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Integration Challenges – the German Experience

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Richard Wolf¹

Integration Challenges – the German Experience

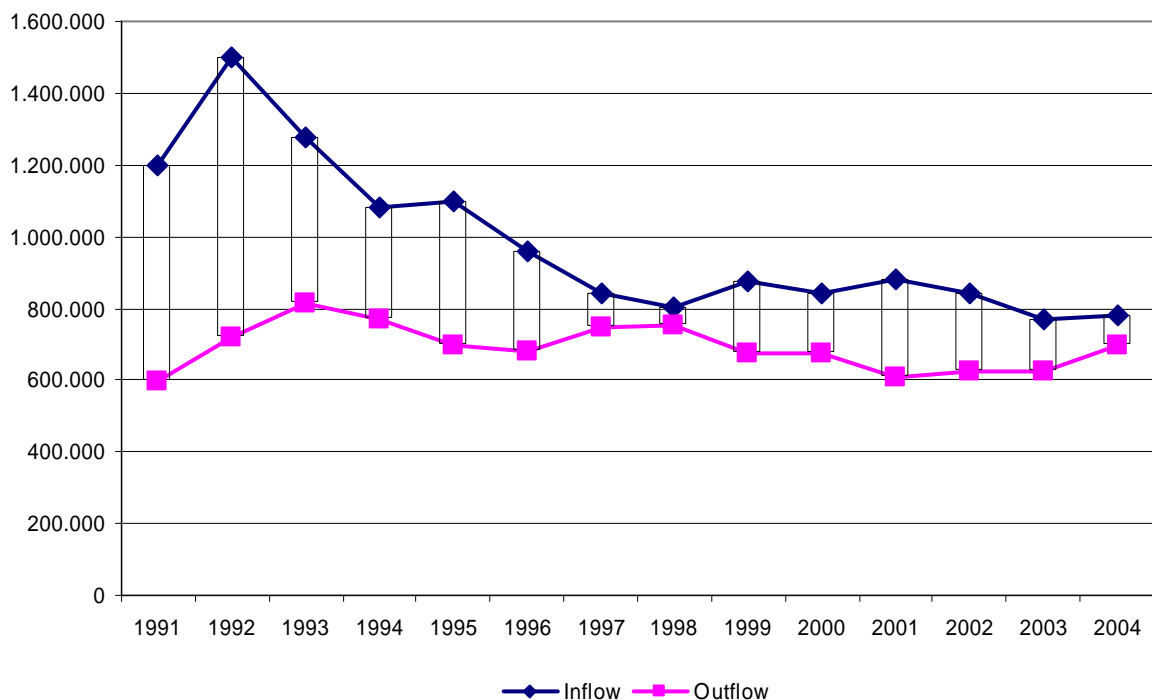
1. Introduction

My presentation will start with some insights into the development of migration to Germany during the last decade. I will then focus on asylum seekers, as they are the most relevant migrant group in Germany when speaking about refugees. Within the group of refugees, there is a major integration problem with *de-facto refugees*, most of them holding a so called 'tolerated' residence status. This group will of special interest in my presentation.

2. Immigration to Germany

Large scale migration movements have occurred in Germany since the end of World War II. Between 1945 and the early 1950s, about 12 million German refugees and expellees arrived in the four allied occupied zones from former German territories or from German ethnic minority settlements in South-Eastern and Eastern Europe. Prior to the building of the Berlin Wall in 1961, 3.8 million people migrated from East to West Germany. Figure 1 shows the number of people who migrated to Germany between 1991 and 2004, as well as the number of people who re-emigrated or left the country.

Figure 1: Inflows and Outflows since 1991



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Immigration has always been accompanied by simultaneous **processes of return migration or emigration**. With the exception of some short periods, Germany has always experienced a net gain of migrants. Because fertility levels have been below reproduction level since the mid-1960s, population increase since then has been totally due to immigration. Integration is an issue of major significance with regards to migrants with the possibility of staying and living in Germany permanently, much less so for most asylum seekers and present day temporary labour migrants (seasonal workers or contract workers, for example), who merely have a short term residence permit.

