

The relationship between human smuggling and the asylum system in Austria

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Abstract: Qualitative evidence on human smuggling and the asylum system in Austria suggests that there are strong links between the two phenomena. This paper asks, whether there is also statistical evidence to support this presumption. Using data on the asylum system as well as on apprehension of illegal migrants in Austria, this question is addressed by looking at the nationalities of asylum seekers and illegal as well as smuggled migrants. Apprehended illegal migrants do indeed apply for asylum quite frequently, a fact that also shows up in statistics on the nationalities of asylum seekers. In addition, those nationalities that have been identified as having been smuggled into Austria most frequently are also among those that have the highest rates of disappearance during the asylum procedures. Moreover, the tendency to „disappear“ before a decision is made in first instance is not linked to the chances to be granted asylum in Austria as expressed by recognition rates.

Keywords: asylum, human smuggling, illegal migrants

Biographical Note:

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Introduction

There has long been an assumption that the asylum system in Austria is frequently used for non protection-related migration goals as well as for protection-related goals.¹ More particularly, various experts dealing with illegal migration have indicated that the asylum system often serves as a temporary „resting place“ for migrants, who use Austria as a transit point on their way to other European countries. In what follows, this assumption is tested using statistics from 2002 both on the asylum system² and on apprehended illegal migrants³.

What is apparent from the statistics on asylum applications and statistics on status decisions is that a very substantial part of asylum seekers „disappear“ during asylum procedures, often only a few days after having made an application. In 2002, there were 39,354 asylum applications, while 24,523 persons (corresponding to 62 per cent of asylum applications in the same year) had their case closed without a positive or negative decision being made, mainly because they disappeared during the procedures.⁴

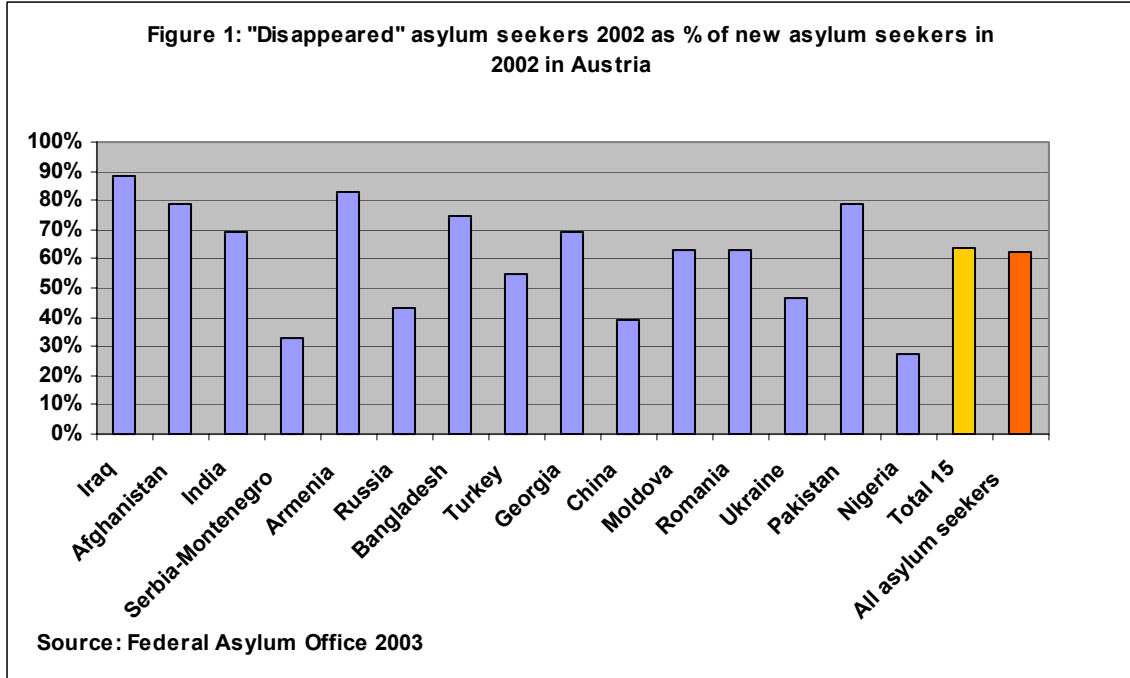
As the following chart indicates, there is a strong tendency of certain nationalities of asylum seekers to disappear during asylum procedures. For example, in 2002 there were 6,651 asylum seekers from Afghanistan, while 5,229 Afghani asylum seekers disappeared (corresponding to 79 per cent of asylum applications in the same year). This tendency was particularly strong for Iraqi asylum seekers (88 per cent), while it was weakest for asylum seekers from Serbia and Montenegro (33 per cent) and Nigeria (27 per cent) (Figure 1).

