

European Immigration

A Sourcebook

ASHGATE

Chapter 10

Germany

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Who is an immigrant in Germany? Indeed, political debates for a long time refuted the notion that there are any 'immigrants' in Germany. The ongoing immigration was, for a long time, not officially acknowledged as immigration but, rather, it was labelled as the return of ethnic Germans, the temporary recruitment of workers, or the temporary reception of asylum seekers and civil war refugees (Cyrus and Vogel, 2005). But *de facto* immigration numbers in this 'no-immigration-country' regime were substantial. Experts estimate that about 30 per cent of the population residing in Germany was born abroad or has ancestors which immigrated to Germany after 1945 (Bade and Münz, 2002, p. 11). Only with the passing of the new Immigration Act in 2005 did the official position acknowledge that immigration takes place and should be properly managed and statistically counted in the future. Moreover, the integration of newcomers with the perspective to stay should be promoted along with more secure residence rights and integration courses (Bade, Bommers and Münz, 2004).

In the current situation of hardly any net immigration (BAMF, 2005a), public debates focus more and more on integration issues. In recent years, many integration-related issues have dominated the headlines in public discourses for weeks. These included poor records of immigrant children in schools, violence in neighbourhoods with a high share of immigrant population in big cities, high unemployment among foreign nationals, Muslim teachers' claims to wear headscarves in class, the situation of women in Turkish immigrant families. These debates contributed to and reinforced the image that immigration is a problem, that immigration control should be more strictly enforced, and that integration policies failed in the face of immigrant communities who are largely refusing integration. Politicians have repeatedly and successfully made use of these opinions to win elections (Meier-Braun, 2002).

Public debates fail to recognize that a large part of the current problems are due to non-integration policies as a means of enforcing immigration control. A large proportion of those who have secure residence rights or even German citizenship today were, initially and for many years, subject to policies of disintegration: short-term residence permits, exclusion from the labour market or from certain professions, exclusion from political rights and from certain social rights. Even today, there is a considerable minority within the foreign population with insecure residence rights and the constant threat of deportation, even after long-term residence of more than ten years.

In this paper, we sketch the development towards this situation, focusing on the last two decades. In the final remarks, we will ask what this could mean for determining who is an immigrant in the future.

Major developments in Germany's immigration policy

From the beginning of industrialization in the second half of the nineteenth century, German territories turned from an area of emigration to one of immigration (Herbert, 1986; Bade, 2003).

The long and changeable history of migrant workers' attraction include the recruitment of seasonal workers for German agriculture during the empire until 1918 and the unscrupulous organization of forced labour by the Nazi regime (1939–45).

After the Second World War, millions of German refugees from former territories settled in the two German states, but the migratory situation soon began to develop differently. The German Democratic Republic (GDR) closed its borders, but because of an increasing lack of labour, in the early 1980s it began 'importing' migrant workers, mainly from other socialist states such as Poland, Cuba, Mozambique and Vietnam in particular. On the other side of the wall, the Federal Republic of Germany (FRG) accepted the influx of GDR citizens who escaped for political, social and economic reasons. After 1955, the FRG signed the so-called guest-worker recruitment programmes in order to organize the temporary employment of migrant workers from ten states, mainly from the Mediterranean basin. An estimated total of fourteen million migrant workers had come to West Germany and most had left when the recruitment programmes were terminated in 1973. Workers with a job were allowed to remain, which had the unintended effect of stabilizing the settlement of many of these 2.7 million recruited foreign workers since they had, by law, no chance of returning to Germany once they had left.

The subsequent period 1973–1990 was characterized by the immigration of family members of these recruited workers and the beginning of immigration of refugees and asylum seekers from politically unstable countries in Latin America, Africa, Asia and Europe (in particular Turkey and, later, civil war refugees from former Yugoslavia). The few citizens from socialist countries who managed to come to Germany were generally accepted as political refugees.

Since the mid-1970s, the immigration of ethnic Germans from Poland and later Romania and the late successor states of the USSR started and reached a peak in the early 1990s.

In 1990, a major revision of the Foreigner's Law was enacted after a long and heated debate. The migration policy became characterized by the officially declared targets to prevent the further entry of immigrants from non-EU countries, to foster the return of foreign nationals and to promote the integration of the legally residing immigrants, and in particular the recruited workers and their families. All in all, the 1990 Foreigner's Law had introduced more and better legal claims instead of far-reaching discretion of authorities at the local level, leading to more secure rights for settled immigrants.