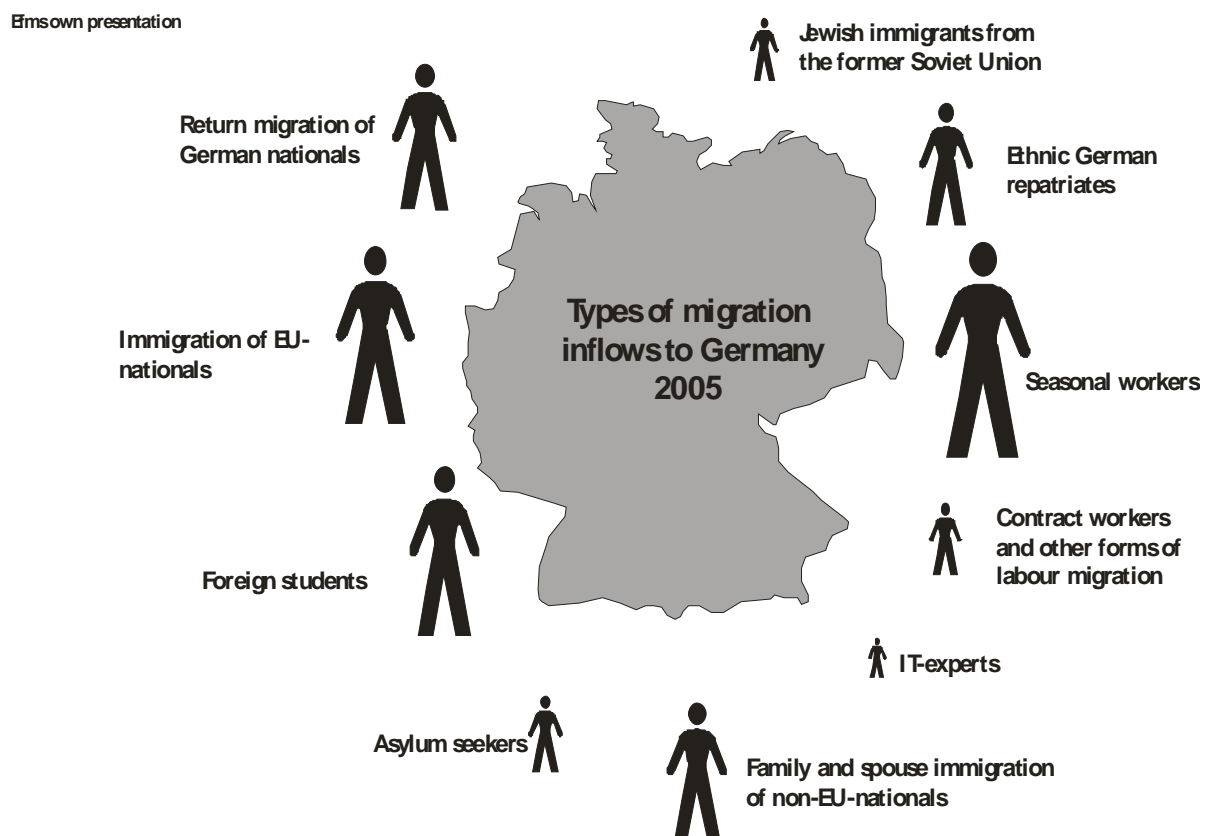
¹ european forum for migration studies

Whereas migration in the late 1940s and early 1950s was closely related to the Second World War and its consequences, migration in the late 1950s, 1960s, and early 1970s was largely the result of labour market processes. The combination of high economic growth with internal labour shortages led to a continuous and increasing recruitment of foreign workers, until 1973. Due to rising unemployment rates at the beginning of the 70s, in 1973 a general recruitment stop for foreign guestworkers came into force.