¹ The present paper does not attempt to address the question of whether the asylum system has become the preferred or even the only option of gaining access to European countries. Neither does it address the question of whether illegal migration (with or without the assistance of smugglers) has become the only option of gaining access to protection in European countries as entry regulations have become increasingly strict. Instead, the present paper explores the link between human smuggling and asylum with a purely data-oriented approach.

² Republik Österreich, Bundesministerium für Inneres, Sektion III, „Asylstatistik 2002“, revised version of July 2003. The statistics refer to asylum applications in first instance only and are collected by the Federal Asylum Office, which is responsible for first-instance procedures.

³ Republik Österreich, Bundesministerium für Inneres, Bundeskriminalamt, „Organisierte Schlepperkriminalität. Jahresbericht 2002“, February 2003. The statistics are collected by the Federal Criminal Police. For a definition of „apprehended illegal migrants“ see below.

⁴ More precisely: in 2002, 20,250 or 81.7 % of all 24,523 cases closed without a positive or negative decision were closed for reasons of disappearance, 2,024 or 8.2 % were closed due to a withdrawal of applications, 1,930 or 7.8 % were closed for having become obsolete and 577 or 2.3 % were closed for other reasons. It has to be mentioned that not all cases „otherwise closed“ in 2002 refer to applications made in 2002. However, according to officials from the Federal Asylum Office, the great majority of cases „otherwise closed“ in 2002 were due to asylum seekers disappearing already after a few days after having filed an application. Moreover, a similar breakdown of „cases otherwise closed“ according to nationalities is not available. Given these gaps in available data, the number of „cases otherwise closed“ per nationality in 2002 will be used in the following analysis as a proxy for the number of asylum seekers „disappeared“ during procedures even if, strictly speaking, they do not necessarily refer to the same group.