But the 1990 Foreigner's Law had been prepared before Germany faced major immigration challenges from the collapse of the communist regimes in Eastern Europe. It was not sufficient to cope with the extraordinary situation after the fall of the Berlin wall in November 1989, which was an important event in German history, including its migration history. The following years were characterized by a pragmatic 'muddling through' in reaction to new developments and concerns. In the first half of 1990, Western Germany faced a massive influx of immigrants with the right to housing and basic income: East-Germans, ethnic Germans from Eastern Europe, and asylum seekers from all over the world, but mainly from Europe. This development put immense pressure on the local communities in Germany which were responsible for providing shelter and subsistence for these immigrants. Immigration from Eastern to Western Germany reduced quickly in the course of the unification of Germany in 1990. At the same time, ethnic German immigration was restricted by a *de facto* quota, while the first legislative restrictions came into force only in 1993. Asylum seeker numbers multiplied until 1992. In 1993, the constitutional right to asylum was severely restricted, and a number of legislative and administrative measures made access to the asylum procedure much more difficult and curtailed social and juridical rights during the procedure.

In the same period, border control was completely reorganized. At the EU borders in the west and south, border control changed from inspection units sitting at ports of entry to mobile units looking for illegal immigrants. Access from the east had formerly been neatly sealed by the nearly

impermeable walls erected by the German Democratic Republic. After unification, a completely new border control regime was built up at the border with Poland and the Czech republic.

While the conservative German Government tried to cope with the increasing immigration from Central and Eastern Europe, mainly by restricting immigration opportunities and increasing border control, it expanded inter-governmental agreements for the temporary employment of workers from Central and Eastern Europe. It also introduced regulations, in the form of a quota, for admitting Jewish refugees from Russia.

Towards the end of the 1990s, net immigration was reduced to a trickle. When a coalition of the Social Democratic Party and the ecologically and more pro-migration orientated Green Party formed a so-called 'Red-Green government' in 1998, it was faced with expectations to introduce paradigmatic changes in the field of migration and integration and to take care of a 'normalization' of migration policies (Bommes, 2001). Indeed, the Red-Green government launched some immigration legislation projects immediately, and after its re-election in 2002. This was nonetheless done cautiously and with a continuous tendency to more restrictive regulations in response to harsh critique from the opposing parties and media (Hell, 2005).

Naturalization reform

The first of the most important initiatives was the naturalization reform: the new 'Red-Green government' launched a new naturalization act with a provision for a limited *jus soli* and double citizenship. After fierce protest initiated by the Christian Democratic Party on the eve of a state election, the opportunity for double citizenship was reduced to a temporary status for the second generation with the obligation to decide on the retention of one citizenship later on. The law stipulates – provided that the parents possess a secure residence status – that children of foreign nationals born in Germany will receive German citizenship on a preliminary basis, regardless of whether they possess another citizenship. However, the legal requirements foresee that naturalized persons with dual citizenship have to opt for one citizenship only by the age of 23. Thus, German citizenship will be automatically withdrawn if a naturalized adult with double citizenship does not renounce the other citizenship. It will be up to the courts to decide on the constitutionality of this provision.

After the enactment of the law, naturalization issues stirred little public attention until 2005. The full consequences of the law reform appeared only after the coming into force of the provisions. It turned out that this regulation collided with a well-known practice of Turkish citizens who return their Turkish citizenship in order to acquire German citizenship, and regain it afterwards as a second citizenship.¹ As a consequence, some 10,000 'double citizens' were faced with the legal fact that they were no longer German. The German authorities offered citizens who had re-acquired another citizenship after naturalization to repeat the naturalization procedure under the condition that the German citizenship will become exclusive.