After 1973, family reunion processes occurred on a large scale and have, since then, become another major source of immigration to Germany. Ethnic Germans from south-eastern and eastern Europe (*Spätaussiedler*) are also a group whose migration intensified in the 1990s. During that time more than 2 million people arrived in Germany following the collapse of the Iron Curtain. Since the 1950s, about 4 million *Aussiedler* and *Spätaussiedler* have arrived, very few of whom have ever returned to Eastern Europe.

Asylum seekers and refugees make up two other large groups of migrants. About 1.8 million people asked for asylum in Germany in the 1990s, while the total number of asylum seekers between 1959 and 2000 is of 3.02 million. War refugees, so-called contingent refugees, and Jewish people from former Soviet Union territories form additional groups of migrants. The next figure shows forms of migration to Germany in 2005.

Figure 2: Types of migration to Germany



This illustration only gives a rough approximation of the scale of the various migration types

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The largest group of migrants shown in the above figure are seasonal workers, commuting from Eastern European countries (mainly from Poland) and working in the agricultural sector and the building industry. This group estimates to 330.000 migrants in 2005, 85% coming from Poland. The second largest migrant group are EU-nationals, representing 266.000 persons. Small groups in size are asylum seekers, IT-experts and Jewish immigrants from the former Soviet Union.

In addition to these refugee groups, Germany also receives ethnic Germans from the former Soviet states and Russian Jews. These people enter Germany on special programs for return or family reunification. These 'resettlers' are also then target groups of various integration measures.

3. German Experiences with Asylum and Refugees

Although without its own colonial populations who immigrated to Europe (as did England, France and Holland), **Germany has the largest and most diverse experience of refugee reception.** Germany took in millions of East Germans and ethnic Germans from Eastern Europe; waves of East European refugees; several million Turkish and Southern European labour migrants from the 1960s, followed by their families; and waves of asylum seekers escaping undemocratic regimes or armed conflicts. These included Kurds, Palestinians, Iraqis, Afghans, West Africans, more 345,000 Bosnians, Kosovo Albanians, Roma minorities especially during the 90s.

3.1 Asylum Procedure

Asylum seekers submit their claims in accordance with procedures specified in the Asylum Procedures Act. These consist of a written form and a long personal interview in which they must present reasons for fearing persecution. **Asylum is granted based on the plausibility of the applicant's case for persecution with a grounded fear that repatriation would lead to persecution.** In cases of rejection, the asylum seeker may appeal to the German administrative court. About 80% of rejected asylum seekers make such appeals.

On submitting a claim, applicants are assigned to one of 19 reception centres scattered around the country. While residing at these centres, applicants are generally not permitted to work, aside from some minor tasks within the centres, such as clean up or repair. Residents receive small amounts of pocket money and weekly deliveries of food packages. Asylum seekers remain at the reception centres in the various Federal States up to three months. After their first interview, they are then sent out to smaller 'further accommodations' (e.g. former inns, dormitories, apartment blocks, rural dwellings, etc.) to await their decisions.

Collaborating institutions are the social offices of the Federal States and the municipalities, the local labour agencies for those asylum seekers who are granted refugee status, the police who handle criminal activity or repatriation, and at the private level, various NGOs (including church organisations) assist in social care. **The Federal Office for Migration and Refugees (BAMF)** is the organ responsible for deciding on asylum cases, and acts through its local offices.

Granting of asylum gives the right to temporary residence but does not automatically generate a permanent residence (now known as a 'residence permit'). If the grounds for recognition no longer exist because of improvements in the home country, recognition of asylum can be revoked. However, the asylum seeker may have earned the right to reside permanently in Germany for other reasons. The limit on revoking status is three years.

