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Perspectives of German Immigration Policy

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Germany is the main immigration country in Europe. As in other countries, German politics are facing the challenge to manage this process, taking into account political, economic, demographic and social criteria and interests. The present paper describes the main trends and challenges German immigration policy faces in the years to come.

After a long period of political discussions, a new German immigration law came into force in January 2005. The law implemented was viewed as a long-term measure, a workable basis for future German immigration policy and even as the "most modern immigration policy in Europe" (Otto Schily)¹.

How is this reform and the policy pursued since then to be viewed at a distance of almost two years? Did the new law really pave the way for a "workable future" German policy?

In order to answer these questions, certain fundamental migration policy facts need to be stated:

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➤ Germany has a long history of immigration: There has been a continual stream of work-related immigration into Germany from the days of the Kaiser through the Weimar Republic and the Third Reich into the present-day Federal Republic of Germany.

➤ Germany has a high proportion of immigrants: By international comparison, Germany has one of the highest proportions of immigrants. The microcensus of 2005 finally provided some reliable statistics on this subject: about one fifth of the population in Germany has an immigrant background - a figure twice as high as hitherto assumed from the official statistics on foreigners and which is approximately equal to the number of immigrants in a "classical" immigration country like the USA.

➤ Germany has actively managed immigration: There is a perception in Germany

that successive governments have not managed earlier waves of immigration at all or at least not effectively. This is not true, since the immigration of guest workers, asylum-seekers and repatriating Germans has at times been monitored and managed very efficiently.

➤ Germany has integrated many immigrants successfully: Germany can boast considerable success in the integration of certain immigrant groups (refugees, repatriating ethnic Germans, a first wave of guest workers). Yet, those successful integration models and instruments were not always sufficiently transferred to other immigrant groups.

Current migration trends and their likely medium-term perspectives

What is important for a long-term immigration policy is not simply knowledge of previous successes, but also a realistic evaluation of current migration trends and their likely future perspectives. The following sets out the important trends for Germany and Europe and their political implications.

1. Immigration into Germany is currently on the decrease, but will increase again

In the past few years, immigration into Germany, in particular the influx of asylum seekers and late repatriating ethnic Germans, has decreased. At the same, emigration by highly-qualified professionals has increased. The immigration-emigration balance is at present still positive, with approximately 55,000 more immigrants per year than emigrants (2004), though it must be said that this is markedly lower than the average of about 200,000 immigrants which prevailed for many years, and on which most medium-term population forecasts are based.² The main reason for the reduction in immigration is Germany's weak economic

² Cf. the publication of the Federal Office for Migration and Refugees: Migration, Asyl und Integration in Zahlen, Nürnberg, 2006 as well as the migration report from the same office, commissioned by the German government (Migrationsbericht 2005), 2006, at www.bamf.de.

performance in recent years and a more restrictive immigration policy from 1992.

It can however be assumed that immigration into Germany will increase again in the medium term, since there is increasing pressure for migration at international level, an growing economic and demographic need for certain types of immigrants and the fact, that some immigrants simply retain a right, under certain circumstances, to immigrate (EU citizens, family members of immigrants already living in Germany, late-repatriating ethnic Germans, asylum seekers). Finally, there will also continue to be a considerable influx of illegal immigrants to the country.

2. The ethnic diversity of immigrants is on the increase

Immigration to Germany comes from an ever greater number of countries of origin, and increasingly also from far-flung regions of the world. Cumulative figures on immigration between 1999 and 2004 show that the largest groups of immigrants in that period came from Poland, although they accounted for only 12.6% of all immigrants. This diversification trend will in all probability continue, and result in overlapping and expansion of migration patterns and in new forms and routes of migration. Overall, we can expect the foreign-national population in Germany to become more diverse in future. That in turn will make economic, social and cultural integration of immigrants even more difficult and require new integration policies to cope with growing ethnic and cultural diversity.

