of Criminal Procedure)<sup>125</sup> or ends in a final conviction or acquittal. As a result, only the number of reports submitted within a given period can be determined from police crime statistics. However, no conclusive observation can be made about any actual trends in the number of offences, since police crime statistics do not take final convictions into account. When this report was prepared, no statistical data were available on criminal offences committed by citizens of any relevant third country after visa liberalization for their country, or on any subsequent convictions.

Police crime statistics from 2007 to 2016 show a general rise in the number of suspected offenders reported in Austria. A total of 247,021 suspected offenders were reported in 2007,<sup>126</sup> while the figure was 270,160 in 2016.<sup>127</sup> During that period, however, the percentage of suspected offenders from the relevant third countries fell by about one per cent.

The statistics thus confirm the observations of the head of the Joint Operational Office under Criminal Intelligence Service Austria, who does not see visa liberalizations as giving rise to any criminal activity among

123 In this regard, Gerald Tatzgern explained that on basis of the statistical data no conclusions can be drawn whether, in fact, fewer offences exist or whether only fewer offences are reported. Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

124 Criminal Intelligence Service Austria, *Grafiken & Statistiken*, available at <https://bundeskriminalamt.at/501/start.aspx> (accessed on 31 May 2018).

125 FLG No. 631/1975, in the version of FLG I No. 32/2018.

126 Federal Ministry of the Interior, *Kriminalitätsbericht, Statistik und Analyse 2007*, available at [www.parlament.gv.at/PAKT/VHG/XXIV/III/III\\_00034/imfname\\_150709.pdf](http://www.parlament.gv.at/PAKT/VHG/XXIV/III/III_00034/imfname_150709.pdf) (accessed on 17 May 2018).

127 Federal Ministry of the Interior, *Kriminalitätsbericht 2016 Statistik und Analyse*, available at [www.bmi.gv.at/508/files/SIB\\_2016/03\\_SIB2016-Kriminalitaetsbericht\\_web.pdf](http://www.bmi.gv.at/508/files/SIB_2016/03_SIB2016-Kriminalitaetsbericht_web.pdf) (accessed on 12 July 2018).



citizens of the relevant third countries. It is also accordingly reported that no concerns have been voiced relating to a potential increase in crime as a result of visa liberalizations.<sup>128</sup> It should be noted in this connection that newly arriving citizens of the relevant third countries, in particular the Western Balkans, receive integration assistance from compatriots already residing in Austria. Those involved take pains to ensure that they get along well in the host society and comply with the rules of conduct in Austria, in order not to damage the reputation of their home country or their nationality.<sup>129</sup>

An Austrian survey on perceived sense of security provides further findings relating to the security risk. This survey actually reveals an increase in the perceived sense of security, despite the general rise in reported crimes.<sup>130</sup> At 11.7 per cent, a much smaller percentage of the Austrian population felt insecure in 2016 than in 2009 or 2014.<sup>131</sup> When this finding is added to the police crime statistics, it appears unlikely that visa liberalizations are associated with any increased security risk in Austria.

### 3.9.2 Smuggling of migrants

When looking at changes in patterns of people smuggling and human trafficking, one fact needs to be considered from the outset. According to experts, no direct relationship can be definitively established between visa liberalization and people smuggling or human trafficking, while visa requirements do not prevent these abuses but merely cause them to be channelled to other avenues.<sup>132</sup>

With most of the countries, visa liberalization did not lead to a higher incidence of people smuggling being reported in Austria, even though fluctuations and in some cases even increases had previously been recorded

128 Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

129 Ibid.

130 Der Standard, *Statistik Austria: Sicherheitsgefühl der Österreicher ist gestiegen*, 7 November 2017, available at <https://derstandard.at/2000067348742/Warum-die-untersten-Einkommen-in-Oesterreich-so-stark-sinken> (accessed on 30 May 2018).

131 Statistics Austria, *Physische Unsicherheit*, available at [www.statistik.at/web\\_de/statistiken/wohlstand\\_und\\_fortschritt/wie\\_gehts\\_oesterreich/lebensqualitaet/04/index.html#1\\_1](http://www.statistik.at/web_de/statistiken/wohlstand_und_fortschritt/wie_gehts_oesterreich/lebensqualitaet/04/index.html#1_1) (accessed on 12 July 2018).