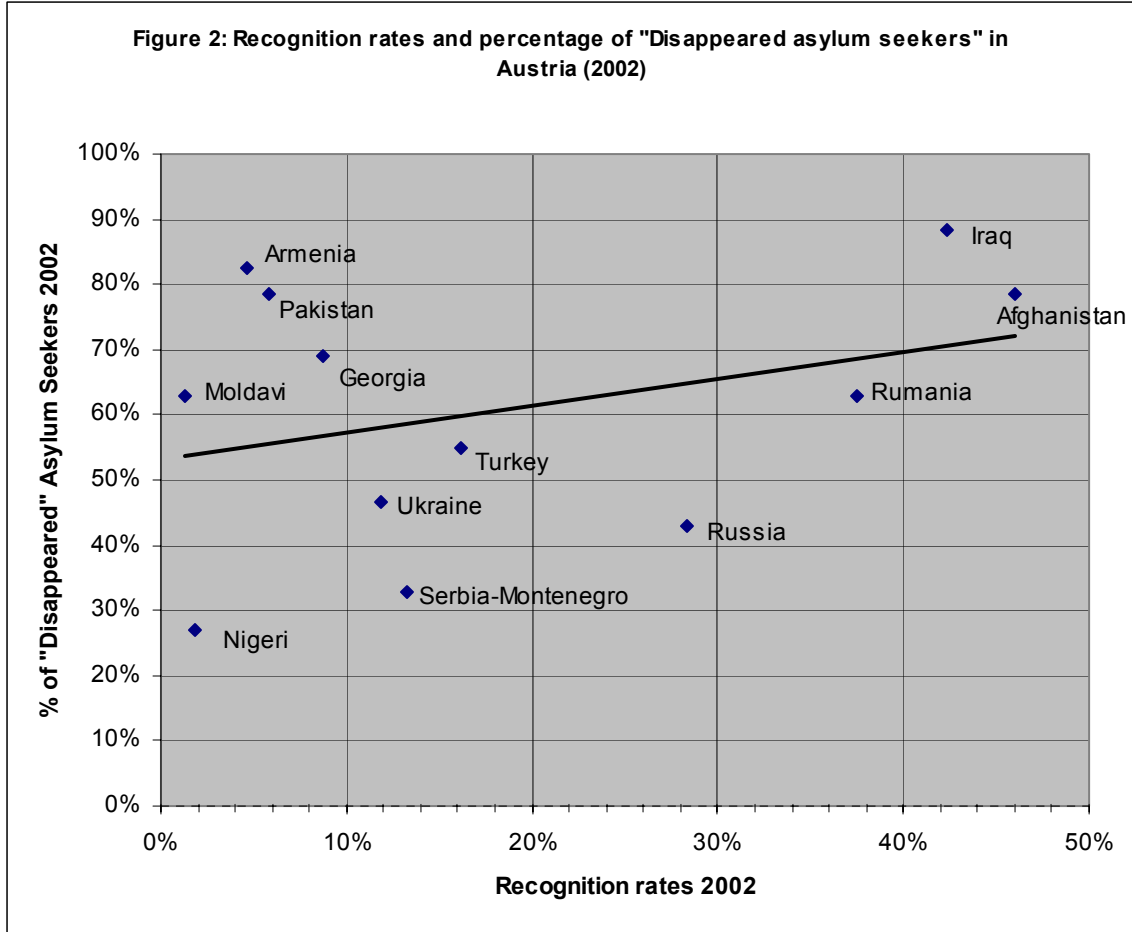


It might be expected that the share of those asylum seekers not awaiting a decision in first instance would be higher for those nationalities with lower chances of receiving a positive decision. However, when looking at actual recognition rates (defined as positive decisions out of all positive and negative decisions, excluding those disappeared⁵), it turns out that this expectation is false. In fact, there is no strong relationship between the two variables⁶ (Figure 2). Thus, the figures provide evidence that the decision to stay within the asylum system and to await a (positive or negative) decision is not linked to the chances of being granted asylum (as expressed by recognition rates per nationality) but is linked to other, external, factors, such as the desire to join family and friends in other countries (presumably states with long established and larger migrant communities).⁷

⁵ In 2002, the Federal Asylum Authorities pronounced a total of 4,285 negative decisions and 1,073 positive decisions, giving a total recognition rate of 20 %.

⁶ The correlation coefficient R Square is 0,07 (95 % confidence level), while the standard error is 0,19. If anything there is a slightly positive correlation (statistically not significant) between recognition rates and the percentage of those who disappeared (as indicated by an upward sloping regression line), although it remains unclear how this could be explained. Perhaps there is a „positive self-selection“ of those who decide to stay within the Austrian asylum system, so that those who await their decision have a higher chance of being granted a positive decision (which would mean that the higher the rate of disappearance of those with fewer chances, the higher the chances and the higher recognition rate of those remaining, e.g. Afghans and Iraqis). On the other hand, relatively few Yugoslavs, Russians and especially Nigerians disappear during procedures, though their recognition rates in first instance are below those of other countries.

⁷ It should be pointed out that the fact that other factors play a role in the decision to continue the journey from Austria does not necessarily imply that protection-related factors are or have been non-existent in the decision to migrate, irrespective of the current legal framework within the European Union (first-country-of-asylum rule).

