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Country background paper – Germany

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1) Migration Profile Germany

In the last quarter of the 19th Century until the First World War, Germany simultaneously experienced extensive emigration and immigration processes. There was rather little migration between the wars. After the Second World War the country was divided and population increase in West Germany largely resulted from the consequences of the war. During that period till the early fifties, about 12 million German refugees and expellees came to West Germany. Until the building of the Berlin Wall, in 1961, almost 4 million Germans moved from the German Democratic Republic to the Federal Republic. Due to the so called economic miracle and labour shortages especially in sectors for unskilled employment, from the late 1950s on, foreign workers were recruited within the framework of bilateral guest worker agreements.¹ Until the “stop of recruitment of foreign labour”² caused by the first oil crisis in 1973, the stock of foreign workers increased to about 2.6 million. The total number of foreigners amounted to about 4 million persons (Lüken-Klaßen and Pohl 2010: 7; Currie 2004: 19).

Between the end of the 1950s and 1973, “guest worker” was the most relevant migrant category in Germany. With the stop of recruitment followed by some return migration of guest workers and, at the same time, dynamic subsequent migration of family members of those who stayed, family reunification became an increasingly relevant migration channel. The number of visas granted for the purpose of family reunification, reached a peak in 2002 with about 85,000 persons. Since then, it fell to 42,800 in 2009 (BAMF 2011: 130). Furthermore, in the 1980s, asylum seekers especially from socialist countries gained importance (SVR 2011: 139).

With the fall of the Iron Curtain at the end of the 1980s, a new phase in Germany’s migration history began: The main migrant categories who arrived were ethnic Germans (Aussiedler/Spätaussiedler), but also citizens of democratising Eastern European countries seeking asylum in Germany. Immigration of ethnic Germans reached its peak with about 400,000 persons in 1990 accompanied by rising numbers of asylum seekers from countries such as Yugoslavia, Iran or Afghanistan. The number of annually immigrating ethnic Germans sharply dropped after 1990 to about 3,400 in 2009 (BAMF 2011: 54). After a strong rise to about 440,000 at the beginning of the 1990s, decreasing numbers of asylum seekers applied for asylum in Germany. In 2009, the number was about 27,500 (BAMF 2009a: 9).³ EU migrants increasingly complemented existing migrant categories.

¹ In 1955 Germany concluded its first agreement on labour recruitment with Italy. Further agreements existed with Greece and Spain (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968) (Martin 2006: 12).

² Since 1990 Germany started small scale recruitment of labour on basis of bilateral guest worker and contract worker agreements with Poland and other Central and Eastern European countries (Martin 2006: 18f.).

³ Numbers of asylum seekers, inter alia decreased due to the introduction of the concept of *safe third country* introduced by the reform of German asylum law in 1993 (SVR: 173). Safe third countries are those applying the

In recent years, the migration balance was almost even and sometimes even negative. According to data from the Central aliens register, immigration for the purpose of studying, vocational training and employment slightly increased, whereas immigration for family reasons decreased. The share of labour immigrants from third countries, however, remains relatively low. In 2009, only one eighth of all immigrants from third countries (about 198,000 persons) entered Germany to pick up employment. A quarter came due to family reasons and more than 20% for educational purposes. Citizens from another EU country made up 50.2% of the registered immigration to Germany (SVR 2011: 39).

As a result of the various immigration processes, the German population with a migration background – including third-country nationals, EU-migrants, naturalised Germans and migrants' descendents – continuously rises: Whereas in 2005, 15 million persons or about 18% of the total German population (82.5 million persons) had a migration background, in 2009, 19% of the 82 million residents belonged to those with a migration background (15.7 million persons). Turkey, the former Soviet states and former Yugoslavian states as well as Poland are the main countries of origin of the German population with a migration background in 2009 (DESTATIS 2009; DESTATIS 2010).⁴ In the same period, EU citizens, seasonal workers, returning German citizens, foreign students, and family migrants are the most relevant migrant categories (BAMF 2011: 41).

2) Migration and Integration Policy in Germany

Until the 1970s, Germany's self-conception of not being an immigration country hindered the development of a proactive integration policy. With the "stop of recruitment of foreign labour" in 1973 a three-pronged approach was applied: limiting immigration, encouraging remigration and supporting the integration of those being likely to stay (Currell 2004: 17; 45-53). Although the German Government recognised the necessity to address the social integration of migrants in Germany, no systematic integration policy was introduced until 2005. A large number of integration activities, however, were undertaken by welfare organizations and cities. For the first time the *Immigration Act* established a nation wide uniform basic concept of promoting integration of migrants. Since then, integration policy is defined as a socio-political key issue for the Federal Government and the Länder. To express the relevance of the policy field, Chancellor Angela Merkel, for instance, upgraded the position of the *Federal Commissioner for Migration, Refugees and Integration* to a minister of state (Federal Government online 2011). Currently, the Christian Democrat Maria Böhmer holds this office. Since 2011, a new *Federal Council for Integration* supports her in carrying out her duties.⁵ A key role is given to cities.

