

# GERMAN ISSUES

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## GERMANY: RELUCTANT LAND OF IMMIGRATION

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PHILIP L. MARTIN

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ISBN 0-941441-32-6

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## ***F O R E W O R D***

AICGS is pleased to present this edition of *German Issues* entitled *Germany: Reluctant Land of Immigration*, written by Prof. Philip Martin of the University of California at Davis. Prof. Martin is one of America's leading authorities on immigration and asylum policies. He has done extensive comparative research on immigration policies and has focused in particular on the evolution of Germany's immigration and asylum policies during the past two decades.

Prof. Martin delivers an in-depth look at Germany's efforts to answer what he considers the three primary questions surrounding these debates: how many, from where, and in what status do immigrants arrive? At a time when methods for managing immigration and asylum are being debated in most advanced industrial societies, this study provides an opportunity to compare policy approaches and evaluate their levels of success.

As Prof. Martin points out, these policies are the products of national history as well as current efforts to respond to the ebb and flow of immigration trends. While traditional American celebrations of immigration reflect the enormous movement of people toward the U.S. during the past one hundred and fifty years, Germany's history reflects a different set of experiences with and perceptions toward immigration and the presence of foreigners in German society. Yet, even though the historical record is very different, contemporary German and U.S. society face similar challenges as the gap between rich and poor—in addition to the continuing threats of war and famine—force the movement of millions of people across increasingly porous national borders.

Germany's recent responses to the challenges of managing immigration and asylum have been impressive, particularly when one considers the enormous increase in asylum seekers entering Germany during the Balkan crisis—more than all other European Union countries combined. Yet, the resulting pressure on German society was equally enormous and Germany altered its immigration and asylum laws in an effort to adapt to changing realities. Germany's responses also cannot be seen without reference to the policies being adopted by the European Union (EU) as it seeks to coordinate member nation policies in response

to the millions of people seeking access to the EU as well as those immigrants already living and working within its borders.

Philip Martin suggests that Germany, along with the U.S., needs to examine the principles which underscore their policies toward immigration management. He emphasizes that there are no quick fix solutions and he urges efforts be made to generate durable policies which can help close the gap between the goals and the results of managing immigration, a move that is vital for maintaining much needed public support and consensus. Immigration and asylum issues are volatile questions in Germany, throughout Europe and in the United States, as recent local elections have shown. Germans will go to the polls in late September of 1998 to cast their votes for political parties, all of which have immigration issues as a part of their campaign strategies.

Regardless of who the victor is in September, the issues addressed by Prof. Martin will be on Germany's agenda for many years to come.

We wish to thank the German Marshall Fund of the United States for their support in making this publication possible.

Jackson Janes  
Executive Director

August 1998

## ACKNOWLEDGMENTS

Since 1993, I have been privileged to work with Michael Teitelbaum and Migration Dialogue to arrange annual seminars on migration issues for opinion leaders. This monograph reflects the issues discussed by French, German, and American participants in Nuernberg in 1993 and Berlin in 1997; I am grateful to my colleagues Elmar Hönekopp, Leo Monz, and Rosi Wolf-Almansreh for their assistance with these seminars. I have also worked closely with Kay Hailbronner, Rainer Muenz, and Thomas Straubhaar on a comparative project aimed at helping the industrial democracies better manage migration in the twenty-first century, and benefitted from the seminars held in Germany and California under the auspices of the University of California's Comparative Immigration and Integration Program. I am indebted to Klaus Bade and Susan Martin for their careful review of the manuscript.

I would like to extend a special thanks to the German Marshall Fund of the United States (GMF). My interest in comparative migration issues was stimulated by a project examining the relevance of German guest worker programs for the U.S. in the late 1970s. GMF support has enabled me to continue and expand my comparative migration research.

Philip L. Martin  
University of California at Davis

August 1998

## ABSTRACT

Almost 7.5 million foreigners live in Germany. They make up nine percent of the German population: the foreign share of the German population is about the same as the foreign-born share of the U.S. population. If current levels of immigration continue, Germany's population is projected to reach 75 million in 2030, including thirty-three percent foreigners; the U.S. population is expected to total 345 million in 2030, including fourteen percent foreign-born residents.<sup>1</sup>

Germany is a reluctant land of immigration: it receives but does not "want" the 350,000 to 400,000 newcomers who arrive each year, in the sense that neither public opinion nor German law embraces this level of immigration. This monograph explains the role of foreigners in Germany, and Germany's migration policy options for the twenty-first century.