A labour market initiative

Only when an initiative to introduce a work permit scheme for computer experts in 2000 was implemented at the demand of IT enterprises and gained wide public acceptance, did the Red-Green government feel encouraged to take up an initiative for a complete reform of the Foreigners' Law. The Federal Minister of the Interior appointed an Independent Commission on Immigration. Following the argumentation of the Independent Commission (Kommission Zuwanderung, 2001),

1 See www.migration-info.de/migration_und_bevoelkerung/archiv/ausgaben/ausgabe0502.htm.

political and societal elites in all fields recognized that immigration is an inevitable aspect of globalization and that, rather than being prevented, it should be managed properly. Shortly after the publication of the Commission report in the summer of 2001, the Ministry of the Interior launched an immigration bill that made some use of the Commission's results but was in many details more restrictive.

Increased security concerns

The incident of 11 September 2001 coincided with the debate on the more open proposals of the Commission and the bill of the Ministry of the Interior. After 9/11, security issues were emphasized in the debate on immigration and the aspect of policing immigration gained increasing relevance. In this situation, the Christian Democratic Party returned to an even more restrictive stance in order to win votes (Meier-Braun, 2002). After a contradictory vote in the second chamber of Parliament, the new law was firstly enacted, came partly into force in July 2002, and was finally stopped by the Constitutional Court for procedural reasons in December 2002 after a legal action taken by the Christian Democratic Party.

New immigration law

In 2002, the Red-Green coalition government was re-elected in a close vote, but for major reforms like the immigration law, it still needed the consent of the opposition because of the Christian Democrat majority in the second chamber. After lengthy negotiations with limited information given out to the public, they finally agreed on a new immigration law and voted accordingly in parliament. The 'Law for Managing and Containing Immigration and for the Regulation of the Residence and Integration of EU Citizens and Foreigners' came into force in January 2005. As in the original version, the terminology and the legal framework changed – although not as much as originally planned – but actual policy instruments remained the same in many policy fields (Vogel and Wüst, 2003).

An important aspect of the new law is the introduction of obligatory integration courses for new entrants. Integration courses have a main focus of language acquisition (600 hours) and some limited introduction to the German civic order (30 hours). They are publicly financed with a contribution by the immigrants themselves. This is waived in cases of low income. Earlier immigrants with secure residence status do not enjoy an individual right to participate in such courses. They may participate when ongoing courses are not filled with newly arrived immigrants, but in cases of unemployment or of perceived integration deficiencies, the authorities may even oblige long-term residing immigrants to participate (Beauftragte der Bundesregierung für Migration und Integration, 2005).

In November 2005, after early elections, the Christian Democratic Party and the Social Democratic Party formed a 'great coalition' government. This new government emphasizes the difficulties rather than the opportunities related to migration. The new government continues with the legislation projects of its predecessor but stresses restrictive instruments and authoritative measures in order to control migration, return unwanted immigrants and demand more integration efforts from immigrants. Again and again, politicians mainly but not only from the Christian Democrats launch new restrictive proposals – such as the duty to speak only German in schoolyards, or the deportation of immigrants who refuse integration or harder punishment of forced marriages in the criminal law – with limited chances of succeeding in the legislative process and even lower chances of leading to substantial changes in the social reality in case of enactment. In addition, the legislator discusses a number of adjustments to the immigration law in order to implement

EU directives. As a rule, the new coalition government opts for the most restrictive admissible regulations (for a more detailed account of recent immigration policies, see also Cyrus and Vogel, 2005).

In this situation, welfare organizations and immigrant lobbyists are consistently lobbying to get the issue of tolerated immigrants on the agenda. 'Tolerance' is a formal acknowledgement of the impossibility of removing a person, and it gives access to some social rights, but only limited labour market access. Among the more than 200,000 so-called 'tolerated' persons in Germany there are people with residence of more than ten years. In Germany, there have been no regularization programmes for undocumented immigrants, but a number of status adjustment programmes for long-term tolerated immigrants in the 1990s (Cyrus and Vogel, 2005), and a new programme is being considered. Recently, lobby campaigns countered the emotional campaigns of restrictionists, trying to draw attention to the issue by focusing on well educated, well integrated young people who have spent most or all of their life in Germany and are now faced with exclusion from the labour market or even deportation, because of their parents' status.