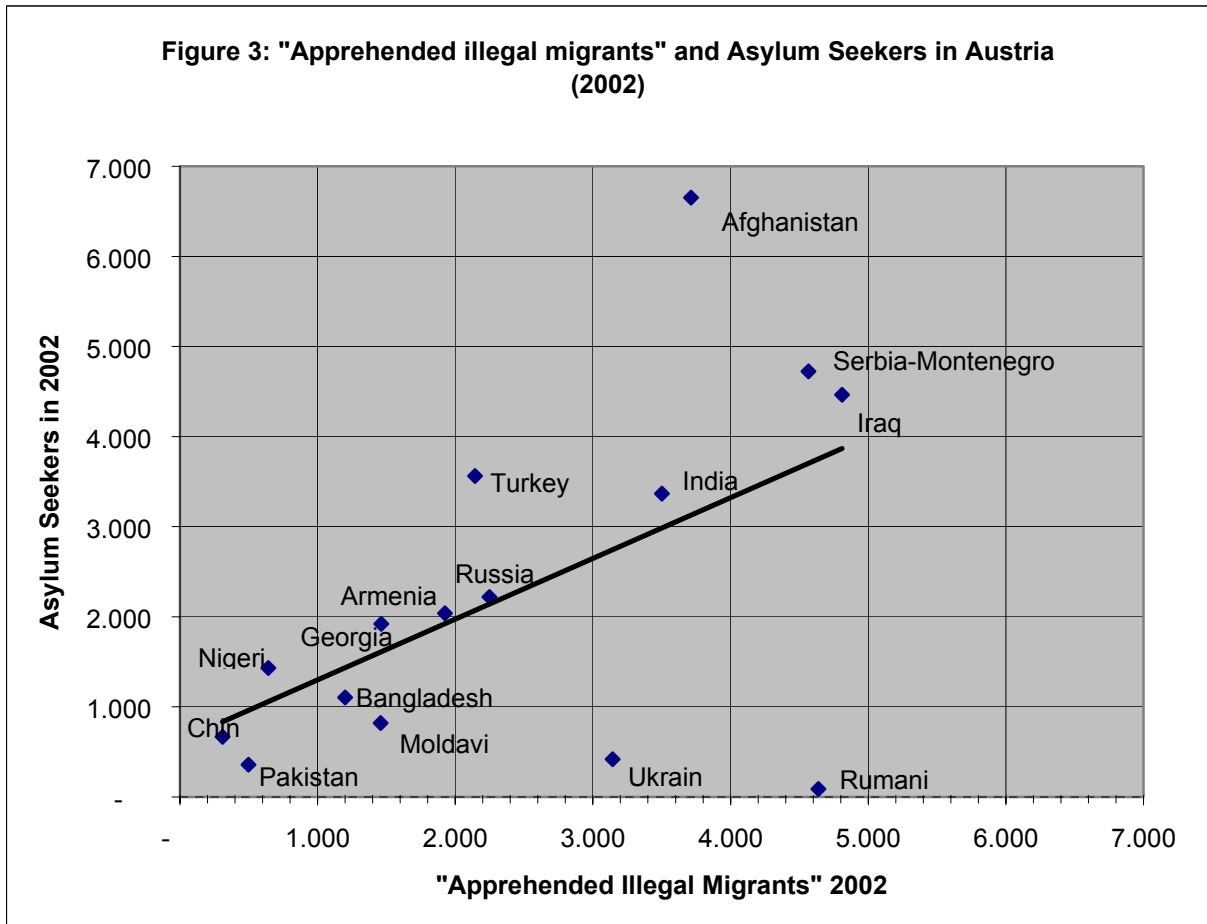


The above analysis leads to the question of whether and to what extent the asylum system is linked to illegal migration to and through Austria. It is now a widely held view among migration experts in Austria that the country functions mainly as a transit point for illegal migrants heading to other countries further west or south. In 2002, a total of 48,436 migrants were apprehended by the police either for illegal border crossing or for illegal residence in Austria. The most important nationalities (in decreasing order) were Iraq, Rumania, Yugoslavia, Afghanistan, India and Ukraine.

The extent to which the asylum system is enlisted in the process of illegal migration, however, varies between nationalities as Figure 3, positing the numbers of apprehended illegal migrants in Austria opposite the number of asylum seekers per nationality, suggests.⁸ Rumanians (who are mainly apprehended for visa-overstaying on their way out of Austria), Ukrainians and Moldovans make up sizeable parts of all illegal migrants apprehended; yet the same nationalities apply only seldom for asylum. On the other hand, there were more Afghanis, Turks, Georgians, Nigerians and Chinese who applied for asylum than there were apprehensions from these nationalities, indicating that nationals from these countries apply for asylum, even if not apprehended. For Yugoslavs, Iraqis,

⁸ According to the definition of the Austrian Federal Police, apprehended illegal migrants are all aliens apprehended (both at border and in-country) for reasons of illegal entry or illegal residence.

Indians, Russians, Armenians and Pakistani the apprehension figures were about the same as the number of asylum applications (see Figure 3).⁹