The U.S. celebrates its immigration heritage. There is a widespread belief that immigrants renew and strengthen the U.S. as both natives and immigrants adapt to each other, this is summarized as *e pluribus unum*, or from many, one. Germany, on the other hand, is a reluctant land of immigration. No immigrants are anticipated or planned for, but about one in eleven residents is of foreign nationality. Even though international obligations, historical factors, and economic needs will make it difficult for Germany to quickly or easily stop immigration, many politicians do not want to develop an immigration system for Germany that anticipates the arrival of newcomers.

Germany became a land of immigration in part because it pursued flawed policies that worked the first time they were tried. Germany imported foreign guest workers beginning in the mid-1950s under the theory that they would rotate in and out of the labor market as needed. When the rotation principle was tested during recession in 1966-67, it worked, even though subsequent experience showed that there is nothing more permanent than temporary workers. Similarly, when Germany first experienced a rush of asylum-seekers in 1980, the crisis seemed to be solved merely by requiring entry visas of Turks, who were half of the applicants for asylum. Neither rotating guest workers nor using visas to restrict the number of asylum applicants proved to be effective in the long term, but Germany did not have to look for durable policies because ad hoc changes seemed to work at first.

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Germany's newcomers each year include family members of settled guest workers, asylum applicants, and ethnic Germans. The U.S., which is three times more populous, receives about 1 million immigrants per year, including legal and unauthorized immigrants. In 1996 the U.S. made major changes in its immigration and welfare systems in an attempt to reduce illegal immigration and the access of legal immigrants to the welfare system.<sup>2</sup>

Germany also changed its foreigners, asylum, and ethnic German policies in the 1990s, but few Germans believe that the current patchwork of policies will prove durable in the twenty-first century. Three of the four major political parties have proposed some form of planned immigration system and dual nationality. If there is a change of government in 1998, Germany is likely to change immigration policies again. However, it is not clear what principles will guide any new immigration policy, nor how these principles will be used to establish priorities for entry and integration.

## I. THE GERMAN IMMIGRATION DILEMMA

Germany's leaders have declared that "the Federal Republic of Germany is not, nor shall it become, a country of immigration." The German government has asserted that "restricting non-EC immigration is necessary to safeguard social peace and to integrate the aliens already in Germany." These immigration policy goals have not been achieved. Since this policy was first announced in 1981, the number of foreigners in Germany increased by almost 3 million, from 4.7 to 7.5 million in 1998, and the number continues to swell by 200,000 to 300,000 each year.<sup>3</sup>

At the end of 1996, there were 7.3 million foreigners living in Germany.<sup>4</sup> Most of these foreigners were long-term residents and seventy-five percent were from non-EU nations, including two million or twenty-eight percent Turks. Half of the foreigners had lived in Germany for ten or more years. About 1.4 million or one in five foreigners were born in Germany, a number that increases by over 100,000 per year as babies born in Germany to foreigners are considered "foreigners." Almost all foreigners live in cities in the former West Germany. Foreigners are twenty-nine percent of the residents of Frankfurt/Main, twenty-four percent of Stuttgart's residents, twenty-three percent of Munich's residents, and fifteen to twenty percent of the residents of Cologne, Dusseldorf, and Hamburg.

Foreigners continue to migrate in and out of Germany. In 1996, there were 708,000 entries and 559,000 exits, so that the foreign population increased by 148,000 from net migration of, e.g., spouses and family members. Germany permits family members to join foreigners who have been in Germany at least one year and who meet housing and income requirements. In addition, there were 100,000 births to foreigners living in Germany. It should be emphasized that most migrants returned to their countries of origin as expected, but the flows have been so massive that even a relatively small leakage into permanence gave Germany a significant population of settled foreigners. For example, between 1950 and 1995 there were an estimated 28 million arrivals and 20 million departures, leaving a net eight million foreign residents.<sup>5</sup>

The gap between immigration goals and results has led to considerable dissatisfaction with immigration. There are many signs of discontent. In state and local elections, five to fifteen percent of the vote

has gone to anti-foreigner political parties, and attacks on foreigners are common.<sup>6</sup> Germany is thus in a peculiar position among industrial democracies at the end of the twentieth century: it is the major destination for immigrants without a formal policy that explains why the arrival of foreigners is in Germany's interest, establishes priority for entry, and lays out a clear integration path.