The immigrant population in Germany: main demographic and social features

Owing to inconsistent legal treatment of immigration, there is no clear picture available of the stock of immigrants, that is the foreign-born population, in Germany. German migration statistics are based on residence registers, which count all regular German and foreign residents, including short-term residents such as seasonal workers. Official statistics do not differentiate between foreign-born and natives, but only between foreign nationals and Germans. Hence, there is no secure information on the number of foreign-born or naturalized German citizens. The foreign-born and their offspring can only be identified in the most recent microcensus survey that published initial data after this chapter was finalized. According to this survey, 15.3 million residents (20 per cent of the population) are either foreign-born or children of foreign-born in 2005.² The population with immigration backgrounds can be traced back to a variety of immigration patterns (Sachverständigenrat für Migrationsbericht, 2004; Sachverständigenrat für Zuwanderung und Integration, 2004). Most important were the following:

Between 1945 and 1949, about twelve million German nationals fled to the Federal Republic of Germany, mainly from the former German territories and some other areas of Eastern Europe, and settled in Germany (Münz, 2001).

Between 1955 and 1973, an estimated fourteen million workers from countries of the Mediterranean basin entered Germany on the basis of bilateral recruitment agreements in order to take up temporary employment. The majority of these recruited workers had returned by 1973, when a recruitment stop was declared. In that year about 2.7 million workers were in Germany, many of whom decided to stay.

The subsequent immigration of relatives of foreign nationals living in Germany became an important channel for permanent settlement. In 2003, the German visa-authorities issued 76,077 visas for family-related permanent immigration.

Since the 1950s, more than four million persons benefited from organized programmes for the reception of ethnic Germans, initially from Poland and Romania and, later, from the former Soviet Union. The immigration of ethnic Germans peaked after 1989. Indeed, between 1990 and 2003, 2.4 million ethnic Germans arrived.

2 Press release Beauftragte der Bundesregierung für Integration. Berlin, 06/06/06, http://www.integrationsbeauftragte.de/gra/presse/presse_1342.php.

Between 1990 and 2003 the German authorities admitted altogether 179,934 persons as Jewish quota refugees who came exclusively from the area of the former Soviet Union. Currently, about 15,000 persons immigrate annually.

Between 1990 and 2003 asylum authorities decided more than 2.69 million asylum applications and rejected most of them. Although being obliged to leave the country, many rejected applicants managed to remain in Germany.

During the 1990s civil war in former Yugoslavia, about 350,000 refugees were accepted as civil war refugees on a temporary basis. Of these, only 20,000 victims of civil war atrocities remained in Germany, while the rest returned.

Another immigration pattern that contributes to the officially registered foreign population concerns temporarily admitted migrant workers and students. Altogether 271,000 seasonal workers and on average 43,000 foreign contract-for-services workers were employed in 2003. About 180,000 foreign students (with a foreign school certificate, not foreign nationals who study after completing a German school) were registered in 2003.

Since the information on immigration is so inconsistent, this section focuses on the information of foreign nationals only. In 1991, there were about 5.9 million foreign nationals in the Federal Republic of Germany. This quickly rose to 7.3 million in 1996. The stock figure stabilized around this number until 2003, but decreased to 6.7 million foreign nationals in 2004. This reduction of 600,000 persons is mainly the effect of an adjustment of statistical categories. As a matter of fact, the available figures show that, currently, Germany does not receive much new immigration. The migration statistics since 1998 show a balanced or rather modest positive net migration balance.

One important factor why the foreign population does not increase is naturalization. Between 1994 and 2003 more than 1.2 million foreign nationals received German citizenship, of whom more than 0.5 million were Turkish citizens. Of foreign nationals, 5.3 million are also foreign-born, while 1.4 million were born in Germany (see www.destatis.de). Among foreign nationals not older than 17 years, 69 per cent were born in Germany. This situation will definitely change because of the new nationality law that came into force 2000 (as explained in Section 2 of this chapter).

The figures (Table 10.1) indicate that at the end of 2005, approximately 32 per cent (2.1 million) of the foreign population came from an EU Member State and a further 48 per cent (3.2 million) from other European countries. The remaining foreign residents came from Asia (12 per cent), Africa (4 per cent), America (3 per cent), and some were stateless or of a nationality not determined (1 per cent).³ The largest in number were Turkish (26 per cent), Italian (8 per cent), Polish (5 per cent), Greek (5 per cent) and Serbian-Montenegrin (4 per cent).