3. Forms of immigration will become more diverse

Migration is ever less a question of definite emigration and immigration; instead it is increasingly a question of a concept for a change in lifestyle for a particular period of time or phase in people's lives. The Global Commission on International Migration (GCIM) found in its report³ that "circular" and "commuter-type" migration is increasing on a global scale and new forms of

³ Cf. World Commission for International Migration, Migration in einer interdependenten Welt: Neue Handlungsprinzipien, Berlin, 2006, www.gcim.org

temporary employment are emerging. In view of continually decreasing transport and communication costs, this trend is likely to continue, driven additionally by the fact that many industrial nations are making their labour markets ever more flexible and will in future make use to an even greater extent of short- to medium-term immigrants to cope with bottlenecks in the field of labour provision. It is as yet not possible to conjecture what social effects these new forms of immigration will have on either the countries of origin or on those to which workers are migrating. But it is certainly clear that future integration policy must address the issues connected with these forms of migration.

4. Immigration of less-skilled workers will continue, and the need for qualified immigrants will increase

Immigration of less-skilled workers into Germany has continually increased over the past ten years, from 198,000 in 1996 to 330,000 in 2005. In 1996 the proportion of less-skilled workers to overall immigration was only 25%, while by 2005 the figure had reached 45%.⁴ That proportion has increased so drastically primarily because successive governments have reacted to growing economic demand and have increased quotas for those (mainly limited-contract) workers accordingly. At the same time, the need for qualified immigrants has increased, not just in Germany but in many other EU states, as can be seen in the opening up of immigration policy in recent years in Ireland, Sweden and the UK. In Germany too, the new immigration laws made way for a few strictly limited opportunities for immigration by highly qualified people, though this did not result in an overall increase in the immigration of highly-qualified professionals.

In the medium term, we can expect demand for less-skilled and qualified workers both in Germany and in the other EU states to continue in parallel.

Political challenges of the future

What is decisive for future immigration policy is which political challenges are likely to be associated with possible immigration and how these should be evaluated. The following sets out five central challenges which have been identified.

1. Demographic development

Since the end of the nineteenth century, Germany has been undergoing a thorough demographic transformation: fertility and mortality rates have decreased, while life expectancy has increased. The age structure of the population in Germany has changed fundamentally and will continue to change. The proportion of younger people will continue to decrease and the number of older people continue to increase. This development generates serious problems for the tax-financed social service system and it is possible that the ability to innovate and the willingness to take risks within society will decrease. It is even not beyond the bounds of possibility that a torpid, retrospective approach to domestic and foreign policy will take hold based on asset maintenance and aversion to change. It will not be possible to stop such a demographic transformation either in Germany or in the other industrial nations, and politicians will be required to implement a wide-ranging array of measures in various fields of policy in order to at least soften the effects of this transformation.

One problem is that the theoretically obvious solution of balancing this unfavourable population development by encouraging immigration is not a politically realistic approach. According to predictions by the United Nations, Germany would need 188 million immigrants to enter the country by 2050 in order to maintain the balance between the working population and economically inactive population at its present level.⁵ The demographic diminution and a-

⁴ Cf. BAMF, Migration, Asyl und Integration in Zahlen, op.cit., p. 71ff.

⁵ Cf. United Nations Population Division, Department of Economic and Social Affairs, United Nations Secretariat, Replacement Migration: Is it A Solution to Declining and Ageing Populations?, ESA/P/WP.160, New York 2000,

ging of the population can therefore not be reversed simply by immigration. The political challenge here is to implement an integral policy which encompasses incentives for Germans to have more children as well as extending people's working lives and reforming the social service system while at the same time pursuing a targeted immigration policy ensuring a constant influx of young and qualified people.

2. Labour markets

Demographic change in Germany will also have a knock-on effect on the supply of labour. In contrast to demographic predictions, which at least in the medium term can be viewed as relatively precise because the important main criteria are already known and calculable today, labour market predictions are dependent upon a host of non-foreseeable factors. It is not possible to make exact quantitative predictions of medium- to long-term labour requirements, especially according to individual job sectors and professions, either from a methodological or empirical angle; the only possible forecasts are of a qualitative nature. Consequently, it is possible to predict that if net immigration continues at its present rate of 180,000 people (this being the average over the past 15 years, though the trend is on the decrease and unless it is reversed this number will not be achieved)⁶ the labour supply in Germany would decrease in the medium term, and there would not be enough trainees to fill skilled jobs.⁷

It is also indisputable that demand for highly qualified workers will increase and that the significance of the service sector will expand as a result. There will at the same time be a glut of less qualified workers, and unemployment among such people - whether they are immigrants or not - will remain high. There will also continue to be a mismatch in the labour market: there will be jobs for less qualified people which cannot be filled by Germans, because they are

<http://www.un.org/esa/population/publications/migration/cover-preface.pdf>.