Solving crises without developing a durable policy for the long run is a hallmark of the German experience with migration over the past four decades. Between 1966 and 1967, for example, the employment of guest workers fell by twenty-five percent, while German employment fell only three percent, suggesting that guest workers could be rotated in and out of the labor market as needed. Similarly, when the number of applicants for asylum exceeded 100,000 in 1980, Germany required Turks, who were half the applicants, to obtain entry visas, which reduced the number of asylum applicants to less than 20,000 in 1983.<sup>7</sup> Neither rotation nor visas were long-run solutions to underlying guest worker and asylum issues but, the first time these policies were tried, they solved the immediate problem and slowed the search for more fundamental solutions.

Germany today faces four major immigration-related issues, each having its roots in past policy decisions. First is the long-term future of guest workers and their families. Most of the foreigners in Germany are the legacy of guest worker policies of the 1950s and 1960s. Guest workers from southern Europe helped to sustain the German economic miracle in the 1960s and early 1970s, but they did not follow the plan and leave their manufacturing, mining, and construction jobs to make room for fresh temporary workers. Instead of rotation, both employers and foreign workers often had incentives to prolong their employment, and the workers eventually brought their families to Germany. As Max Frisch wrote, Germany recruited workers, but got human beings.<sup>8</sup> The settlement of probationary migrant workers in Germany transformed a narrow labor market policy into a much wider immigration phenomenon.

Germany is now grappling with the integration of children and grandchildren of guest workers. Most second- and third-generation children of guest workers are integrating successfully in Germany, but there is a worrisome percentage which presages low earnings and high unemployment; as many as one-third of these German-born foreigners are

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the equivalent of high school drop-outs. Many of those having the most trouble integrating are Turks, who are the last, poorest, and the most visible migrants to arrive in Germany; their Muslim religion adds an additional dimension to integration problems. Germany is struggling to avoid the creation of a religious and ethnic underclass of foreigners in major cities.

The second challenge involves asylum and temporary protection. Germany is the major European destination for those seeking refugee status. Germany's history gave impetus to generous asylum policies, reflecting the difficulties some of the framers of Germany's 1949 Basic Law experienced in finding refuge outside Germany during the 1930s and 1940s. Article 16 of the Basic Law states: "Persons persecuted for political reasons shall enjoy the right of asylum," which means there are no numerical limits or quotas on the number of foreigners who can seek or obtain asylum in Germany. Because asylum is a constitutionally-guaranteed right, applicants are entitled to publicly-provided accommodations until their applications are resolved.

In 1992, over 1,200 foreigners applied for asylum in Germany every day, and over ninety percent were not recognized as refugees. The procedure was lengthy, sometimes lasting over five years, and asylum applicants were distributed around the country, with state and local governments paying the \$10,000 per year cost to house and feed each asylum applicant.<sup>9</sup> In July 1993, Germany speeded up the processing of asylum applications and severely limited access to its asylum system by declaring that applicants who passed through safe third countries en route to Germany had to apply for asylum there, not in Germany. Since Germany is surrounded by safe third countries, and limiting access in this manner reduced applications by seventy-five percent.

Germany was also the European country that provided temporary protection for half of the Bosnians who fled fighting in the former Yugoslavia in the early 1990s. Most of the 345,000 Bosnians in Germany in 1995, when the Dayton Peace Accords were signed, were kept out of the asylum system and instead offered a Temporary Protected Status (TPS) that was renewed every six to twelve months. Individual German states are responsible for returning the Bosnians they host, and they have developed a variety of carrots and sticks to persuade about one-third of the Bosnians to return. However, most of the Bosnians still in Germany

are Muslims from Serb-controlled areas of Bosnia. Germany argues that they can return to safe Muslim-controlled areas.