The average duration of residence for foreign nationals was 16.8 years at the end of 2005.⁴ The foreign population is, however, divided with respect to the length of stay and residential rights. More than one-third of the foreign population has lived in Germany for more than 20 years, and about two-thirds (4.6 million persons) for at least 8 years, thereby fulfilling one of the basic requirements for naturalization. About 21 per cent of all resident foreign nationals were born in Germany. Among the resident Turkish nationals, 34 per cent were born in Germany, among Italian nationals 30 per cent, and among Dutch nationals 28 per cent. The share of women is 48 per cent, their average age is 35.6 years, and their average stay is 16 years. The average age of foreign men is 36.4 years and their average stay 17.6 years.

3 <http://www.destatis.de/presse/deutsch/pm2006/p1340025.htm>, accessed 02/05/06.

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Table 10.1 Basic figures for the foreign population in Germany (2005)

Category	Arrivals	Departures	Resident foreign population at 31 December 2005
Total of European nationals	281,591	213,223	5,375,180
of whom:			
Total of European Union	166,767	124,919	2,144,648
of whom:			
Italy	12,269	18,245	540,810
Poland	75,273	40,139	326,596
Greece	5,734	10,413	309,794
Total of other European countries	114,824	88,304	3,230,532
of whom:			
Turkey	31,375	23,142	1,764,041
Serbia and Montenegro	12,340	8,152	297,004
Total Asian countries	68,369	42,744	826,432
Total African countries	21,057	13,636	274,929
Total America	26,556	17,640	208,200
Total Australia und Oceania	1,726	1,270	10,157
Stateless or unknown	2,194	1,662	60,913
Total foreign population	401,493	290,175	6,755,811

Source: *Ausländerzentralregister*.

According to the latest available data, about two million foreign nationals reside in Germany with a temporary or an insecure residence status, and 180,000 foreign nationals with only a tolerated status. In general, about 1.1 million foreign refugees lived in Germany in 2003. Of these, 115,000 were acknowledged asylum seekers, 75,000 were quota refugees, 188,000 were Jewish quota refugees from CIS countries, 416,000 were de facto refugees and 166,500 were persons belonging to another category (Sachverständigenrat für Zuwanderung und Integration, 2004, p. 60).

In some districts of big cities with a large share of immigrants, children with immigrant backgrounds account for the majority in the schools. According to all available studies among the international Pisa studies, the school system does not deal with this concentration in an appropriate manner.

The economic integration balance is problematic (OECD, 2005). In summer 2004 the unemployment rate among foreign nationals was 20.1 per cent while the overall unemployment rate was 11.7 per cent. At 8.4 per cent, the rate of social assistance recipients is higher among foreign nationals than among German nationals with a rate of 2.9 per cent. Among the foreign social assistance recipients, 10 per cent are EU-citizens, 9 per cent are recognized asylum seekers, 1 per cent is civil war refugees and 80 per cent are other categories of foreign residents including Turkish nationals and tolerated persons (Franz, 2004). However, the economic integration problems are somewhat overemphasized by statistical distortion, since those foreign nationals that are better off and more successful 'disappear' with naturalization from the statistics of foreign nationals and leave the less successful behind.

Undocumented immigrants are not included in all quoted figures. Estimates indicate that as many as one million persons who live in Germany are without proper documents (Alt, 2003; Cyrus, 2005a). This means that, on the one hand, the figures of foreign nationals lead to an underestimation of the real amount of *immigration* caused by ignorance of the omitted categories (ethnic Germans, naturalized citizens and undocumented immigrants), and on the other hand, that there is an overestimation due to the inclusion of foreign nationals born in Germany (Migrationsbericht, 2004, p. 129). As a matter of fact, experts agree that the quality of data sources in the field of immigration and integration is badly insufficient (Sachverständigenrat, 2004, p. 396ff; BAMF, 2005b, p. 3).

Immigrant rights and participation in public life – issues of immigrant integration

The current legal framework for immigrants' civic participation in Germany is laid down by the basic law and a number of specific laws and regulations. As a rule, newly arriving ethnic German immigrants enjoy full political rights from the beginning. But, according to the basic law, *foreign nationals* cannot possess full civic rights. The missing German citizenship excludes foreign residents from political rights, namely active and passive voting rights. But apart from political decision-making, non-citizens enjoy far reaching entitlements. With reference to the human rights norms codified in the international human rights conventions, the basic law includes the principles of non-discrimination and the rule of law. Immigrants are hence entitled to the services of a number of legal and social institutions, although in some domains this occurs with particular restrictions (Davy, 2001).