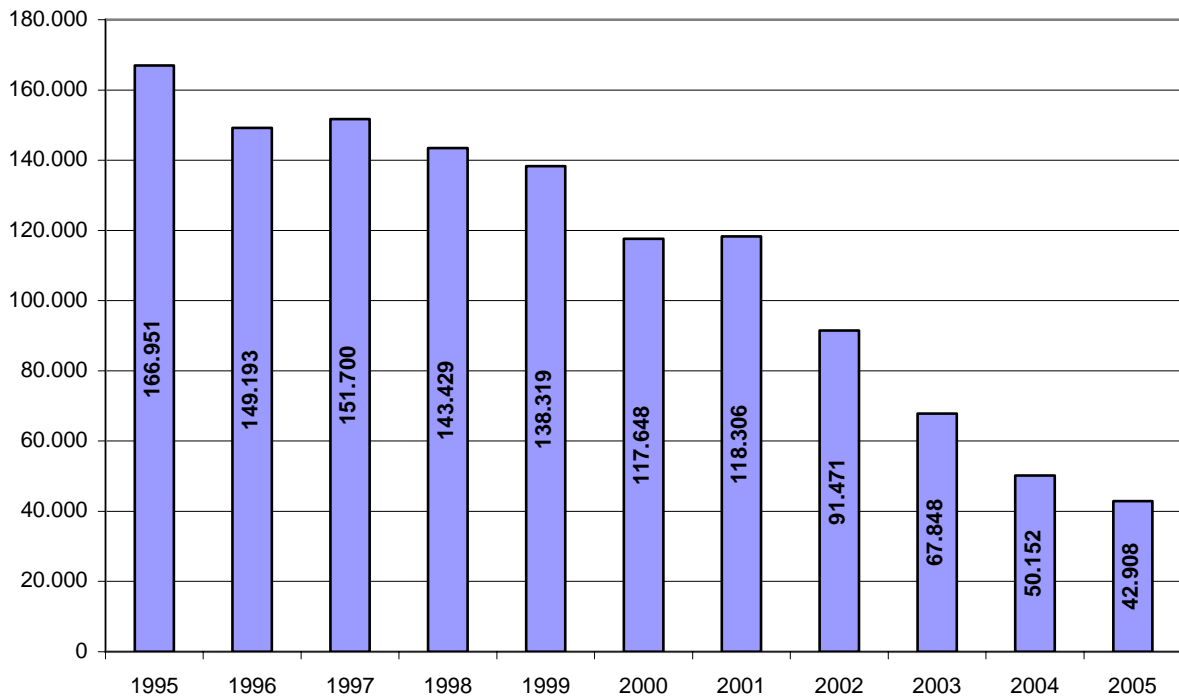
Repatriation may also be delayed or revoked for humanitarian reasons. For example, repatriation is suspended if a foreigner faces a concrete threat of torture, capital punishment or other inhuman or degrading treatment. Temporary residence permits may be issued as long as grounds for suspending repatriation exist, **but the repatriation order can remain in effect.** If they have committed criminal activity, become security risks (terrorism) or are suspected of crimes against humanity they may be returned.

In addition to the governmental authorities, the German asylum landscape is also marked by a variety of **civil society actors** who carry out service and advocacy functions, as well as the social integration of immigrants into German life. These include civic and religious organisations providing social care or therapy; grass-roots advocacy groups providing legal services and lobbying for refugee rights, and ethnic associations who provide informal support and integration channels.

3.2 Asylum-seekers in Germany

Following this short overview of various types of migration to Germany, I will proceed with a brief presentation of the development of asylum applications during the last years.

Figure 3: Asylum applications since 1995

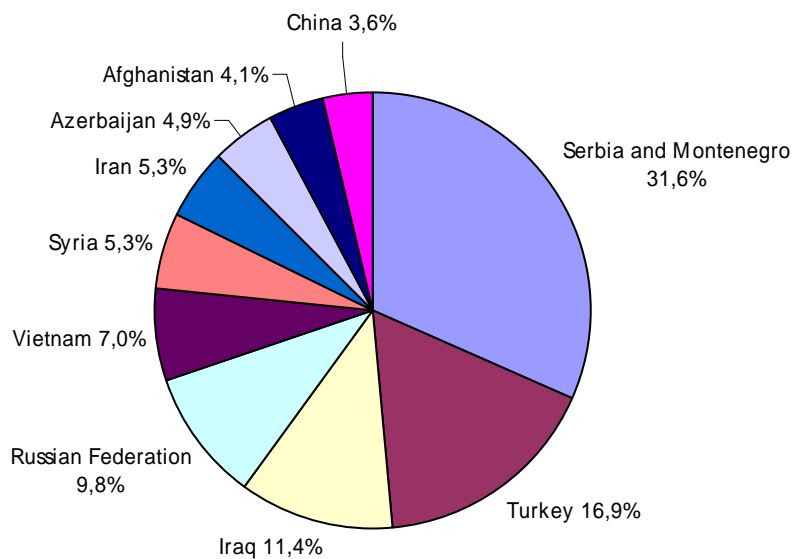


Federal Office for Migration and Refugees (own presentation of data from 2006)