The third issue involves ethnic Germans, the descendants of those who moved to Eastern Europe and the former USSR in earlier centuries. Germany's Basic Law guaranteed persons of German ancestry the right to enter Germany and to secure German citizenship if they suffered persecution after World War II because of their German heritage, even if they did not speak German, and had no ties to Germany. In 1990, almost 400,000 ethnic Germans arrived. Since 1993, a maximum 220,000 persons per year can be granted recognition as ethnic Germans, although not all of them move immediately to Germany. The end of the Cold War, and increasing concerns about the ability of ethnic Germans to successfully integrate, may force Germany to re-examine who is a German.

Citizenship is the fourth issue on the German migration agenda. Unlike the U.S., Germany does not offer automatic birthright citizenship to children born in Germany, and does not usually permit dual nationality. Naturalization is relatively hard, and few foreigners apply to become naturalized Germans. In order to promote integration, and avoid an ever-growing foreign population, Germany may have to re-examine its naturalization policies.

In an effort to narrow the gap between immigration policy goals and outcomes, Germany is embarked on a quest for durable immigration policies. Achieving such a durable policy requires the resolution of both domestic and international issues. Three of the four major political parties have proposed some form of planned immigration system, as well as changes in Germany's citizenship law. If there is a change in government after the September 1998 elections, some of these proposals are likely to become law. However, it is not clear what principles will guide migration policy reforms in Germany, nor how these principles will be used to establish priorities for entry and integration.

## II. FROM EMIGRATION TO GUEST WORKERS

Germany was primarily a country of emigration until the 1950s. Of the sixty-three million immigrants who arrived in the United States between 1820 and 1996, over seven million or eleven percent were from Germany.<sup>10</sup> Germans were one-third of the immigrants arriving in the United States during the 1850s and 1890s, and one-fourth of the immigrants arriving during the 1830s, 1840s, 1870s, 1880s, and 1950s. In the 1980 Census of Population (COP), some sixty million Americans, or one in four, reported German roots.<sup>11</sup>

In the early 1900s, as Germany was transformed from an agricultural into an industrial nation, and internal migration became more important than transatlantic migration. The major direction of movement was east to west, from East Prussia to the central German cities of Berlin, Leipzig, and Dresden, and later to the western German Rhineland.<sup>12</sup> Even though “Ruhr Poles” were Prussian citizens, they were different in language and religion from local residents. Italians were also imported to work in Ruhr-area mines and factories, permitting industry to expand. The 1910 and 1920 censuses enumerated 1.2 million foreigners, two percent of the population.

Migrant workers from further east replaced on Prussian estates some of those moving west. These migrant farm workers were non-immigrant seasonal workers, required to return to their homes when their jobs ended, which most did.<sup>13</sup> Many nonetheless settled and were integrated, just as most of the Poles who moved west within Germany integrated successfully. This early German experience with foreign workers did not lead to a sense that “leakage into settlement” was a serious consequence of migrant worker programs. Second, the successful integration of Ruhr Poles and Italians did not lead to a sense that immigrants could enrich Germany.

During World War II, Germany used *Fremdarbeiter* (foreign workers) in its factories. In August 1944, there were 7.5 million foreign workers—2 million war prisoners and 5.7 million civilian workers—employed in German agriculture and factories, and they were about one-third of the total labor force.<sup>14</sup> Wartime employment of foreigners gave German employers experience dealing with foreign workers, so that, in the opinion of some Germans, when labor shortages appeared in the 1950s, German

managers were confident that they could once again manage a multinational work force.

The Federal Republic of Germany was founded in 1949. There was massive unemployment. Currency reform, Marshall Plan aid, and the development of the “social market economy” put Germany on the path to sustained economic growth, but unemployment remained high as West Germany absorbed millions of ethnic and East Germans.<sup>15</sup> There were 79,000 Italian farm workers in Germany when the first labor recruitment agreement with Italy was signed in 1955, permitting German farmers to hire Italian migrant workers to harvest their crops. Italy was willing to see its unemployed workers emigrate, but insisted that they be recruited and employed on the basis of a bilateral labor agreement. But it soon became apparent that the real need for labor was in the German factories producing cars, machine tools, coal and steel, and consumer durables for booming export and domestic markets.

