



## Verein FIBEL

### AUSTRIAN COUNTRY REPORT 2002

Of all marriages contracted in Austrian registry offices in 2001, 16.3% were binational marriages. Nevertheless, these binational marriages are still being treated as a marginal phenomenon of society in Austria, or as a minority, for which many things are not as obvious as for other relationships. This, in the first place, is the case with marriages involving people from the so-called "third countries".

**The following legal and social conditions exist in Austria for citizens of the so-called "third countries" and their relatives (in a brief summary):**

- ▶ **A permit of residence in Austria is only given to people who**
  - are recognised as refugees under the conventions (or in rare cases: people who are granted a permit of residence on humanitarian grounds),
  - have a permit to study in Austria (meaning a permit of residence for the time of the studies), or
  - are needed as "temporarily employed foreigners" (seasonal workers), or "key forces" - depending on the economic need of the particular industries. (As of January 1st 2003 relatives of key workers are granted to come later excluded from the quota for relatives - contrary to relatives of other migrants).

- ▶ **Marital partners of Austrians have a legal claim for a permit of domicile (permit of residence on grounds of a marriage with Austrian / EU citizens).**

According to the amending law of 2002, marital partners have free access to the job market immediately after the contraction of marriage (in practise they were earlier on only allowed to start working after the permit of domicile had been granted).

#### **The state shifts responsibility to private persons...**

... especially on women's shoulders. In most cases, Austrian women are seen as rescuers, since most people who have been rejected asylum or who have entered Austria illegally, seeking work, are men. We have also observed that women of all age groups (including very young women) are often quickly ready to take responsibility for their partners - accepting all possible consequences. Starting with their persistent commitment dealing with bureaucratic matters (informing themselves about asylum processes, hiring lawyers, whom they often pay out of their own pockets, etc.), they often decide to marry quickly, to save their partners' domicile in Austria. This readiness to a quick marriage is often combined with emotional problems. After the marriage asylum-seekers are still forced to renounce their claim for asylum, even though there is no legal basis for it.

Most of these women know of their partners' low chances of earning enough money to sustain a minimum living standard in the near future. They know that they will have to solve the decreasing financial living standard themselves if they are able to. Those women with lower incomes, who have no financial back-ups, ask themselves (with a bad feeling) how they and their families are to survive in case of children or a longer period of illness.

A long-term solution for this mass of problems is not in sight until:

- ▶ foreigners will finally have the same chances and rights on the job markets and in politics (right to vote) as Austrians
- ▶ female employment (concerning Austrian women and female migrants) is rated equally to male employment, both morally and financially.

No matter if marriage or relationship: there should be no space for dependences over financial or residential problems in private relations among adults in one of the world's richest countries.

### **The Amending law of 2002 at a glance:**

People in binational marriages or partnerships are affected by the following changes:

1. Marital partners of Austrian citizens are allowed to start any work immediately after the marriage, even if they have not yet been granted a permit of residence.
2. Marital partners of Austrian citizens are granted a residence card two years after they have been granted their first permit of residence. This card replaces the unlimited permit of residence (in the passport), which until now foreigners had received after the end of the two-year period.
3. Relatives of Austrian citizens or citizens of EEC countries, who have special rights, will receive a permit of domicile even if they lose their reasons for their special treatment. In particular, the following people are affected:
  - children (of "third-countries") after they reach the age of 21;
  - citizens of "third-countries" who are divorced from the Austrian marital partners;
  - citizens of "third-countries" whose Austrian relatives (marital partners, parents, children) have died;
 Thus, the current practise of administrative bodies has been incorporated into the new law.
4. Citizens of "third-countries", who had not been employed during their marriages with Austrian citizens, have access to the job market after a divorce, if the marriage had lasted for at least 30 months (until now the minimum length had been five years).