Basic and citizens' rights Foreign non-citizen residents enjoy freedom of speech, of press and of information (Article 5 Basic Law).

Voting rights According to a 1990 Federal Constitutional Court ruling, an extension of the right to vote and run for office at local level to non-nationals is currently not constitutionally possible in Germany (Shaw 2002, p. 30). This principle encompasses elections at Federal, state and local level. Only EU-citizens enjoy voting rights in local level elections as well as for the European parliament, but not at Federal and state level.

Participation in political parties Although non-citizens do not possess the right of membership of political parties, they are not excluded by law from becoming a member. They are, nonetheless, definitely excluded from internal party procedures to appoint candidates for political office as they do not possess the voting right.

Representation in local decision-making Since the early 1970s, several types of 'foreigners' advisory councils' have been instituted and gradually framed by legal regulations of the federal states (Länder). In some states they consist only of non-citizens while in other states representatives from local councils and administrations also are involved. The non-citizen members are sometimes appointed by local authorities, and in some federal states elected in ballots by the locally registered non-citizen population. As a rule, the main and common characteristic of all foreigners' advisory council is their political insignificance. In some municipalities they have the right to put a resolution on the record of the local council but, as a rule, they are only allowed to make non-committal statements.

Membership of German associations German law does not offer special restrictions regarding foreign nationals' membership of German associations. As with political parties, the decision to accept non-citizens rests with the associations and clubs.

Representation on workers councils With a reform of the industrial constitutional law in 1972, every non-citizen regardless of residence status enjoys active and passive voting rights for the workers councils, namely the central institution for industrial co-determination.

Right to assemble and establish associations The constitutional law warrants the freedom to assemble in public (Art. 8 Basic Law) and the right to establish associations (Article 9 Basic Law) to German citizens only. However, non-citizens are free to set up an association and enjoy the opportunities to launch political activities and to establish self-organizations. But these foreigners' associations are subject to special clauses of the German association law, with restrictions applying, for example, for security reasons or when peaceful cohabitation is threatened. The legislator tightened the special regulations in 2002 in response to the terrorist attacks of 9/11, and lowered the threshold which allows the government to forbid foreigners' associations.

The evaluation of rights depends on the focus. Those scholars who focus on the level of classical *political rights* emphasize exclusion, while those who rather concentrate on *social rights* underline the far-reaching equal status. It is noteworthy that the anti-discrimination law was only introduced in 2006. The German legislator was reluctant to implement the European norms (Treichler, 2004).

While immigrant associations traditionally met with distrust in the German public debate (Herbert, 1986; Bade, 2003), several political and societal developments led public authorities to begin to launch institutional measures for the promotion of immigrant participation. Since the late 1970s, more and more recruited workers lost the 'illusion of return' and began to direct the focus of their interests and concerns to life in Germany. According to their social and cultural background and to their specific situational demands, immigrants began to set up associations which serve their religious, social or cultural needs and in the course of time started to demand recognition and support from German authorities.

Today, immigrant associations receive assistance from several different programmes and government levels which aim to promote the integration of immigrants. On the federal level, public authorities spent €574 million in 2003 and €496 million in 2004 for the infrastructure of integration measures for immigrants (including ethnic Germans) and for language training. A few immigrant associations indirectly benefited from the funds when they acted as supplier of projects such as language or professional training courses. However, the German welfare associations were the main recipients. Also, on the local level, additional programmes for the promotion of integration and participation of immigrants were launched, and indeed, many municipalities established special programmes (Sachverständigenrat für Zuwanderung und Integration, 2004, p. 248). With respect to this development, an observer stated that the societal framework for immigrant associations has improved in recent years. Owing to a change of paradigm, the work that immigrant associations have been doing for decades is now recognized and new options are being opened up so that immigrant associations may apply for public funding (Jungk, 2002, p. 2). The beginning of scientific considerations of immigrants' civic participation in Germany can be traced back to the late 1970s. Several scholars conducted mostly smaller research projects on integration and participation of settled foreign workers. Today, a large number of scientific studies that examine aspects of the civic participation of immigrants are available. But these studies rather deal with more general forms of participation, membership patterns, and immigrant associations. Recently, the Federal Ministry for the Family commissioned a literature review with particular reference to voluntary engagement of foreign nationals. The report indicated 32 research projects and 49 publications on immigrant