132 Written input by Hannes Schreiber, Federal Ministry for Europe, Integration and Foreign Affairs, 11 July 2018.

(see Table 10 in the statistical annex). Only in the case of **Albania** has the number of persons identified as having been smuggled risen moderately over the long term. In the year when the visa policy was liberalized, 36 Albanian citizens were identified as smuggling victims, while the number was 52 in 2016 (see Table 11 in the statistical annex). The year 2015 represents a general exception. In that year, for all of the relevant and already visa-exempt third countries, significantly more individuals were identified as people smugglers than in the year when the visa policy was liberalized for the particular country. This sudden increase in 2015 was probably connected to the migration-related events of that year. The number for most of the countries correspondingly declined again in 2016. In the case of **Georgia** and **Ukraine**, however, visa exemptions were not introduced until 2017 and the data for that year are not yet available. It therefore cannot be determined whether the downward trend in the two years prior to visa liberalization continued afterwards or, if so, how the figures changed.

Despite this general decline, migration facilitators smuggling persons – subject to entry bans – to Austria from (relevant) third countries continue to play a major role in irregular migration, either by procuring forged or falsified documents or by recommending routes. The activities of migration facilitators have a massive impact on Austria, as the country is strongly affected by migration routes both across the Mediterranean and in the Balkans. This means, for example, that people smuggled to Germany almost always travel via Austria. Only rarely do migration facilitators avoid Austria and choose a route through Switzerland instead. Due to Austria's geographic location and the migration routes running through the country, Austria is almost invariably involved in people smuggling through neighbouring countries.<sup>133</sup>

### *3.9.3 Trafficking in human beings*

As observed above, in the view of experts no direct relationship exists between trafficking in persons and visa liberalizations.<sup>134</sup> After visa liberalizations, no general increase in the number of persons identified as involved in human trafficking was reported in Austria (see Table 12 in the

133 Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

134 Written input by Hannes Schreiber, Federal Ministry for Europe, Integration and Foreign Affairs, 11 July 2018.

statistical annex). Only for **Serbia** were varying figures recorded over the years, with a sudden increase seen in 2016 when 12 individuals were identified as being involved in human trafficking. Nevertheless, just one year later no one was identified as falling into this category. At the same time, police crime reports for 2007–2016<sup>135</sup> show only relatively few reports filed on account of suspected trafficking in human beings during the period under review, while there were even fewer convictions for this offence.<sup>136</sup>

Both the reports filed in Austria against citizens of the relevant third countries on suspicion of human trafficking as well as the convictions handed down against such individuals account for only a small fraction of the cases cited in police crime reports and in conviction statistics, as experts observe.<sup>137</sup> Nonetheless, these statistics do not make it reasonable to conclude that trafficking in persons from the relevant third countries is not an issue in Austria, since the statistics cover only the number of persons suspected or convicted of the offence. No statistics are available on the number of persons trafficked. And, in many cases, victims do not request the filing of a report.<sup>138</sup> Austria therefore continues to combat human trafficking, even after visa liberalizations (Reyhani, 2014:14).

### 3.9.4 Challenges

A specific challenge arising from visa liberalizations, mentioned by an expert from the Criminal Intelligence Service Austria, have been the increase in prostitution involving women from the relevant Western Balkan States. Due to the proximity of these countries to Austria, such women were deliberately lured to Austria or brought in organized transports, in particular just after visa liberalizations. Contacts were established via the internet and activities were carried out in hotel rooms, unbeknown to the hotel operators.<sup>139</sup>

135 Federal Ministry of the Interior, *Sicherheitsbericht*, available at [www.bmi.gv.at/508/start.aspx](http://www.bmi.gv.at/508/start.aspx) (accessed on 25 July 2018).

136 Statistics Austria, n.d.d., *statistical data on convictions: Number of final convictions according to the norm that determines the sentence*, available at <http://statcube.at/statistik.at/ext/statcube/jsf/tableView/tableView.xhtml#> (accessed on 11 June 2018).