According to German ministerial statistics, asylum applications in Germany have declined from a high of 438,191 in 1992 to 117,648 in 2000 to 42,908 in 2005 (Federal Office for Migration and Refugees 2005). **There is a clear decline in asylum applications.** From 2001 to 2005, the number of applications fell by 63.5%. The high influx of asylum seekers in the 90s can be explained by taking a closer look on two developments on international level during that time: (1) After the fall of the *Iron Curtain* at the beginning of the 90s, a vast majority of asylum seekers entered Germany, (2) During the war in Bosnia-Herzegovina and Kosovo, Germany received civil war refugees by granting them temporary protection.

Even if the application for asylum has been rejected, many asylum seekers remained in Germany for several years. The cycle of rejection-appeal-waiting-subsequent rejection has led to increasing social and psychological problems among asylum seekers, who often live in crowded conditions unsuitable for families.

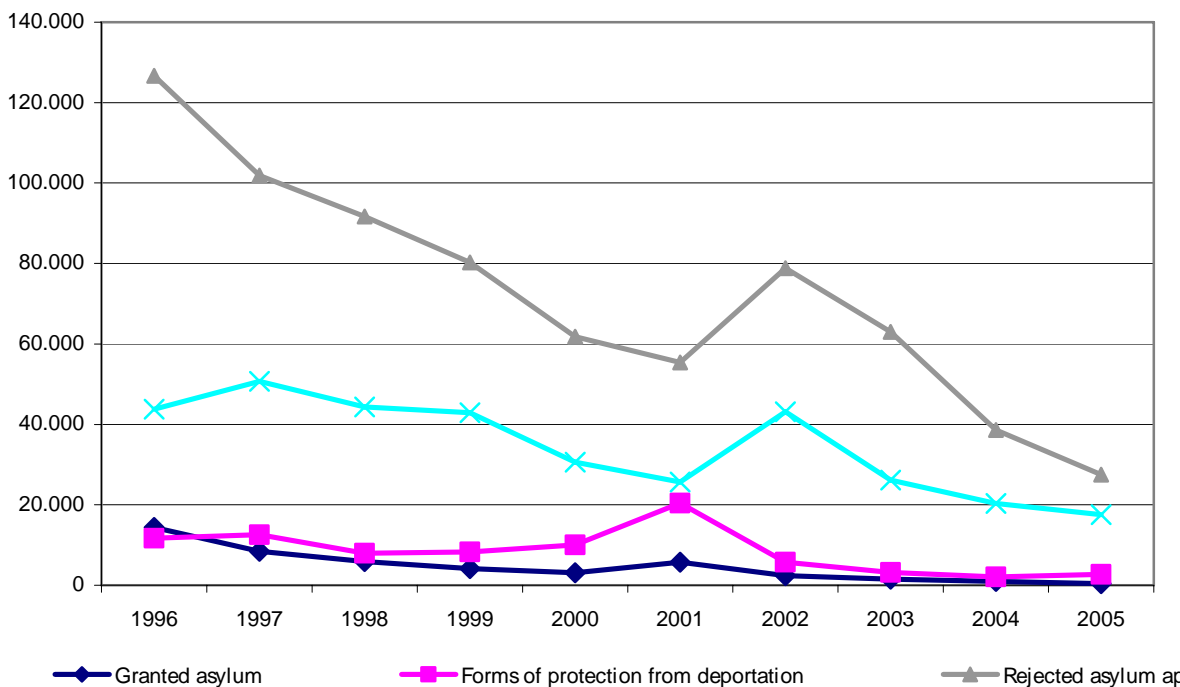
Figure 4: Top Ten countries of origin



Federal Office for Migration and Refugees (own presentation efms 2006)