integration and participation (Huth, 2002). Our own enquiry (Cyrus, 2005b) with a broader interest yielded many more scientific publications dealing with different national groups and aspects of civic participation of immigrants. The research encompasses several nationalities, but the focus is on citizens of those countries that Germany once had recruitment agreements with, namely Italy, Spain, Yugoslavia and, above all, Turkey.

Initially, recruited foreign workers either established cultural clubs or founded religious associations. Political divisions in some countries of origin (that is, mainly, Turkey and Yugoslavia) instigated a fragmentation of immigrant associations between ethnic groups or political factions from the same country, while Spanish immigrants tended to join in parents' associations (Weiss and Thränhardt, 2005). With the ongoing settlement process, immigrants established sport clubs, parents' associations and immigrants' interest groups with the general objective of improving the situation in the host country. The focus of orientation shifted increasingly from homeland-related issues to matters related to the immigrant situation in the host country. Today, second- and third-generation foreign nationals are mainly members of German sport clubs and they are – because of their socio-economic position – overrepresented in trade unions when compared to German nationals of the same age. The most important group of active civic participants are immigrants from Turkey who are overrepresented in the local foreigners' advisory boards.

Public and media discourses on migration

The debate of the early 1990s was characterized by efforts to cope with the massive influx of immigrants and soon focused on the admission of refugees and asylum seekers and the regulation of temporary recruitment of CEE-workers (Cyrus, 1994; Meier-Braun, 2002), while the existence of a stable resident foreign population became more and more accepted. But immigration remains a contested issue. It was only for a rather short period, around the turn of the millennium, that the debate showed a tendency in favour of more liberal immigration management. All relevant political actors seemed to agree that at least properly managed immigration is necessary and beneficial for Germany. The main arguments in favour of a more liberal immigration regime were the economic demand for highly qualified workers and the efforts to reduce the demographic gap (Kommission Zuwanderung, 2001). However, the attack against The Pentagon in Washington and the World Trade Center in New York on the 11 September 2001, and the economic decline of the IT industry around the same time, changed the situation and fuelled the renaissance of non-immigration opinions.

Recent recommendations for more liberal immigration management in favour of a modest labour market quota cautiously formulated by an official expert council (Sachverständigenrat für Zuwanderung und Integration, 2004) met with firm refusal and caused the subsequent abolition of this expert council. Such a reflex-like and harsh rejection of proposals in favour of more proactive immigration management indicates that the political culture of the self-declared non-immigration country remains salient. Immigration in Germany is still predominantly framed as being detrimental for the state and society.

Islam and the potential threat by Islamist organizations have repeatedly made the headlines in Germany. External incidents like the 9/11 terrorist attack and the recent killing of a Dutch film director have been discussed, but internal affairs such as the legal ban on headscarves for teachers in office or the discussion about forced marriages have also contributed to the perception of an Islamic danger. Surveys reveal an increasingly negative public attitude towards Islam and immigrants with an Islamic background (Statistisches Bundesamt, 2005, p. 589f). The comparative Pisa study – an international ranking of the efficiency of school systems – positioned Germany

in the lower ranks. This caused debates about the deficiencies of the highly segregated German school system. Looking at the causes of Germany's poor achievement, it turned out that children with a blue collar or migrant background were particularly involved. In order to explain the overall miserable balance of the integration of immigrants, the politically framed term 'parallel society' is frequently used in the public debate. This term suggests that immigrants actively and deliberately segregate, refuse to acquire basic cultural techniques (language, education) and thus provoke high rates of unemployment and social assistance receipt. The use of the term 'parallel society' obscures the fact that the long lasting and still salient non-immigration policy has contributed to the current situation.

Several studies show that the media coverage in Germany delivers a rather negative picture of immigration, thereby reinforcing the negative attitude of the population towards immigration and foreigners. Afternoon television talk shows, popular among the less educated youth and young adults, transmit as an unspoken message the concept of distinct cultures and national traits (Thomas, 2003). The media coverage in television, film and print-media portrays immigrants rather as objects that cause problems for the receiving country (for an overview see Merten et al., 1986; Schatz et al., 2000; Hess-Lüttich, 2003).