137 Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

138 Written input by Katie Klaffenböck, IOM Country Office for Austria, 1 June 2018.

139 Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

The details above suggest that there has been no increase in security risks in Austria. Nonetheless, experts do not rule out the possibility that terrorism and radicalization could pose risks for Austria as well. In particular, the relatively lax procedures for awarding citizenship in the relevant third countries could result in a potential risk for Austria. By obtaining citizenship from a visa-exempt third country, individuals planning terrorist or radical activities are able to travel freely to and within Europe without additional close surveillance when entering the Schengen area.<sup>140</sup> There appears to be no specific risk or increase in such risks in connection with visa liberalizations.

### **3.10 Misuse of visa-free regimes**

Austria identifies the misuse of visa-free regimes as a challenge relating to visa liberalizations. After the visa requirement was waived for the particular country, tendencies were observed for citizens of several of the relevant third countries to misuse visa-free entry to Austria in order to gain easier access to the asylum system and the health-care system. While this phenomenon is not restricted to visa-exempt third countries, visa-free travel facilitates entry to Austria and thus access to the asylum system and the related social benefits.<sup>141</sup> As seen in practice, individuals specifically misuse visa exemption by using the facilitated entry into Austria and subsequently applying for asylum (without grounds).<sup>142</sup> Such an asylum application entitles the individual to benefits in Austria within the frame of material reception conditions (Art. 2 para 1 Federal Basic Care Act 2005).<sup>143</sup> Material reception conditions additionally entail social insurance with a regional health insurance fund (Art. 6 para 1 subpara 5 Agreement between the Federal State and the Provinces on Basic Care; Art. 15a Federal Constitutional Act),<sup>144</sup> and that fund must subsequently provide medical benefits.

140 Ibid.

141 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 15 June 2018; Interview with Gernot Resinger, Federal Ministry of the Interior, 10 July 2018 and Interview with Eva Pfleger, Federal Ministry of the Interior, 10 July 2018.

142 See also the decision by the Federal Administrative Court 6 March 2018, Federal Administrative Court L518 21876841.

143 FLG No. 405/1991, in the version of FLG I No. 32/2018.

144 FLG I No. 80/2004.

Considerable expense can be incurred when an insured foreigner has a serious illness requiring treatment.

According to the visa expert at the interior ministry, in counteracting misuse of visa-free entry Austria is focusing its efforts on the countries whose citizens are responsible for the majority of misuse cases relating to the asylum and health-care systems. Compared with other countries of origin, the incidence of citizens from the relevant third countries who apply for asylum in Austria as a means of receiving health-care benefits is relatively minor, according to the visa expert at the interior ministry. Austria has therefore taken no special measures in the context of visa liberalizations.<sup>145</sup> Mention should nonetheless be made of the settlement authority's confirmed practice of rejecting an individual's application for a residence title where that person has exceeded the maximum period of visa-free stay and thus misused the system of visa-free travel (Art. 11 para 1 subpara 5 Settlement and Residence Act); this practice has recently been upheld by the Supreme Administrative Court.<sup>146</sup>

Austria has not planned any specific measures for the near future, or we are currently not aware of such plans.<sup>147</sup> Closer observation is needed in any case where there are indications that a country's citizens are misusing visa-free travel, for example to facilitate access to the asylum and health-care systems.<sup>148</sup>

145 Interview with Gernot Resinger, Federal Ministry of the Interior, 10 July 2018.

146 Supreme Administrative Court, 22 March 2018, Ra 2017/22/0184.

147 Interview with Johannes Peyrl, Chamber of Labour Vienna, 1 June 2018; Interview with Wilfried Lehner, Finance Police, 22 June 2018.

148 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 15 June 2018.

## 4. CONCLUSIONS

The following section draws conclusions based on this study and evaluates visa liberalizations as well as the relevance of this study.

### 4.1 Evaluation of visa liberalizations

It does not seem possible to provide a general evaluation of the impact that visa liberalizations have had on Austria, since this impact varies considerably depending on the visa-exempt third country considered and the perspective.