### **Guest worker Recruitment**

In 1960, for the first time, the number of job vacancies exceeded the number of registered unemployed, and non-farm employers requested permission to recruit foreign workers. In her 1992 study, Helga Hermann says that there was “no noteworthy discussion” of alternatives to employing foreigners.<sup>16</sup>

There were four reasons why importing foreign workers seemed to be the right thing to do.<sup>17</sup> First, the Germany labor force was shrinking for demographic and related reasons in the early 1960s, including a delayed baby boom, the spreading availability of educational opportunities, and better pensions that prompted earlier retirements; for “family-political” reasons, options such as encouraging more women to seek jobs were not pursued. Second, there was a reluctance to risk what was still perceived to be a fragile economic recovery on risky mechanization and rationalization alternatives to importing foreign workers.<sup>18</sup> Unions did not oppose importing foreign workers in an era of full employment after securing the promise that foreigners would be treated equally, and thus would not undercut German workers.

Third, Europe was unifying anyway, and Germany had agreed that Italians and other EC nationals would have freedom of movement rights

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after January 1, 1968.<sup>19</sup> With Italians soon able to come as they wished, Germany thought it was simply regulating unilaterally the rate at which EC workers would in any event soon arrive. Fourth, the early 1960s provided Western Europe with a peculiar international economic environment. Germany in the 1960s had an undervalued currency in a world of fixed exchange rates, so that local and foreign capital was invested in Germany to produce goods for export markets. The incentive to invest and create jobs in Germany was significant when the exchange rate was one dollar to five marks when it “should” have been one dollar to four marks (since a one hundred dollar investment in Germany was worth five hundred marks to the investor rather than its “true” four hundred mark value). For this reason, American multinationals poured so many dollars into Europe that a French writer warned of “The American Challenge to Europe.”<sup>20</sup> Germans had little incentive to invest and create jobs abroad in this era.

Germans also believed that opening up their labor market to foreigners would provide “foreign aid” to sending countries: remittances could supply some of the capital needed for development, and German industry could supply the foreign workers with training and experience they needed to be productive factory workers.

The 1957 Treaty of Rome established the European Economic Community (EEC) and guaranteed citizens of member states the right to work in any EEC nation on an equal basis with natives after 1968.<sup>21</sup> The Berlin Wall closed the door from East to West Germany in 1961, encouraging labor-short German manufacturers to cast a wider net for additional labor. There were 329,000 foreign workers in 1960, 1 million in 1964 and, after a dip in 1966/67, the employment of foreign workers in Germany climbed to 2.6 million in 1973.<sup>22</sup>

German employers recruited “guest workers” under the terms of labor agreements signed with, *inter alia*, Greece, Spain, Yugoslavia, and Turkey in the early 1960s.<sup>23</sup> Most guest workers were farmers between eighteen and thirty-five, although a significant number of semi-skilled construction workers, miners, and even school teachers migrated to Germany to work on assembly lines. News of jobs which paid in one month a year’s earnings at home spread rapidly, and there were soon long lists of Turks and Yugoslavs signed up waiting for their chance to go abroad.

The recruitment system was well organized. German employers who had vacant jobs asked local Employment Service (ES) offices for more workers. These offices made only a *pro forma* search for local workers in a time when there were ten vacant jobs for each unemployed worker. For example, an employer's request for 1,000 unskilled workers was sent to the German employment office in Istanbul, where Turks who had registered to work in Germany were screened for health and skills and awarded one-year work and residence permits.