The negative discourse in media and politics is not without effects. Surveys show that the rejection of immigration is increasing among the German population. The results of the continuous survey (ALLBUS) indicate that the public attitude towards immigration became more liberal between 1980 and 1994, but then turned into a more hostile and negative opinion. According to continuous surveys, 61 per cent of respondents in 1991 and then 72 per cent in 2002 were in favour of restricting the influx of migrant workers, refugees and ethnic Germans (Sachverständigenrat für Zuwanderung und Integration, 2004, p. 381). The expectation that immigrants should adopt a German life-style was supported by 65 per cent in 1980 and dropped to 50 per cent in 1996. In 2000, however, this increased to 72 per cent (Sachverständigenrat für Zuwanderung und Integration, 2004, p. 381f; Statistisches Bundesamt, 2005, p. 586).

From personal observations, we would like to add that local media often cover a wider selection of immigration-related topics than the national discourse. Here, we also find coverage of the efforts of school classes and soccer clubs to oppose the deportation of their fellow students or players. We find that the positive aspects, such as the achievements of immigrant entrepreneurs or the events of local cultural initiatives of immigrant background, are also given coverage.

Concluding remarks

Who are Germany's immigrants? This contribution has sketched the development of the current migration situation, which is characterized by a highly fragmented immigrant population. The rising number of naturalized immigrants – largely of ethnic German or Turkish background – with full rights is still largely invisible in official statistics. The foreign national population is diverse in several respects. With regard to citizenship, Europeans both from EU and non-EU countries still dominate, with an increasing proportion of non-European residents. With regard to immigration, it has to be noted that official statistics include foreign nationals born in Germany, immigrants with a secure status, temporary residents such as seasonal workers and exchange students, as well as asylum seekers and tolerated refugees. Status does not necessarily correspond with length of stay, as there are people who have lived in Germany for more than a decade, yet who still have no secure status. Net immigration is currently negligible and, hence, current debates focus more and more on integration issues, failing to recognize that a large part of the perceived problems are due to non-integration policies as a means of enforcing immigration control.

Who will be Germany's future immigrants? The new Residence Act of 2005 foresees that Germany will receive immigrants with a long-term staying perspective for family and labour market reasons (Cyrus and Vogel, 2005). Their integration will be promoted by obligatory and state-supported language courses that are framed as 'integration courses'. Public discussion acknowledges that there will be a need to attract highly qualified immigrants in the future and foresees a gate for them. This gate, however, is currently nearly closed as a result of restrictive implementation in the face of high unemployment figures. It can be assumed that, for example, foreign students in Germany who find a job after their studies will profit from this gate in the future.

At the same time, the immigration law is control-minded and restrictive with respect to unwanted immigrants from poorer countries who try to gain asylum or protection. If German immigration policy fails to develop a more coherent approach and proceeds with increasingly restrictive procedures, two developments will probably occur. First, the group of migrants that is neither removed nor granted the prospect of a secure stay will continue to be a distinctive feature of the German immigrant population. Faced with a harsh exclusionary disintegration policy, this group will not only have problems in Germany, but will also become increasingly problematic for German society. Second, with negligible asylum acceptance rates and hardly any other options to gain regular status for political or humanitarian reasons, the number of persons without any status will start to rise again.

While past immigration was highly segmented with regard to status, future immigration will be largely split into three groups: immigrants with the prospect of a secure stay, integration promotion and equal rights; temporary and tolerated immigrants with a legal stay but faced with an extremely exclusionary disintegration policy; and temporary and permanent illegal migrants faced with the difficulties of survival in a highly organized society.

These tendencies may be cushioned, compensated for, and finally reversed by other developments in German society. These may include the support of immigrants by the church, labour unions and welfare organizations at the national level, pragmatic coalitions of immigrant activists and administrations at the local level in individual cases, and increasing activities of Germans with an immigrant background. It remains, moreover, an open question whether Germany's negative attitude towards immigration will continue to influence future common European immigration policy or whether a more coherent and liberal approach developed on the European level will shape Germany's future immigration policy.

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