Viewed in terms of expectations, it was anticipated that visa liberalizations would be rated positively on the whole, and positive changes were expected in anticipation of visa liberalizations.<sup>149</sup> From the perspective of foreign policy visa liberalizations are to be rated predominantly positive.<sup>150</sup> The liberalizations of visa requirements for Western Balkan States represents a further step towards EU membership for those countries, which means that the efforts championed by Austria's former foreign minister have been successful. In contrast to the public security concerns expressed prior to visa liberalizations by several politicians, the visa liberalizations seem to have had no or only negligible impact on Austria in relation to criminal activity. Thus, in terms of public security and the fight against crime, the impact of visa liberalizations should at least not be rated negatively. Existing challenges, such as gangs, extortion for protection money and organized crime, had already been observed prior to the introduction of the visa-free regimes<sup>151</sup> and are not taken into account in this evaluation. Finally, the increase in overnight stays by visitors from some of the relevant third countries should also be rated positively.<sup>152</sup>

149 Ibid.

150 Written input by Hannes Schreiber, Federal Ministry for Europe, Integration and Foreign Affairs, 11 July 2018.

151 Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

152 Written input by Christoph Sturm, Advantage Austria, 12 July 2018.

When viewed from the perspective of the labour market, visa liberalizations cannot be assessed positively. Visa liberalizations have resulted in increased irregular employment in Austria, with effects that include heightened pressure on the labour market.<sup>153</sup> From the standpoint of migration control, visa liberalizations have eliminated a mechanism for effectively controlling migration and is thus viewed with some caution by experts of the Federal Ministry for the Interior.<sup>154</sup> The incidences of misuse of the asylum and health-care systems arising after visa liberalizations also have to be rated as negative.

With reference to the number of applications for asylum, it remains unclear whether the changes were related to visa liberalizations (see section 3.4). Visa liberalizations have had no particular beneficial or detrimental effects on foreign trade and its impact is to be assessed as neutral in this area.<sup>155</sup> Visa liberalization seems to have had no or only marginal impact on cooperation with the relevant third countries. For the most part, no burden resulting from the visa exemptions has been observed in Austria.

Based on the summarized findings presented here and on the interviews conducted with experts, visa liberalizations appear to have had only marginal impact on Austria.<sup>156</sup> Apart from irregular employment, partial misuse of visa-free regimes, and tourism, no significant advantages or disadvantages in the aftermath of visa liberalizations can be identified. Thus, the impact of the visa liberalizations should probably be rated as mostly neutral.

In connection with the assessment of visa liberalizations potential detrimental effects for visa exempt third countries should also be mentioned. Visa liberalizations always entail a risk of brain drain, whereby well-educated members of the population in visa-exempt third countries are encouraged to emigrate, resulting in an enormous loss of potential for those countries.<sup>157</sup>

153 Interview with Marcus Strohmeier, Austrian Trade Union Federation, 9 July 2018.

154 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 15 June 2018.

155 Written input by Christoph Sturm, Advantage Austria, 12 July 2018.

156 Interview with Gerald Tatzgern, Criminal Intelligence Service Austria (Joint Operational Office against Human Smuggling Networks), 22 June 2018.

157 See also: Kurier, *Den Balkanstaaten laufen die Jungen davon*, 9 July 2018, available at <https://kurier.at/politik/ausland/den-balkanstaaten-laufen-die-jungen-davon/400063748> (accessed on 12 July 2018).

## 4.2 Relevance of the study results

This national report is relevant for policymakers both in Austria and at European level, considering that future visa liberalizations for other countries can be achieved only through collaboration of the European institutions with the Member States. The national report correspondingly contributes to broadening the basis upon which visa liberalization decisions are to be taken in future.

The topics discussed in this report, along with the advantages and challenges that visa liberalizations have brought for Austria, allowing conclusions to be drawn for the future based on developments observed in the past. Yet a necessary prerequisite for a broad decision-making basis is to collect relevant data in detail. This national report reveals a lack of such data in many cases, so that current trends cannot be identified. Nor is it apparently possible to examine the impact of visa liberalizations in retrospect. It is similarly not possible to draw on past developments to make forecasts that could be subsequently used in fact-based decisions regarding visa liberalizations in future.

It should also be noted that visa liberalizations do not necessarily always mean advantages for the third countries involved. There is a risk in particular of facilitating and encouraging the emigration of qualified and educated citizens of such countries. Under certain circumstances this can lead to the particular home country losing considerable potential. The European Union needs to consider such aspects in future, taking them into account when defining strategies in order to be able to achieve its long-term objectives.