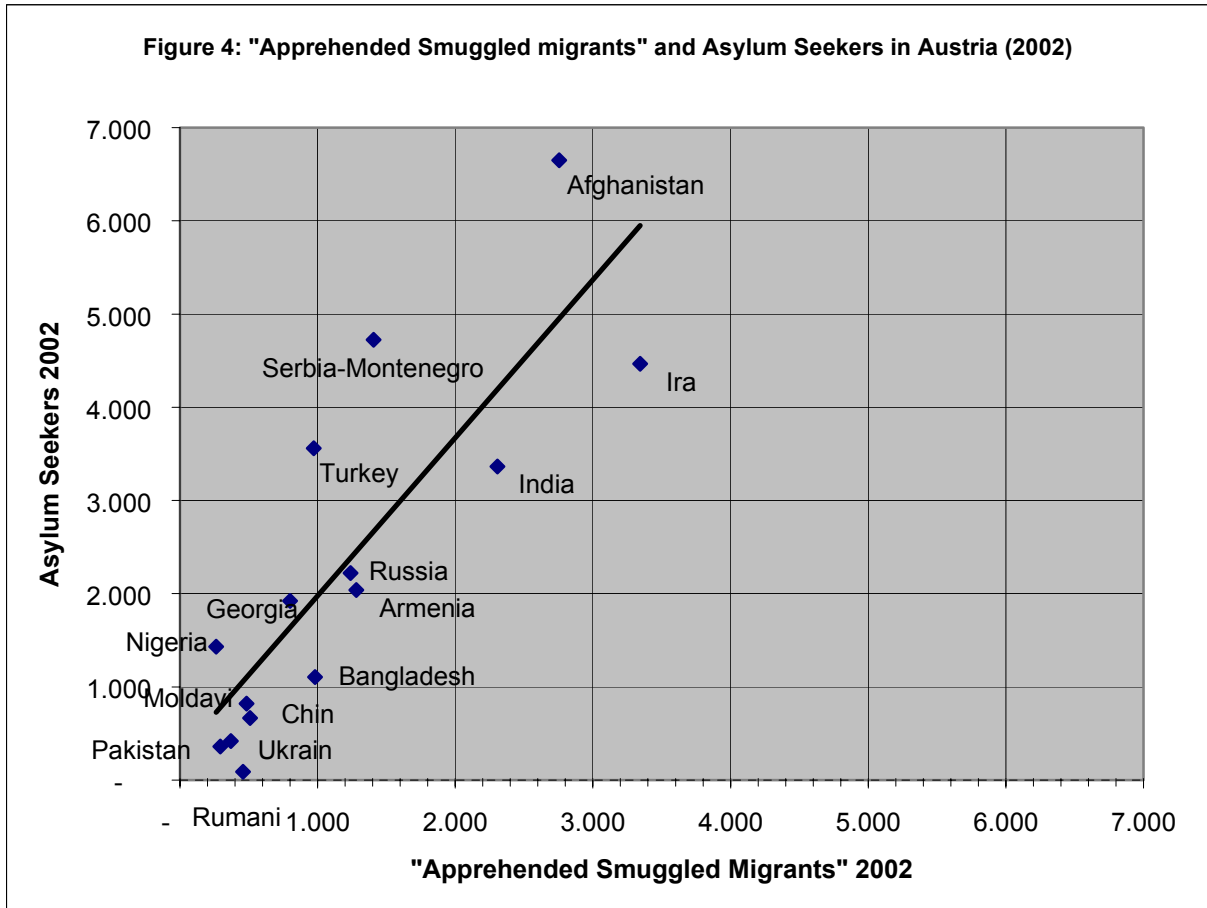
The above graph suggests that there is a strong relationship between apprehension figures of illegal migrants and asylum applications for certain nationalities, while the same relationship is rather weak for other nationalities. In particular, qualitative research on the organisation of human smuggling¹⁰ indicates that smugglers often instruct their clients on how, where and under what circumstances to apply for asylum. Thus, there is an assumption that a strong relationship between the numbers of smuggled migrants and asylum seekers according to nationalities exists. As Figure 4 demonstrates, there is indeed such a relationship.¹¹ Using data on smuggled migrants¹² only (rather than all

⁹ The correlation coefficient R Square is 0,30 (95 % confidence level), while the standard error is 1,673.

¹⁰ European research project on "Human Smuggling and Trafficking in Migrants. Types, Origins and Dynamics in a Comparative and Interdisciplinary Perspective", carried out by ICMPD 2002 – 2005 in collaboration with five European migration research institutes on the initiative of the European Science Foundation (ESF) and with financial support of the Austrian Science Foundation (FWF). Qualitative research methods used include migrant interviews, analysis of court files (of human smuggling and trafficking cases) and expert interviews.

¹¹ The correlation coefficient R Square is 0,69 (95 % confidence level), while the standard error is 1,103.