The most frequent countries of origin of asylum-seekers in 2005 were: Serbia and Montenegro (20.3% of all applications), Turkey (10.6%), Iraq (6.1%), the Russian Federation (6.0%), several other countries (Vietnam, Iran, Syria, Azerbaijan, Afghanistan, China) all under 4%; and an additional 40% came from all other countries (Federal Office for Migration and Refugees).

Figure 5: Decisions on asylum applications



Federal Office for Migration and Refugees (own presentation efms 2006)

In 2005, 0.9% of applicants were granted asylum and an additional 5.7% some form of protection from repatriation. A total of 57.1% of the applications were rejected; the remaining 36.4% were withdrawn or resolved by other means (in most of these cases it became clear that the applicant entered Germany passing a safe third state). The rate of granting asylum has dropped from 7.4% in 1996 to about 1.0% in 2005 (Federal Office for Migration and Refugees 2005: 49).

In addition to those asylum-seekers waiting for decisions, there are an estimated 180,000 individuals whose applications have been rejected, or who have remained in Germany because they cannot be returned to their countries of origin (due to some form of protection or simply because they indicated that they lost their passports). **This migrant group holds a short term residence permit called ‘toleration’.** Thousands of them have simply refused to leave, are living in a bureaucratic limbo after having submitted new applications on humanitarian grounds, or have decided to remain in Germany illegally.

4. The Integration of Refugees in Germany

Those refugees receiving formal residency status are now entitled, under the new law, to an ‘integration’ package consisting of language training, an orientation course in German society and politics, and various education and job training measures to help them to enter the labour market. Rejected asylum seekers or those waiting for decisions are formally **not entitled to benefit from integration measures**, but in practice may be brought into such courses under the rubric of pre-repatriation measures.

Recognising the need for integration on the one hand, but sticking to the formula of Germany not being an immigration country resulted in an ambiguous definition of the situation during the 70s up until the 90s. *“Germany is not an immigration country”* stands for doubts about the legitimacy of the presence of foreigners. The political ‘tone’ in Germany has been to discourage refugees from entering Germany to seek asylum and if so, to discouraging them from appealing rejection decisions (Cyrus & Vogel 2005). In addition, economic incentives to remain in Germany have been reduced, so that refugees receive food packages instead of allowances. The political mood is to encourage voluntary return, and several Federal States, for instance Bavaria, have set up return counselling centres. Funds from these centres can be given to refugees as micro-credits for business start-up, the intention being to find a way to ‘reintegrate’ them into their countries of origin at a sustainable level. **The operating concepts are thus ‘pre-integration’, ‘return migration’ and ‘re-integration’ into their countries of origin.**

The definition of immigration changes drastically at the beginning of the new millennium with the introduction of the new **Immigration Act**.

4.1. The Legal Basis of the German Asylum System

Until 2005, the legal basis for asylum and reception was based on a combination of international conventions and German basic legislation, supplemented by various German laws and regulatory instruments. In 2005, the Aliens Act was replaced by the *‘Act to Control and Restrict Immigration and to Regulate the Residence and Integration of EU Citizens and Foreigners (short Immigration Act)’* (of 30 July 2004). The most relevant provisions of the Immigration Act are:

- ▶ The law introduces two types of residence permits: a **‘residence permit’** for temporary residence and a **‘settlement permit’** for permanent residence. The **‘tolerated’** designation, in effect **‘temporary suspension of repatriation’** remains only as a technical instrument. After three years with a residence permit, an individual can apply for a settlement permit, equivalent to permanent resident status.
- ▶ **Temporary residence permits** are issued for the following purposes listed in the Residence Act:
 1. employment or self-employment (Sections 18-21 of the Residence Act),
 2. for humanitarian or political reasons, or reasons based on international law (Sections 22-26),
 3. for family reasons (Sections 27-36),