# ANNEXES

## A.1 Statistical annex

**Table 1: Total number of first residence permits issued for education reasons to visa-free country nationals**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	n/i	40	35	47	75	86	88	80	124	94	n/i
Montenegro	n/i	5	8	11	19	24	29	40	52	36	n/i
Serbia	n/i	176	145	209	369	507	467	549	686	469	n/i
Albania	n/i	39	48	48	69	86	88	95	135	123	n/i
Bosnia and Herzegovina	n/i	245	206	205	445	693	896	1 093	1 242	823	n/i
Republic of Moldova	n/i	32	29	15	10	11	17	15	14	10	n/i
Georgia	n/i	17	32	36	36	49	46	39	52	49	n/i
Ukraine	n/i	72	110	127	179	288	229	358	455	437	n/i
Total (all third-country nationals)	n/i	2,853	3,233	3,735	5,031	6,298	5,538	6,350	7,063	5,770	n/i

Source: Eurostat, *First permits by reason, length of validity and citizenship [migr\_resfirst]*, exported on 16 July 2018.

**Table 2: Total number of short-stay visa applications by third country**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Montenegro	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Serbia	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Albania	n/i	n/i	n/s	3,172	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Bosnia and Herzegovina	n/i	n/i	n/i	10,142	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Republic of Moldova	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Georgia	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Ukraine	n/i	n/i	n/i	26,655	29,471	32,754	30,633	22,510	19,583	22,472	10,578
Total (visa applications of all third countries)	n/i	n/i	n/i	280,328	283,540	304,798	313,579	266,356	259,167	268,388	304,556

Source: Migration and Home Affairs, *Visa policy, Complete statistics on short-stay visas issued by the Schengen States*, accessed on 12 July 2018.

Note: The data does not refer to the nationality of persons of visa free countries but rather to the embassies in the respective country where the visa was requested or denied.

**Table 3: Total number of short-stay visa application refusals by third country**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Montenegro	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Serbia	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Albania	n/i	n/i	n/i	132	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Bosnia and Herzegovina	n/i	n/i	n/i	1,237	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Republic of Moldova	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Georgia	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Ukraine	n/i	n/i	n/i	317	385	417	224	173	223	207	178
Total (denied visa applications of all third countries)	n/i	n/i	n/i	n/i	13,001	10,337	9,651	7,204	8,564	8,173	14,233

*Source:* Migration and Home Affairs, *Visa policy, Complete statistics on short-stay visas issued by the Schengen States*, accessed on 12 July 2018.

*Note:* The data does not refer to the nationality of persons of visa free countries but rather to the embassies in the respective country where the visa was requested or denied.

**Table 4: Total number of nationals found to be irregularly present from the visa-free countries**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	n/i	380	345	195	175	200	215	180	95	140	200
Montenegro	n/i	10	20	10	15	30	20	20	5	10	25
Serbia	n/i	2,290	1,280	855	940	1,015	1,090	815	460	660	855
Albania	n/i	235	215	155	100	105	190	190	220	265	405
Bosnia and Herzegovina	n/i	195	170	180	175	245	275	255	70	180	260
Republic of Moldova	n/i	445	380	265	220	115	90	50	25	40	55
Georgia	n/i	490	895	450	345	410	340	390	290	350	330
Ukraine	n/i	280	220	230	195	185	190	410	350	200	300
Total (all third countries)	n/i	14,500	17,145	15,220	20,080	23,135	25,960	33,055	86,220	49,810	26,660

*Source:* Eurostat, *Third country nationals found to be illegally present – annual data (rounded) [migr\_eipre]*, exported on 16 July 2018.

**Table 5: Total number of asylum applications received from visa-free countries**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	155	205	160	195	85	120	170	160	300	115	120
Montenegro	15	15	10	5	5	15	10	20	15	5	0
Serbia	1,760	1,700	730	365	205	300	210	360	325	195	155
Albania	55	35	70	20	20	35	70	65	140	80	50
Bosnia and Herzegovina	80	110	50	65	65	130	105	200	45	50	45
Republic of Moldova	545	220	215	130	80	55	35	30	25	15	30
Georgia	400	510	975	370	260	300	255	415	405	350	455
Ukraine	180	140	120	80	65	80	60	455	505	375	490
Total (all third countries)	11,920	12,715	15,780	11,045	14,420	17,415	17,500	28,035	88,160	42,255	24,715

Source: Eurostat, *Asylum applicants by citizenship till 2007 Annual data (rounded) [migr\_asyetz]*, exported on 10 July 2018;

Eurostat, *Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr\_asyappctza]*, exported on 10 July 2018.