German integration policy today is led by the principle of "promoting and demanding". Integration, accordingly, is defined as a mutual two-way process: German society offers support for integration, while migrants are required to actively make the effort of learning the German language and of incorporating into the legal and social system in Germany (Federal Government 2010: 25; BAMF 2007: 5). Integration measures, according to the so called "resource orientation", approach the individual qualification and skills of migrants.

Geneva Convention and the European Convention for the Protection of Human Rights and Fundamental Freedoms. According to German law, migrants who entered Germany through a member state of the European Union, Norway or Switzerland cannot apply for asylum in Germany, but in the safe third country (§ 26a Asylum Procedure Law).

⁴ „Migration background“ is only used by Federal Statistical Office as characteristic to collect data in the Microcensus since 2005.

⁵ Ten representatives of migrant organisations and 22 representatives of, for instance, ministries, umbrella organisations of local authorities or foundations constitute the council.

Integration courses constitute the core integration measure, flanked by complementing measures focusing language training as well as labour market inclusion resp. professional qualification. Integration policy in Germany also builds on the counselling of migrants and the support of integration projects. With an amendment of the *Residence Act* in 2007, integration policy was also linked to migration policy. Subsequent immigration of spouses from certain third countries requires basic skills of the German language. As a means of selecting migrants according to skills, the new regulations reflect an increasing orientation towards “an immigration that requires fewer public services for successful integration” (Michalowski 2009: 273).⁶

Since 2005, integration policy is coordinated by the so called *Integration Programme*. As an instrument of planning, the overall strategic concept aims at (1) registering integration measures of the central government, the federal states, municipalities and private institution and (2) recommendations for their development (BAMF 2007: 13). Furthermore, regional coordinators as well as coordinators of the *Federal Agency of Migration and Refugees* (BAMF) promote networking and coordination of the various measures. The BAMF is the administrative office of the *German Conference on Islam* (DIK). With respect to the large Muslim population in Germany, the DIK, since 2006, institutionalized a dialogue between the German state, individual Muslims as well as Muslim associations to specifically work on the integration of the German Muslim population (Federal Government 2010: 435-438).⁷

With the *National Integration Plan*, in 2007, integration initiatives of the central government the federal states, municipalities and civic society has been given a common framework. Following the initiative of the Federal Integration Commissioner, it was developed in a common dialog of representatives of each governmental level, of non-governmental organisations and migrants. Through about 400 voluntary commitments, all involved parties consented to take and implement integration measures (Federal Government 2010). Until the end of 2011, the National Integration Plan shall be converted into a *National Action Plan* including concrete, obligatory and reviewable targets (BMBF online 2011).

According to the *Migration Integration Policy Index (MIPEX) 2010*, in the 13th position, Germany is in the middle range of the comparison of 31 countries. Its policy towards migrants with an average score of 57 is characterized as halfway favourable. Compared to 2007, it has slightly improved by one point score. With respect to each policy field, Germany achieved the highest score in the area of labour market mobility: with 77 points, it is considered as slightly favourable. Same rating applies for the political participation of migrants (score: 64) as well as for the family reunion of third-country nationals (score: 60). Only halfway favourable are Germany’s policies regarding access to citizenship (score 59), long term residence (score: 50), anti discrimination (score: 48) and education (score: 43) (MIPEX 2010 online; Huddleston and Niessen 2011: 11).

3) Attitudes towards Migrants in Germany

In the last few months Germany has witnessed a lively debate on immigration and integration. In the Summer of 2010 Thilo Sarrazin, Social Democrat and former Bundesbank Board Member, published his controversial and polemic book “Deutschland schafft sich ab” (“Germany Resigns”) and set in motion a heated debate on immigration and integration of immigrants, especially of Muslim immigrants. State-

⁶ Whereas highly qualified and family migrants from western countries are exempted from language tests, the regulations seem to focus primarily on low educated, illiterates and spouses from non-western third countries.