4. education or training (Sections 16-17).
- ▶ Refugee status (under the Geneva Convention) may also be granted for cases of non-state persecution.
 - ▶ Persecution by non-state actors can also be grounds for suspension of repatriation.
 - ▶ Gender-specific persecution is recognized
 - ▶ Improved status for persons enjoying subsidiary (temporary) protection
 - ▶ Right to asylum is excluded for those suspected of terrorist activities, threats to national security, or if they have committed crimes against humanity or a serious non-political crime outside Germany
 - ▶ A residence permit is granted in case of obstacles to repatriation, in order to avoid successive suspensions of repatriation (the 'tolerated' status) if the obligation to leave the country cannot be fulfilled within 18 months
 - ▶ Subsequent immigration of children under age 18 is permitted.
 - ▶ Prior to granting of a settlement permit, the government can assess whether the situation in the country of origin has changed so as to allow for repatriation, in which case a settlement permit will be denied.
 - ▶ Immigrants have the right and obligation to participate in integration courses in German language (600 hrs.) and orientation courses in German law, history and culture (30 hrs.) with the costs of the courses to be paid by the government. Failure to attend the courses can result in reduced benefits or possible repatriation. The content and organisation of the course is set out by the Federal Office for Migration and Refugees (Bundesministerium des Innern 2005).

The law's intention is to both harmonize with EU legislation and to speed up the asylum process. In addition, those individuals receiving temporary protection and who are unable to return to their home countries after a prolonged period can qualify for permanent residence status and acquire skills which can be used in an eventual return process. *"As critics have pointed out, the situation of the hundreds of thousands of tolerated refugees remains unclear. These people are in various stages of legal appeal and remain in a prolonged reception stage without possibility of benefiting from integration measures"* (European Refugee Fund 2006: 16).

4.2 'Tolerated' Refugees

The German integration debate developed in the context of a large population with an immigrant background. There are ethnic Germans with immediate access to German citizenship, but also a large foreign population without German citizenship, but with secure residence rights. Short-term and pendular migration is substantial, and there is also a **substantial minority of long-term residents without secure residence rights**, namely *de facto* refugees and humanitarian entrants (Bundesministerium des Innern 2005). **The integration debate mainly concerns only the immigrants already residing in the country or entering in the future with a regular residence status.** The main political objective with respect to 'tolerated persons' is their return. In order to promote their return, legal and administrative measures aim at preventing their integration (*a non-integration policy*) (cf. Cyrus & Vogel 2005). These measures include the **ban on employment, subsistence in kind, residence and travel restrictions**. Since the 'toleration' status is usually valid for short periods of time of three or six months, it is very difficult to find an employer who is willing to offer them a job.

About 180.000 immigrants are currently living as tolerated foreign nationals. They are mostly Kosovars, Roma, Bosnians and other ex-Yugoslavs, Kurds, Afghans and Iranians. Many of these immigrants have lived in Germany with their families for ten years or even longer (50.000). *Tolerated immigrants* are subject to several special measures that aim to prevent the integration of these persons into the German society. Access to the labour markets is subject to restrictions (labour market test) and as a result, very few immigrants have regular access to formal employment. In regions with high unemployment, the restrictions constitute a de-facto prohibition of work. Youth immigrants with toleration are only allowed to participate in professional training when it can be demonstrated that no other 'privileged person' can be placed in the training programme.

Against this background, it is no surprise that the tolerated immigrants and their children show a bad integration performance which became highly visible. In the course of the debates on the new immigration acts, a one-time status adjustment (or regularisation) for tolerated persons was discussed but not introduced. Most recently, in June 2005 the Federal Ministry of Interior proposed that families of tolerated immigrants with children who were born or grew up in Germany should be granted a residence title for humanitarian reasons. The main argument was that the children did not develop deep cultural or linguistic links to their parents' country and that their home is Germany. But this status adjustment should be restricted to children and their families.