**Table 6: Total number of return decisions issued to nationals from the visa-free countries**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	n/i	255	310	430	260	210	180	n/i	420	525	205
Montenegro	n/i	15	20	10	20	15	15	n/i	30	45	25
Serbia	n/i	2,305	1,460	1,040	710	700	700	n/i	1,195	1,715	845
Albania	n/i	105	80	110	65	70	115	n/i	205	285	180
Bosnia and Herzegovina	n/i	245	190	170	170	180	150	n/i	355	435	170
Republic of Moldova	n/i	325	305	240	125	65	60	n/i	75	100	55
Georgia	n/i	355	650	485	280	235	160	n/i	95	245	235
Ukraine	n/i	230	210	60	110	65	95	n/i	125	155	305
Total (all third countries)	n/i	8,870	10,625	11,050	8,520	8,160	10,085	n/i	9,910	11,850	8,850

Source: Eurostat, *Third country nationals ordered to leave – annual data (rounded) [migr\_eiord]*, exported on 17 July 2018.

**Table 7: Total number of visitors staying in hotels and other accommodation establishments from the visa-free countries**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Montenegro	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Serbia	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Albania	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Bosnia and Herzegovina	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Republic of Moldova	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Georgia	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i	n/i
Ukraine	149,940	203,501	209,856	226,260	282,264	326,274	360,952	343,231	292,796	304,389	338,193
Total (all third countries)	121,450,702	126,718,888	124,307,317	124,880,764	126,002,551	131,016,081	132,629,032	131,900,739	135,249,467	140,876,953	144,500,153

Source: Statistics Austria, n.d.c., *Nächtigungen nach Herkunftsland und Kalenderjahr*, exported on 16 July 2018.

**Table 8: Total number of first residence permits issued for remunerated activities reasons to visa-free country nationals**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	n/i	12	13	27	24	51	65	53	44	37	n/i
Montenegro	n/i	5	1	4	8	15	12	8	10	12	n/i
Serbia	n/i	161	75	145	163	215	273	329	272	277	n/i
Albania	n/i	9	6	8	3	12	13	13	15	26	n/i
Bosnia and Herzegovina	n/i	66	51	47	112	188	353	323	299	252	n/i
Republic of Moldova	n/i	16	13	9	9	7	9	7	7	4	n/i
Georgia	n/i	108	91	77	99	103	84	88	80	67	n/i
Ukraine	n/i	242	189	215	217	216	207	202	237	176	n/i
Total (all third countries)	n/i	3,096	2,692	2,923	3,244	3,721	3,555	3,442	3,598	3,337	n/i

Source: Eurostat, *First permits by reason, length of validity and citizenship [migr\_resfirst]*, exported on 16 July 2018.

**Table 9: Total number of suspected irregular employees from visa-free States**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	125	252	317	432	324	239	208	275	212	358	265
Montenegro	0	0	3	11	13	6	11	16	14	10	7
Serbia	682	1,138	1,024	1,242	1,409	923	1,012	1,197	965	801	867
Albania	35	38	31	40	42	37	46	72	39	73	73
Bosnia and Herzegovina	293	566	587	1,099	998	798	1,140	1,552	1,305	1,907	1,005
Republic of Moldova	30	29	47	34	32	21	21	13	7	24	25
Georgia	53	100	60	78	19	41	27	33	22	45	33
Ukraine	72	80	86	92	98	80	77	79	145	173	247
Total (all third countries)	1,290	2,203	2,155	3,028	2,935	2,145	2,542	3,237	2,709	3,391	2,522

Source: Finance Police, 2018. *Anzahl der mutmaßlich illegalen Personen in Strafanträgen (AM) 2007–2017*, provided on 19 June 2018.