Only a day or two after arrival, a migrant would be at work on an assembly line or at a construction site. With ten Turks wanting to work in Germany for each one needed, the Germans could be selective, and they were. Some thirty to forty percent of the Turks recruited to work in Germany were skilled workers in Turkey who worked as manual laborers in Germany. By 1970, for example, about forty percent of Turkey's carpenters and stonemasons were employed in Germany.<sup>24</sup>

Most migrant workers were recruited anonymously, but German employers could request particular workers. Migrants could jump the queue by persuading their friends and relatives already abroad to have German employers request them by name.<sup>25</sup> Others migrated illegally, found a job, and then persuaded their employers to request them. By some estimates, twenty to thirty percent of the Turks employed in Germany during the peak recruitment years went originally as "tourists." Most of the migrant workers in the 1960s were recruited by major manufacturers such as Siemens, Volkswagen, and Mercedes-Benz. At Opel's major auto assembly plant in Russelheim near Frankfurt, for example, the number of migrant workers increased from 2,200 in 1968 to 9,300 in 1972, when migrants were one-third of the plant's workers.<sup>26</sup>

The peak recruitment years were 1968 to 1973, when the migrant work force rose from 1 million to 2.6 million; by 1973, one in eight workers in Germany was a foreigner.<sup>27</sup> Trains and planes were chartered to bring five hundred to one thousand workers to Germany every day. Despite their increased visibility in German work places and lingering around train stations, German politicians, employers, unions, and the migrants themselves continued to proclaim that they were only guests, and that labor migration itself would soon be ended by automation at home and investment in lower-wage countries abroad. Many migrants

continued to return home after one or two years in Germany, but few Germans were prepared for the settlement of migrant workers that was obvious in the early 1970s.

### Settlement

The guest worker policy had been trumpeted in Germany and abroad as a worker-rotation program. It was convenient for policy makers, employers, and the migrants themselves to believe that, after one or two years, most of the guests would leave with their savings and be replaced by fresh recruits. However, a rotation policy was not in the interests of either the migrants or their employers. Migrant workers earned high wages, but they soon learned that the instant wealth they hoped to achieve was rooted in the false belief that they could earn German wages and enjoy Turkish living costs. Migrants had to stay abroad longer than planned to realize their savings goals, thus some sent for their families. Many German employers did not discourage family unification, since the wives of the guest workers could also work, and their presence persuaded trained and experienced migrants to remain, saving employers the cost of recruiting and training new migrants.<sup>28</sup>

Instead of enforcing rotation strictly, the German government strengthened the rights of migrants to remain. With each work permit renewal, migrants obtained more residence rights, including the right to send for their families after one year of satisfactory work and suitable accommodations. The number of migrants and dependents swelled to the point where southern Europeans outnumbered Germans in sections of Berlin and Frankfurt.

The rising number of migrants, their increased visibility, and the presence of Yugoslav and Turkish children in German schools began to make it apparent that many of the “guests” had decided to stay in Germany. The reaction of most Germans was negative. Politicians argued that the migrant workers were necessary to preserve the *Wirtschaftswunder* (economic miracle), but many Germans believed that “over-foreignization” was too high a price to pay for economic success. Many Germans were aware of unsuccessful campaigns to expel foreigners in neighboring Switzerland, and the slogan “Foreigners out! Germany is for the Germans” became a major rallying cry of rightist and nationalist politicians.

A few economists warned that Germany's famed industrial engine was becoming calcified because employers, with migrant labor so readily available, did not aggressively develop new technologies. These Cassandras warned that the Japanese auto industry in the early 1970s had begun to experiment with robots to assemble cars, while German employers hired Turks. Thoughtful Germans wondered whether migrant children should be integrated into German schools and society, or whether they should be taught in Italian or Turkish so that they could fit into their home societies when their parents returned.

By 1973, it was clear that many of the temporary guests had become more or less permanent residents, and that most Germans were opposed to the unanticipated settlement of Turks and Yugoslavs in Germany. The German government reacted by restricting immigration. First, the employer-paid recruitment fee was raised from 300 DM to 1,000 DM to discourage employers from requesting migrants. A wave of wildcat strikes in summer 1973 that involved a significant number of migrant workers convinced the government that foreign worker recruitment must be stopped, and the government used the October 1973 oil embargo to announce a ban on the further recruitment of guest workers.