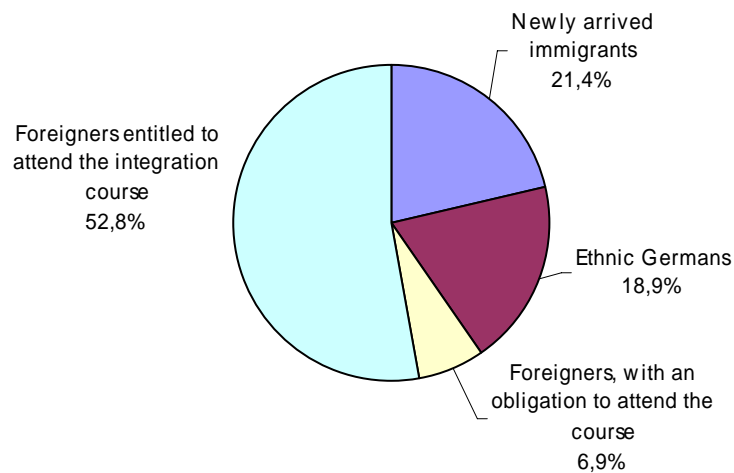
Since summer 2006, there were signs of optimism in the debate on granting residence permits to long-stay asylum-seekers. The two main political parties were showing more signs of wanting this sort of amnesty to be dealt with swiftly. **In mid-November, the Conference of Interior Ministers (IMK) agreed, that it should become easier for migrants in Germany to gain access to a permanent residence permit.** Immigrants living longer than six years in Germany and who can satisfactorily show that they have an occupation on a regular basis should receive a residence status upgrade (Migration News Sheet November 2006). Those immigrants who are currently not employed should find a job within a two year time period. The regulation should detain jobless migrants from entering the German social security system. According to the decision of the Conference of Interior Ministers and as a basic principle, refugees from Iraq will not receive a residence permit. Reasons for these decisions are the fear of alleged security risks and the hope that the situation in Iraq could change for a better. Immigrants' associations and NGOs like ProAsyl, Caritas and Amnesty International criticise the plans of the Interior Ministers. They argue that certain refugee groups are basically excluded from the new regulations.

4.3 Integration and Language Courses

On the other hand, immigrants with a regular residence status are required to integrate into the host society (integration policy). There is broad agreement for this policy, and in Germany we understand that it is a mutual duty of state and immigrants to promote this development. However, there is not as much consensus what this means. I will go on by giving you an overview in which areas Germany is faced with integration challenges at the moment.

Integration courses focus on language acquisition (600 hours) and a limited introduction to the German civic order (civics education) (30 hours). During 2005, 115.000 participants started visiting an integration course (Federal Office for Migration and Refugees 2006: 92). In 2005, a total number of 8.100 integrations courses were offered. They are publicly financed with a contribution by the immigrants themselves that is waived for low-income earners. Earlier immigrants with secure residence status can be obliged to participate if they are unemployed. The participation of already residing immigrants is only possible in case of free course places and serves therefore as a means to fill vacant places.

Figure 6: Participants of integration courses in 2005



Federal Office for Migration and Refugees (own presentation efms 2006)

At the same time, the administration of language courses has been reorganised. The *Federal Office for Migration and Refugees* takes a lead in the selection of integration course suppliers and the screening of applicants with the help of different local offices in the different Federal States and municipalities.

5. Conclusion

A rough review of the current situation shows that the debate on immigration issues is characterised by often contradicting subjects and objectives that change over time. It can be said that public policy in the area of integration and migration was dominated by a restrictive anti-immigration attitude up until the 1990s. However, it must be said that policies implemented in the field of immigration and integration are often more pragmatic than the rhetoric and public discussion. The Federal Constitution has decentralised competences and it enforces the subsidiary principle. Because of this, the implementation of measures in the field of immigration are similarly fragmented and dispersed. This is largely the result of the nature of German federalism and the fact that immigration has always been treated as a by-product of other policies. German political culture is characterised by strong implementation at the local level. This influence has a softening effect, making the reality less restrictive than the rhetoric would suggest. In this situation, it is difficult to draw an adequate picture of the integration practice in Germany.

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