**Table 10: Total number of people identified as traffickers from visa-free countries**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	5	7	10	3	1	1	2	1	19	3	n/i
Montenegro	0	0	1	0	0	0	0	4	3	1	n/i
Serbia	44	52	55	15	21	26	17	57	197	17	n/i
Albania	5	11	15	5	1	3	0	1	11	7	n/i
Bosnia and Herzegovina	5	5	5	1	0	4	3	4	8	3	n/i
Republic of Moldova	16	11	5	4	3	1	1	0	1	2	n/i
Georgia	6	2	9	1	1	5	2	1	1	1	n/i
Ukraine	53	6	4	1	5	0	2	6	11	10	n/i
Total (all third countries)	693	682	438	327	288	235	352	511	1,108	249	n/i

Source: Federal Ministry of the Interior, *Statistiken zur Anzahl der als Schlepperidentifizierter Personen (facilitator of unauthorized entry, stay or transit) aus visafreien Staaten nach rechtskräftigen Verurteilungen 2007–2016*, provided on 13 July 2018.

**Table 11: Total number of smuggled persons from the visa-free countries**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	113	151	113	21	18	38	46	49	36	49	n/i
Montenegro	0	1	8	0	1	5	5	2	0	2	n/i
Serbia	1,447	774	625	157	64	90	108	198	153	79	n/i
Albania	108	74	70	36	7	16	38	49	74	52	n/i
Bosnia and Herzegovina	69	72	58	38	23	52	39	64	2	19	n/i
Republic of Moldova	777	261	171	81	37	26	16	14	16	5	n/i
Georgia	318	318	583	187	126	200	166	319	282	246	n/i
Ukraine	616	79	59	37	25	47	46	330	304	154	n/i
Total (all third countries)	9,842	9,987	10,248	6,779	9,812	12,426	12,323	20,768	72,179	27,850	n/i

Source: Federal Ministry of the Interior, *Statistiken zur Anzahl der Personen aus visafreien Staaten, die als geschleppte Personen identifiziert wurden nach rechtskräftigen Verurteilungen 2007–2016*, provided on 13 July 2018.

**Table 12: Total number of trafficked persons from the visa-free countries**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
The former Yugoslav Republic of Macedonia	0	0	0	0	0	0	0	0	0	0	0
Montenegro	0	0	0	0	0	0	0	0	0	0	0
Serbia	0	0	1	0	5	2	2	2	2	12	0
Albania	0	0	0	0	0	0	0	1	0	0	0
Bosnia and Herzegovina	0	0	0	0	0	0	0	0	0	0	0
Republic of Moldova	0	0	0	0	0	0	0	0	0	0	0
Georgia	0	0	0	0	0	0	0	0	0	0	0
Ukraine	0	0	0	0	0	0	0	0	0	0	0
Total (all third countries)	12	4	22	13	23	28	24	48	69	41	61

Source: Federal Ministry of the Interior, *Statistiken zur Anzahl der Betroffene von Menschenhandel aus visafreien Staaten nach rechtskräftigen Verurteilungen 2007–2017*, provided on 13 July 2018.

## A.2 List of translations and abbreviations

English term	English abbreviation	German term	German abbreviation
Act Governing the Employment of Foreign Nationals	–	Ausländerbeschäftigungsgesetz	AuslBG
Agreement between the Federal State and the Provinces on Basic Care		Grundversorgungsvereinbarung	B-VG
Aliens Police Act 2005	–	Fremdenpolizeigesetz 2005	FPG
Austrian Freedom Party	–	Freiheitliche Partei Österreich	FPÖ
Austrian People's Party	–	Österreichische Volkspartei (auch Neue Volkspartei)	ÖVP
Border Control Act	–	Grenzkontrollgesetz	GrekoG
Code of Criminal Procedure 1975	–	Strafprozeßordnung 1975	StPO
Commonwealth of Independent States	CIS	Gemeinschaft Unabhängiger Staaten	GUS
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Union	EU	Europäische Union	EU
Federal Basic Care Act 2005	–	Grundversorgungsgesetz – Bund 2005	GVG-B 2005
Federal Law Gazette	FLG	Bundesgesetzblatt	BGBL.
Federal Law Gazette	FLG	Staatsgesetzblatt	StGBL.
Federal Ministry of the Interior	–	Bundesministerium für Inneres	BMI
Imperial Law Gazette	ILG	Reichsgesetzblatt	RGBL.
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
material reception conditions	–	Grundversorgung	GVS
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
Official Journal of the European Union	OJ	Amtsblatt der Europäischen Union	ABL.
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz	NAG
Social Democratic Party of Austria	–	Sozialdemokratische Partei Österreichs	SPÖ
United Nations	UN	Vereinte Nationen	VN

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