⁶ Cf. German Federal Office for Migration and Refugees: Migration, Asyl und Integration, Nürnberg, Dec. 21, 2005.

⁷ Cf. Committee of experts, op.cit., chapter 6.

not mobile enough or because the jobs are only temporary, the wages too low and too close to available state benefits. The political challenge in all this is to create a framework and motivation in order to bring back as many unemployed people as possible into jobs. At the same time, politicians need to counteract the threatened lack of qualified and highly skilled workers by exploiting the potential of German nationals (by raising the retirement age and increasing the number of women in work). Where workers are urgently needed to fill jobs, however, measures must be in place to facilitate the influx of such workers. There are at present, despite the new immigration legislation, no suitable regulations in place for this.

3. Integration

Despite successful integration in earlier years, there are still considerable integration problems in certain immigrant groups, some of which are increasing. As is the case with poorly qualified Germans, unemployment is high especially in the case of immigrants with low-level qualifications. The proportion of young people from an immigrant background leaving school without any qualifications has risen sharply in recent years. In large cities, as many as 40% of young immigrants leave school without qualifications and therefore without any job prospects. Similarly, the number of immigrant recipients of social security benefits is increasing.⁸

The results of the PISA studies⁹ showed clearly the close correlation between children's success at school and their parents' professional qualifications. In an international comparison, Germany's early and highly selective three-stream school system showed considerable weakness in the abil-

⁸ Cf. Report by the Federal Government's representative for Migration, Refugees and Integration on the situation of foreigners in Germany, Berlin, August 2005, http://www.bundesregierung.de/Content/DE/Publikation/IB/Anlagen/ausl_C3_A4nderbericht-6-teil-1.property=publicationFile.pdf.

⁹ Latest PISA Study (2003) cf. PISA Consortium Germany, PISA 2003: Results of the second comparative study of countries, summary, Nov. 3, 2005, http://pisa.ipn.uni-kiel.de/PISA2003_E_Zusammenfassung.pdf.

ity to balance out educational disadvantage. This applies in particular to immigrant children.

For that reason, integration policy must, especially in the field of education, be addressed as an urgent issue for the immediate future. It must above all prevent a scenario in which people are permanently excluded from participating in essential areas of everyday life (work, education, political involvement), leading them to seek alternatives in their ethnic community and retreating, effectively, into an ethnic ghetto. Political efforts and financial resources must be concentrated on this matter. When it comes to forming policy, there must be recognition of the fact that the immigrant population living in Germany is becoming more heterogeneous, and that integration measures need to suit the circumstances in order to be effective. Mechanistic and one-size-fits-all policies will in future achieve less and less. Encouragement of integration must not be limited to encouragement to learn the German language, important though that is; it must also be linked to integration into working life. Integration succeeds best through work, and if a person is not in employment, then language knowledge is not going to help with integration.¹⁰

In recent years integration of immigrants has taken on a pivotal significance in the political arena. The new immigration legislation generated an intensive discussion about integration which was intensified in connection with the PISA study and recent reports about certain immigrant groups wishing to return to their country of origin and the increase in youth crime, especially in the large industrial and commercial centres.

In July 2006 a "National Integration Summit" was organised to which representatives from the world of politics, business and society in general including numerous immigration organisations were invited. The aim was for an "Integration Forum" to work out a *National Integration Plan* by summer 2007.¹¹ Coordination is in the hands of the

¹⁰ Cf. also Federal Interior Ministry: Evaluation der Integrationskurse nach dem Zuwanderungsgesetz. Abschlussbericht und Gutachten über Verbesserungspotenziale bei der Umsetzung der Integrationskurse, Berlin, December 2006.

¹¹ See Bundeskanzleramt publication, Gutes Zusammenleben – klare Regeln Start in die Erarbeitung eines Nationalen Integrationsplans, Berlin, 14.7.2006.