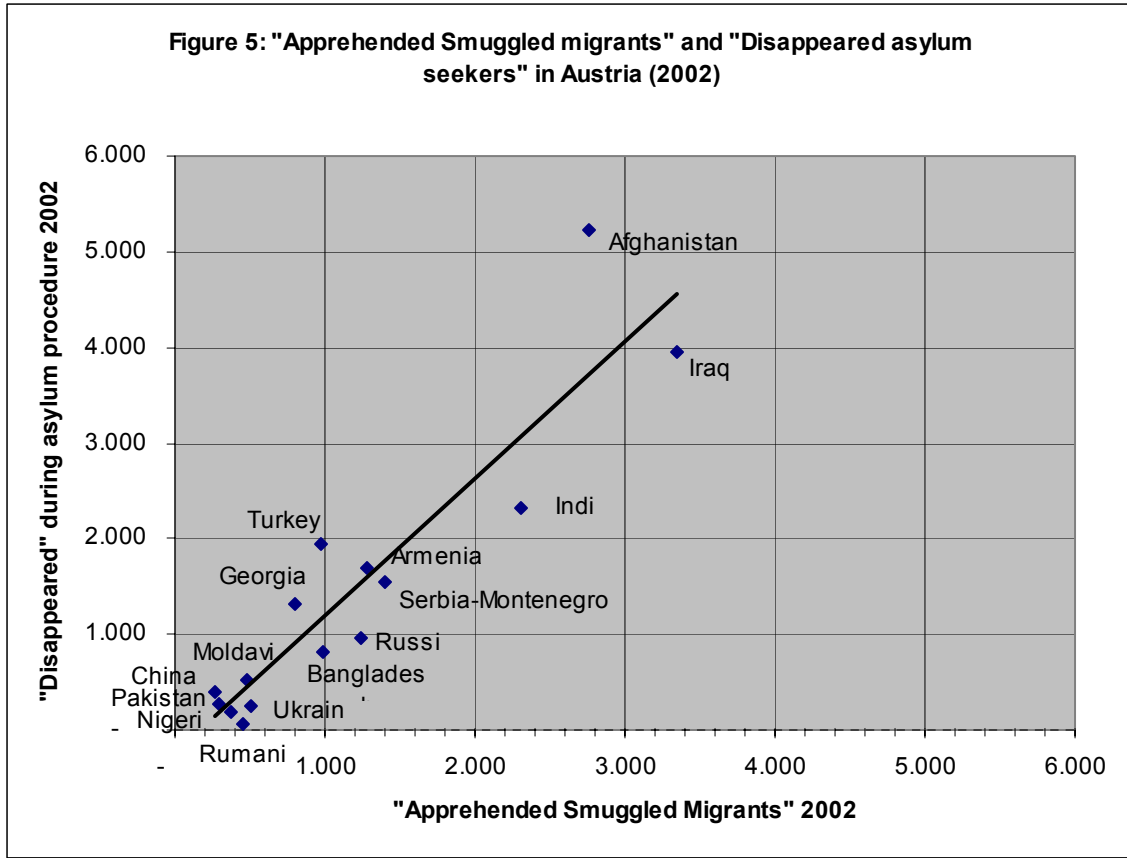
apprehended illegal migrants), the number of asylum seekers was higher than the number of apprehended smuggled migrants for all nationalities, except Rumania (where there were few smuggled migrants as well as asylum seekers; see Figure 4).



Finally, the question should be posed, whether smuggled migrants use the asylum system only as a temporary „resting place“ before continuing their journey or whether they see asylum in Austria as their final destination. As the graph below indicates, there appears to be a strong correlation between the numbers of apprehended smuggled migrants in Austria and the number of asylum seekers who disappear during asylum procedures (see Figure 5).¹³

¹² According to the definition of the Austrian Federal Criminal Police, apprehended smuggled migrants (both at the border and in-country) are those apprehended illegal migrants (out of all apprehended illegal migrants) where there were strong indications that they had used the services of human smugglers.

¹³ The correlation coefficient R Square is 0,84 (95 % confidence level), while the standard error is 609.



Conclusion

Statistical correlations cannot provide ultimate proof of causality. In addition, the data used for this analysis are fraught with difficulties, concerning both asylum as well as apprehension data. Therefore, the statistical correlations presented here need to be interpreted with caution. Nevertheless, the data presented here can corroborate qualitative findings and insights into the processes of human smuggling and their links to the asylum system in Austria, that have been gained through non-quantitative research methods (migrant interviews, analysis of court files and expert interviews) applied in the framework of a larger multi-year research project on human smuggling (see above).