⁷ The current work programme of the DIK consists of (1) promoting institutionalised cooperation and integration-based project work, (2) living out gender equality as a shared value, (3) prevention of extremism, radicalisation and social polarisation (BMI/DIK 2010).

ments by Bavarian Prime Minister Horst Seehofer saying “multiculturalism is dead” and by German Chancellor Angela Merkel stating that multiculturalism in Germany has “utterly failed”, fed the already ongoing discussion in fall 2010 (Smee 2010). But the same time Merkel supported the statement by German President Christian Wulff, who said “Islam is a part of Germany” during a speech on the 20th anniversary of German Reunification (Dowling 2011). A third round in the debate on immigration and integration was started through the new Minister of the Interior and host of the German Islam Conference Hans-Peter Friedrich in March 2011. Shortly after his inauguration into office he contradicted Wulff by stating “To say that Islam belongs to Germany cannot be proven by history” (Zeit Online 2010). The ongoing political debates show that there are existing contradictory perceptions regarding future immigration- and integration policies.

But what does the public think about immigration and integration and what do we know about attitudes towards migrants in Germany? Several comparative polls reveal that Germans are worried about immigration and integration and that there has been an increase in xenophobic and especially islamophobic related attitudes in recent years (Decker et al. 2010, Pollack 2010, Transatlantic Trends 2010, University of Bielefeld/IKG 2010 and Zick et al. 2011). Some of these studies assume a link between these developments and the latest financial and economic crises.

A study on behalf of the Friedrich-Ebert-Stiftung in 2010 about extreme right-wing attitudes in Germany reveals that sympathy with statements with xenophobic content has overall increased from one fifth in 2008 to one fourth in 2010. According to the study more than 30% of the Germans agree with statements like “Foreigners come to exploit the German welfare state”, in case of labour market shortages “foreigners should be sent back to their home country” and because of “too many immigrants” Germany is “highly infiltrated with too many foreign influences” (Decker et al. 2010: 78). The results of the Transatlantic Trends: Immigration Survey 2010, a comparative study of North American and European public opinion about immigration and integration issues⁸, similarly show that 44% of the German population think Immigration is more a problem than an opportunity (Transatlantic Trends 2010: 5). Furthermore of all countries surveyed in this poll, Germans were among the least satisfied with immigrant integration. More than 50% answered that immigrants are integrated poorly or very poorly into German society (ibidem: 28).

Even though Germany ranges in the European average with regard to anti-immigrant attitudes, when it comes to attitudes towards specific groups of migrants it is evident that Germans are much less tolerant of Muslims and other non-Christian religions than their Western European neighbours (Zick et al. 2011 and Pollack 2010). According to the Transatlantic Trends Survey a majority of more than 65% think that Muslim immigrants are not integrating well into German society and in terms of the children of Muslim immigrants more than 55% think that they are also not well integrated (Transatlantic Trends 2010). Similar conclusions were drawn from a representative study on perception and acceptance of religious diversity in Europe realized by the University of Münster (Pollack 2010)⁹. The results show that Germans come out against new mosques and minarets much more often than the French, the Danish, the Dutch and the Portuguese and are also less willing to concede equal rights to other religions. In comparison the other European countries their perception of Hindus, Buddhists and Jews is more negative (Pollack 2010: 3). According to Pollack the “differences between Germany and the other countries are downright dramatic when it comes to personal attitudes towards Muslims”, only a minority about 30% thinks positively of Muslims (in comparison in the Netherlands more than 60%, in Denmark and France about 55%)

⁸ The countries included in the 2010 version were the United States, Canada, the United Kingdom, France, Germany, Italy, the Netherlands and Spain.

⁹ The countries included in the study were France, Denmark, Portugal, the Netherlands and Germany.

and about 40% state that practising Islam should be vigorously restricted (ibidem). Although there are fears about Islam among Germans the majority wants to recognize non-Christian religions and according to Pollack about 80% agree with the declaration "All religions must be respected" (ibidem).

Some of the studies also show that the extent of anti-immigrant attitudes can vary between different age groups, education and income levels as well as political attitudes. For example a long-term study about "Gruppenbezogene Menschenfeindlichkeit" (group-focused hostility) in Germany by researchers of the University of Bielefeld reveals a significant increase of islamophobic attitudes in higher income groups from 2009 to 2010 (University of Bielefeld/IKG 2010: 8f.).