Federal Government's representative for Migration, Refugees and Integration Maria Böhmer, who is also a state minister in the chancellor's office. The integration plan is meant to encompass the aims and measures of the integration policy at federal, regional and local level and to include those involved from society as a whole, and to contain suggestions for the evaluation of the measures.

A further example of dialogue at a high political level was the establishment in September 2006 of the German Islamic Conference, which at the invitation of the Federal Interior Minister aims over the next two to three years to encourage an intercultural dialogue at regular intervals between state institutions and the representatives of the Muslims in Germany.¹² It is intended that this forum should spearhead a debate about German society and its agreed values, about religion as enshrined in the German constitution, about business and the media as a bridge between cultures and about internal security, Islamist aspirations and the prevention of Islamic acts of terror.

It is as yet too early to make any judgments or draw any conclusions from these two initiatives. At the same time they are welcome steps towards integrating immigrants and their organisations into a regular dialogue with representatives of the state and social groups.

4. Internal security

Since September 11, 2001, security aspects have played a far greater role in the immigration policy of many countries than ever before. In Germany the recognition that the attacks which took place in the USA were planned and undertaken by immigrants, some of whom had for some time lived in Germany, was a source of some disquiet. Two "security packages" were fast-tracked through the legislative process without much political debate, pertaining to closer monitoring of asylum seekers. Since a "visa scandal", which revealed that visas

¹² See

http://www.bmi.bund.de/cln_012/nn_1018358/Internet/Content/Nachrichten/Pressemitteilungen/2006/Einzelseiten/Islamkonferenz_Kurzinfo.html.

for entry into Germany had been granted without sufficient grounds and without prior monitoring, granting of visas is now handled in a more restrictive manner, and police and intelligence service observation and monitoring of potential Islamists has been tightened. This has led to several successes in investigative cases, though this is thanks more to cooperation with neighbouring countries' intelligence services than the "profiling" instigated in some German Länder (which incurred the critical wrath of civil rights advocates). The activities of Muslim organisations in Germany are under closer surveillance, and the German government has already opened up a dialogue with those Muslims living in Germany and their organisations by way of the aforementioned Islamic Conference. The security services are especially concerned about the possible political radicalisation of young Muslims without employment prospects. This is yet another reason why integration policy has received an enhanced profile of late within overall German government policy, as evidenced by the federal integration summit.

5. Foreign policy and development aid policy

Cross-border migration has become an ever more important factor within international politics. Many people expect their governments to cooperate much more closely with other states in order to deal with the challenges the situation presents.¹³ Overall, the desire for interstate and international information, agreement and coordination between countries of origin, transit nations and destination countries has increased. Immigration policy is no longer an internal matter; foreign policy angles and players are becoming ever more important. It is clear that monitoring cross-border migration and dealing with its consequences can now only be handled by international cooperation and with the involvement of NGOs. In order to achieve this, improvement is required in the national instruments for managing migration, including clearer

and more transparent immigration regulations and procedures and their coordination by several states. In addition, there is a need for an international migration management system, while the hitherto all too rudimentary international agreements on the obligations of countries of origin, transit nations and host countries towards migrants need to be strengthened. What is more, the signatories to the Geneva Convention on Refugees need to put more effort into maintaining the principles of the convention and its dissemination, and also eradicate existing loopholes (or newly emerged ones).

The new immigration law from 2004 and its effects

Germany has a very large immigrant population, coming third world wide in absolute terms, after the USA and Russia. And yet, the history of German immigration policy is full of examples of how, by concentrating on current urgent problems, agreement of long-term goals were put on the back burner, giving rise to a policy with unforeseen or undesirable side effects and ultimately doing more harm than good. The new German immigration legislation from 2004 was aimed at avoiding this short-term approach and creating a legal framework for long-term immigration policy.

Two years after the coming into effect of the law, deficiencies in two key areas have become visible:

Firstly, the mechanisms for the monitoring of the present situation and for the forecasting of future migration trends are still insufficient. Above all there is a lack of procedures for the definition of the number and type of immigrants Germany wishes to welcome. Migration policy instruments are as yet incomplete. For example, neither the points system¹⁴, orientated to human capital and therefore to the chances of integration of potential immigrants, nor the "bottle-neck

¹³ Cf. also: Global Commission on International Migration (GCIM), Migration in an interconnected world: New directions for action, 2005
<<http://www.gcim.org/en/finalreport.html>>.