This paper demonstrates that there is a strong statistical relationship between illegal migration, human smuggling, the asylum system and the phenomenon of disappearance of asylum seekers while still awaiting their decision. A large part of all asylum seekers in Austria disappears during asylum proceedings. However, the tendency to „disappear“ (that is, most likely, in order to continue the journey to other European countries) is not linked to the chances of being granted asylum in Austria as expressed by recognition rates. On the other hand, certain nationalities of apprehended illegal migrants (and in particular those linked to human smuggling) do show up in asylum statistics very frequently. Moreover, those nationalities that have been identified as having been smuggled to Austria most frequently are also among those that have the highest rates of disappearance during asylum procedures. While only a part of all asylum seekers have

been previously apprehended by police authorities and not all apprehended migrants linked to smuggling go into the asylum system, the correlation is certainly strong enough to be suggestive of a very strong link between human smuggling and the asylum system in Austria.

The statistical analysis presented here provides but a glimpse of the wider European picture. It would certainly be interesting to compare the Austrian data with similar insights from other European countries. One question that can be posed is whether the same individuals that disappear from the Austrian asylum system later apply for asylum in other European countries, thus contravening the rule of first-country-of-asylum. To do so, however, requires micro-data sets on individuals, which are not yet available. Since the EURODAC system went into operation in January 2003 (collecting and exchanging finger-print data of asylum-seekers in most EU countries), such data should become available in the near future. Moreover, it is to be expected that an improved implementation of the Dublin regime aimed at through the use of the EURODAC system (readmission to the first-country-of-asylum) will have an impact on the migration decisions of asylum seekers. The present analysis can thus serve as a reference point as well as a yardstick for evaluating the effectiveness of the EURODAC system.

References

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Annex

| Table 1: The relationship of asylum applications and disappearances in Austria 2002 | | | |
|--|----------------------------|-----------------------------|------------|
| | asylum seekers 2002 | "disappeared" 2002 * | % |
| Iraq | 4.466 | 3.946 | 88% |
| Afghanistan | 6.651 | 5.229 | 79% |
| India | 3.366 | 2.328 | 69% |
| Serbia-Montenegro | 4.723 | 1.547 | 33% |
| Armenia | 2.038 | 1.684 | 83% |
| Russia | 2.221 | 953 | 43% |
| Bangladesh | 1.104 | 823 | 75% |
| Turkey | 3.561 | 1.950 | 55% |
| Georgia | 1.921 | 1.324 | 69% |
| China | 666 | 261 | 39% |
| Moldova | 819 | 516 | 63% |
| Romania | 89 | 56 | 63% |
| Ukraine | 418 | 195 | 47% |
| Pakistan | 359 | 282 | 79% |
| Nigeria | 1.432 | 388 | 27% |
| Total 15 | 33.834 | 21.482 | 63% |
| Total asylum seekers/ disappeared | 39.354 | 24.523 | 62% |
| * "Disappeared" are all halted procedures: 82% for reasons of disappearance, 8% for withdrawal of applications, 8% for having become obsolete and 2 % other. No further breakdown according to nationalities exists. | | | |
| Source: Ministry of the Interior data | | | |

| Table 2: Recognition rates in Austria 2002 | | | |
|---|--------------------------------|--------------------------------|-------------------|
| | positive decisions 2002 | negative decisions 2002 | % positive |
| Iraq | 117 | 159 | 42% |
| Afghanistan | 263 | 308 | 46% |
| India | n.a. | 192 | 0% |
| Serbia-Montenegro | 191 | 1.249 | 13% |
| Armenia | 10 | 205 | 5% |
| Russia | 36 | 91 | 28% |
| Bangladesh | n.a. | 52 | 0% |
| Turkey | 68 | 352 | 16% |
| Georgia | 13 | 136 | 9% |
| China | n.a. | 52 | 0% |
| Moldova | 1 | 77 | 1% |
| Romania | 3 | 5 | 38% |
| Ukraine | 9 | 67 | 12% |
| Pakistan | 3 | 49 | 6% |
| Nigeria | 6 | 322 | 2% |
| Total 15 | 720 | 3.316 | 18% |
| Total decisions | 1.073 | 4.285 | 20% |
| Source: Ministry of the Interior data | | | |