Despite the public and political debates on immigration and integration and the increase in xenophobic and islamophobic attitudes within the German population a national political movement of right-wing populism, like in other European countries such as the Netherlands, France, Switzerland, Austria or Hungary, is virtually non-existent in Germany (Hawley 2010). The only exception is the extreme right-wing NPD (National-Democratic Party), which is under observation by the Office for the Protection of the Constitution. Instead anti-migrant movements are more important on the local and regional level in form of citizen initiatives, for example PRO Köln, PRO NRW, Bürgerinitiative 48, PRO Vöhringen, Bürgerinitiative Ausländerstopp München. Most of these initiatives militate against the construction of mosques and Islamization as well as foreign infiltration (see for example PRO Köln 2009, PRO NRW 2010).

4) Overview of Governance Structures in Germany

The Federal Republic of Germany is based on the concept of a Federal State (Art. 20 I GG) and has a vertical administrative structure (Scherf 2010: 369): The central government (Bund) as the constitutional connection of the federal states (Bundesländer) makes policies concerning the Federal Republic as a whole e.g. national defense or federal roads. Furthermore, it has the majority of the legislative competence. Federal states and federal city states independently are in charge of major administrative and juridical tasks. This mainly includes education, public safety and order as well as public administration. They are subdivided into administrative districts respectively regional authorities who are decentralized units of the federal state administration (Geis 2010: 8). Each Federal State is divided into county districts and county boroughs fulfilling the same functions. In some federal states local authority associations are linking the work of administrative districts and municipalities. They are voluntary associations of rural districts and municipalities, united for having an exchange of information and a close collaboration as well as networking (Benz 1998: 21). They take action if a municipality is not able to fulfil a task on its own or if it commonly can be fulfilled more easily. Furthermore, they are subject to directives of the federal states (Rudzio 2006: 318). Municipalities are the smallest independent territorial units in Germany. As a rule, cities are also municipalities, who are allowed to term themselves cities, for instance, due to their size. By basic law, municipalities are allowed to self-administration in all community affairs (Art. 28 II GG). The Federal States authorized to assign tasks to municipalities (bpb 2006: 14 and 31).

The administrative structure of local authorities in Germany strongly varies from federal state to federal state and from cities to municipalities. The same administrative bodies and positions, therefore, are often differently termed. Three historical developed systems of self-government exist in Germany: the South German council constitution, the North German council constitution as well as the magistrate constitution (bpb 2006: 34-38).

In general, municipal councils and city councils are the main executive representative body on regional or local level. They consist in member of political parties as well as independent persons elected by the

citizens. Often, a mayor is the chairman of the councils. Besides the mayor, further officials such as magistrates, and municipality or city directors are administrative leading bodies. They are partly supported by committees and chief advisers. Municipal administration is organised in different thematic resorts such as general administration, financial administration, law, order and security administration, public building administration or social and health administration. Further relevant actors of the communal policy are associations, tradesmen, and citizens initiatives. The local press has an important information and control function (bpb 2006: 46).

Integration policy is based on the division of labour between central government, federal states, and municipalities (Krummacher 2011: 190). The National Integration Plan (NIP) and the Integration Programme are substructures of integration policy in Germany. It provides a common basis for the cooperation of relevant actors from all levels, in order to achieve networked and systematic integration policy (Goll 2010: 70).

Municipalities are responsible for the shaping and moderation of integration promotion and intercultural communal life on local level (Bogumil 2011: 83-84). As an actor of high relevance, integration commissioners are coordinating governmental integration measures. They intent, inter alia, to create higher tolerance between native and migrant population through public relation and the connection of relevant actors (Goll 2010: 25). The interests of the local migrant population within regional and local policies are often represented by foreigner's councils and migrant councils.

Compulsory tasks of municipalities in the areas of integration are, inter alia, administrative processing of naturalization, co-organisation of integration and language courses funded by the central government as well as the selection of providers of the obligations. A total of 23 regional offices and 140 coordinators of the Federal Agency for Migration and Refugees (BAMF) inform and counsel foreigners authorities, providers of integration courses, job centre as well as social security offices and further institutions providing integration measures (BAMF 2007: 15). Since 2005, municipalities develop labour market policies in cooperation with the job centres (Federal Government 2010: 142).

Voluntary tasks, for instance, include the development of an integration concept (Gestring 2011: 261). Since municipalities have only limited financial resources for voluntary tasks, they often draw on alternative opportunities for the promotion of integration. Cooperative actions with non governmental actors such as welfare organisations, migrant organisations (MO) or religious institutions are important and widely spread in local integration policy (Federal Government 2010: 142). While, christian institutions and welfare organisations traditionally take public responsibilities, also MOs, meanwhile, partly perform tasks which used to be processed by public organisations. They frequently function as counsellor and service provider (Gissendanner 2011: 41-44).

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