¹⁴ See Independent Commission on Immigration, "Zuwanderung gestalten, Integration fördern", Berlin 2001, http://www.zuwanderung.de/downloads/Zuwanderungsbericht_kurz.pdf

procedure"¹⁵ aimed at determining the workforce requirements of various sectors of industry and business in relation to immigration, have been implemented. This means that decisive instruments for targeted workplace-related and demographically-orientated immigration are missing. Secondly, despite the improvements implemented with the immigration law, the integration policy is not comprehensive enough. It is too heavily weighted towards immigrants' improvement of language knowledge (language courses) and their general knowledge of Germany (orientation courses), and there is too little systematic emphasis on measures linked to workplace integration. Social reporting about the living standards, perspectives and opinions of immigrants living here in Germany is still patchy.

Conclusion: Necessity for a pan-European immigration policy

In recent decades, management of immigration and integration of immigrants has become an ever more important subject of European cooperation. Decisive steps in the communalization of asylum and immigration policy were the Amsterdam Agreement of 1997 and the five-year implementation plan agreed in October 1999 in Tampere. The European Commission took on a key role in this process from an early stage, presenting numerous suggestions for a common policy on asylum and immigration, though these did not meet with the approval of all the member states. Many EU member states see immigration and integration as a key part of sovereignty and are very reluctant to give away control on these issues.

In this atmosphere of conflicting interests within a union of countries with open borders, increasing immigration pressure and a refusal at national levels to relinquish sovereignty over this issue, there is the desire

to push forward the implementation of the programme agreed in The Hague in November 2004, aimed at advancing common domestic and judicial policy in the EU by the year 2010.¹⁶

Technically speaking, there is no alternative to more intensive European cooperation on this issue. It is quite clear that immigration into the EU and the individual European states will continue to increase. A problem-related and realistic European immigration policy needs to anticipate future migratory needs, manage immigration in a socially acceptable form, taking account of the EU's obligations under international humanitarian law and the global political status of the European states while also contributing to assuaging the desire to migrate. In December 2005 the European Council agreed its "Global Approach to Migration" and an action plan for Africa and the Mediterranean countries, providing a conceptual framework and initial steps.

Humanitarian aid agencies and overseas development aid organisations in the EU can also help to reduce the causes of migration. It remains possible that the aforementioned creation of limited migration openings along the traditional migration routes can help to reduce illegal immigration into Europe. To achieve this, the member states would have to agree on immigrant entry quotas, something which is not yet in sight. Whether such a policy can be successful can only be evaluated when the individual governments have explained what they understand by "circular" migration, and whether in particular they are in favour of general encouragement of mobility or simply of temporary immigration by another name, that is, a rejuvenation of the well-known guest-worker programmes.

In general, the member states will put more emphasis than hitherto on the development of international refugee protection schemes and on the financial, infrastructural and staff resources of the international governmental and non-governmental organisations that are already dealing with this issue. Efforts to reduce illegal immigration will have to rely on more than just joint monitoring of outer borders; they must also address domestic demand for illegal workers and re-

¹⁵ See Expert Panel on Immigration and Integration, "Migration und Integration – Erfahrungen nutzen, Neues wagen", Berlin 2004,

http://www.bamf.de/clin_042/nn_708926/SharedDocs/Anlagen/DE/Migration/Downloads/ZuwanderungsratGutachten/gutachten-2004-zuwanderungsrat-lang.html

¹⁶ Cf. for overview Steffen Angenendt, Steuern, schützen, integrieren – Die schwierige Vergemeinschaftung der Migrations- und Asylpolitik, in: Werner Weidenfeld (Hrsg.), Europa-Handbuch, 4. Aufl. (im Druck).

duce the attraction of illegal employment. Experience so far with European asylum and immigration policy would suggest that there will be more delays along the way, especially when it comes to joint agreement on worker immigration, and in relation to integration of immigrants. There remain considerable diverging interests in member

states on these two issues, depending on individual economic structure, regulation of the labour market and traditional immigration policy.

Common solutions will continue to be found where pressure to act is similar, that is primarily in the area of control of outer borders.