| | recognition rate # | "% disappeared" 2002 § |
|--|--------------------|------------------------|
| Iraq | 42% | 88% |
| Afghanistan | 46% | 79% |
| India | | 69% |
| Serbia-Montenegro | 13% | 33% |
| Armenia | 5% | 83% |
| Russia | 28% | 43% |
| Bangladesh | | 75% |
| Turkey | 16% | 55% |
| Georgia | 9% | 69% |
| China | | 39% |
| Moldova | 1% | 63% |
| Romania | 38% | 63% |
| Ukraine | 12% | 47% |
| Pakistan | 6% | 79% |
| Nigeria | 2% | 27% |
| Total 15 | 18% | 63% |
| % of all asylum seekers | 20% | 62% |
| * "Disappeared" are all halted procedures: 82% for reasons of disappearance, 8% for withdrawal of applications, 8% for obsolence and 2 % other. No further breakdown according to nationalities exist. | | |
| # the recognition rate is the % of positive decisions in all positive + negative decisions (excluding disappearances) | | |
| § the % disappeared is disappeared 2002 divided by asylum seekers 2002 | | |
| Source: Ministry of the Interior data | | |

| | "apprehensions" 2002 | asylum seekers 2002 |
|--|----------------------|---------------------|
| Iraq | 4.809 | 4.466 |
| Afghanistan | 3.713 | 6.651 |
| India | 3.500 | 3.366 |
| Serbia-Montenegro | 4.566 | 4.723 |
| Armenia | 1.924 | 2.038 |
| Russia | 2.248 | 2.221 |
| Bangladesh | 1.200 | 1.104 |
| Turkey | 2.143 | 3.561 |
| Georgia | 1.462 | 1.921 |
| China | 309 | 666 |
| Moldova | 1.458 | 819 |
| Romania | 4.639 | 89 |
| Ukraine | 3.142 | 418 |
| Pakistan | 497 | 359 |
| Nigeria | 642 | 1.432 |
| Total 15 | 36.252 | 33.834 |
| Total Apprehended/Asylum Seekers | 48.436 | 39.354 |
| * Apprehended illegal aliens (both at border and in-country) | | |
| Source: Ministry of the Interior data | | |

| Table 5: The relationship of smuggling and asylum in Austria 2002 | | |
|---|-----------------------------------|----------------------------|
| | "smuggled migrants" 2002 * | asylum seekers 2002 |
| Iraq | 3.343 | 4.466 |
| Afghanistan | 2.755 | 6.651 |
| India | 2.307 | 3.366 |
| Serbia-Montenegro | 1.406 | 4.723 |
| Armenia | 1.282 | 2.038 |
| Russia | 1.239 | 2.221 |
| Bangladesh | 982 | 1.104 |
| Turkey | 971 | 3.561 |
| Georgia | 800 | 1.921 |
| China | 509 | 666 |
| Moldova | 483 | 819 |
| Romania | 459 | 89 |
| Ukraine | 370 | 418 |
| Pakistan | 293 | 359 |
| Nigeria | 263 | 1.432 |
| Total 15 | 17.462 | 33.834 |
| Total Smuggled/asylum seekers | 19.627 | 39.354 |
| * Apprehended smuggled migrants (both at the border and in-country), where there were strong indications that they had used the services of human smugglers | | |
| Source: Ministry of the Interior data | | |

| Table 6: The relationship of smuggling and disappeared in Austria 2002 | | |
|--|-----------------------------------|-----------------------------|
| | "smuggled migrants" 2002 * | "disappeared" 2002 # |
| Iraq | 3.343 | 3.946 |
| Afghanistan | 2.755 | 5.229 |
| India | 2.307 | 2.328 |
| Serbia-Montenegro | 1.406 | 1.547 |
| Armenia | 1.282 | 1.684 |
| Russia | 1.239 | 953 |
| Bangladesh | 982 | 823 |
| Turkey | 971 | 1.950 |
| Georgia | 800 | 1.324 |
| China | 509 | 261 |
| Moldova | 483 | 516 |
| Romania | 459 | 56 |
| Ukraine | 370 | 195 |
| Pakistan | 293 | 282 |
| Nigeria | 263 | 388 |
| Total 15 | 17.462 | 21.482 |
| Total Smuggled/Disappeared | 19.627 | 24.523 |
| * Apprehended smuggled migrants (both at the border and in-country), where there were strong indications that they had used the services of human smugglers | | |
| # "Disappeared" are all halted procedures: 82% for reasons of disappearance, 8% for withdrawal of applications, 8% for obsolence and 2 % other. No further breakdown according to nationalities exist. | | |
| Source: Ministry of the Interior data | | |