On November 23, 1973, the government announced that no more unskilled foreign workers could be admitted. The recruitment stop was justified by the oil embargo, which threatened to provoke an economic recession and made additional migrants unnecessary. Employers whose requests for new migrants were thus blocked thought that the government had simply found a convenient excuse to halt the immigration that was troubling German voters.<sup>29</sup>

### III. FROM GUEST WORKERS TO FOREIGN RESIDENTS

If the failure of guest workers to rotate in and out of the German labor market marked the first significant gap between migration policies and outcomes, several subsequent German policies compounded the sense that the government could not predict accurately the effects of its migration policies. The first gap between goal and reality followed the 1973 recruitment stop, which was intended to prevent the number of foreigners in Germany from rising. It did not. Migrant workers who feared that they could not return to Germany if they went home instead remained and brought their families to Germany, increasing the foreign population from 4 million in 1973 to 4.5 in 1980.<sup>30</sup> This family unification reduced the ratio of foreigners to foreign workers: in 1973, there were about 1.7 foreigners for each foreign worker in Germany; by 1980, there were 2.3 foreigners for each foreign worker.<sup>31</sup>

Other German attempts to regulate migration also backfired. In an attempt to discourage family unification, Germany announced that foreigners could not move into cities that were already “overburdened” with them (defined as foreigners being twelve percent or more of the population). This hard-to-enforce measure simply reduced the mobility and flexibility of migrants that had been their *raison d’être*.<sup>32</sup>

The handling of children’s allowances increased immigration rather than saving money. A mid-1970s change in the children’s allowance program paid full children’s allowances only to children living in Germany, a response to newspaper stories of Turkish parents getting children’s allowances for six to ten real and fictitious children in Turkey. However, the desire to save tax monies by paying a lower allowance to children abroad encouraged some parents to bring their children to Germany, frustrating the goal of limiting the growth of the foreign population.

The fourth German policy that provided only short-term relief was the departure bonus program of 1983-84. The French tried to induce foreigners to return in the early 1980s by paying return bonuses, but the government, led by the Social Democratic Party (SPD), rejected the French approach.

The 1982 election campaign was won by the current Christian Democratic Union, Christian Socialist Union, Federal Democratic Party (CDU/CSU-FDP) government in part on the grounds that the new

government would “do something” about immigration. Despite its rejection by the previous government the newly-elected Kohl government adopted the French idea of payments to induce foreigners to leave Germany. A migrant family that gave up its work and residence permits could get a departure bonus of up to \$5,000, and departing workers could get their share of social security contributions refunded upon arrival back home. The departure bonus scheme reduced the foreign population from 4.7 million in 1982 to 4.4 million in 1984-85, but the number of foreigners rebounded to 4.5 million in 1986. Studies showed that most of the foreigners who took departure bonuses would have left in any event, so that Germany merely bunched normal emigration during the two-years that departure bonuses were available.<sup>33</sup>

### **Integrating Former Guest Workers**

There have been numerous surveys of Germans and foreigners to establish integration indicators.<sup>34</sup> Most reach three conclusions:

1. There are distinct differences between second and third generation foreign children born or educated in Germany and their first-generation parents who arrived in Germany as guest workers. The older foreigners often cling to the “illusion of return” throughout their working lives, planning to retire in their country of origin. Their children, however, usually plan to remain in Germany rather than move to countries with which they are not familiar; many grandparents are thus retiring in Germany.
2. There are sharp differences between nationalities. Many of the foreigners are so-called invisibles, not considered “foreigners” in popular discussion, including 185,000 Austrians and 113,000 Dutch, or are foreigners who raise no fears, such as French and American residents. In the eyes of many Germans, “foreigner” means Turk, even though Turks are less than one-third of the foreigners.
3. The integration of second- and third-generation foreigners can be read as a glass that is half-full or half-empty. On the one hand, the German language skills of foreign youth are improving as a higher percentage

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of them are raised and educated in Germany. On the other hand, a much higher percentage of foreign than German youth continue to leave secondary schools without a graduation certificate. If they do graduate, foreign youth tend to obtain vocational rather than university-preparation diplomas. Optimists stress the narrowing of the gap between foreign and German youth; pessimists point to the continued gap, and worry about the development of an ethnic underclass.

At the end of 1996 there were about 2.1 million employed foreigners and 482,000 unemployed foreigners, for an unemployment rate of nineteen percent. About one-fourth of the employed foreigners were Turks (578,000), followed by 408,000 Yugoslavs and 203,000 Italians. In the 1960s, over two-thirds of the foreigners in Germany were in the labor force and employed. In the 1990s, less than one-third of the foreigners in Germany were in the labor force.<sup>35</sup>

Many of the foreigners in the German labor force are first-generation guest workers who arrived before 1973 as twenty to thirty year-olds. They are now fifty to sixty year-olds, and are usually well-integrated in the workplace. But as the economy restructures away from the manufacturing and mining jobs that brought them to Germany, they tend to suffer much higher unemployment rates than German workers.<sup>36</sup> In 1997, for example, about twenty percent of foreign workers and ten percent of German workers were unemployed; almost twenty-five percent of the Turks in the German labor force were unemployed. The two-to-one ratio of foreigner to German unemployment rates parallels the two-to-one ratio of black and white unemployment rates in the United States.<sup>37</sup>

Some of the problems faced by settled guest workers reflect general labor market issues in Germany. Germany has a highly regulated labor market that establishes a relatively high minimum wage and requires the provision of generous vacation, health, and other benefits. Foreigners are considered more flexible than German workers, more willing to accept night and weekend work than Germans, as exemplified by the fact that almost half of McDonald's employees in Germany are foreigners.

Foreigners have full workplace rights, and they have been elected to both union and independent works council posts in factories. Some 619,000 foreign workers—about twenty-nine percent of those employed in 1992—

were union members, and the 8,400 foreigners elected to works council posts were four percent of all works council members.<sup>38</sup> About half of all foreigners in unions are in the IG Metall union, the major manufacturing workers' union.

The number of self-employed foreigners more than doubled between 1983 and 1993, to 213,000, including 42,000 self-employed Turks.<sup>39</sup> Most self-employed foreigners serve other foreign residents with small shops, travel services, restaurants etc; half of the self-employed foreigners had no employees. Foreigners need a permanent residence permit and often a "Meister" (master) certificate to open a business.

Germany has a system of publicly-funded federal, state, and local "foreigners commissioners" to act as middlemen between foreigners and natives. The first foreigners commissioners were appointed by cities with large numbers of foreigners in the early 1970s, and the first federal commissioner was appointed in November 1978. The Federal Office of the Foreigners Commissioner was upgraded in November 1997, and promotes the integration of settled foreigners in Germany and tolerance for foreigners among Germans. The federal office participates in federal meetings in which regulations affecting foreigners are developed, publishes reports on foreigners, and organizes an annual meeting for state and local foreigners commissioners.

Many states and cities also have foreigners commissioners. The effectiveness of state and local foreigners commissioners depends on (1) the person filling the position and (2) the interest of the state or city in foreigners issues. Most foreigners commissioners see themselves as advocates for foreigners in governmental systems that would otherwise devote less time and resources to them. In many cases, foreigners offices report directly to the mayor, but the commissioner's office may be isolated, with the definition of doing a "good job" being that local leaders do not have to deal with foreigners. (See Appendix C.)

### **Policy: Integration and Return**

Policies toward settled guest workers and their families were announced in 1981, to reduce further non-EU immigration, promote the voluntary return of settled foreigners, and integrate those who wish to remain in Germany. There is less and less hope that settled foreigners can

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be persuaded to voluntarily depart—in most surveys, fewer than twenty percent plan to leave.

The tension between promoting returns and integrating those who elect to stay has prevented the development of an integration policy that enjoys widespread support or effectiveness. Former Chancellor Helmut Schmidt's statements about foreigners illustrate this ambivalence. After his October 1980 re-election, Schmidt made the integration of foreigners his government's top domestic priority. Schmidt argued that Germany had no choice but to integrate the migrants who had made economic contributions during the 1960s. He added, however, that "four million (foreigners) is enough." Integration was envisioned as something of a more equal but still separate process; there was little hint that politicians in the early 1980s envisioned a melting pot blending of the German and Turkish cultures in Germany.<sup>40</sup>

Turks are of special concern because they were the last, poorest, and the most visible migrants to arrive in Germany, and more might arrive if Turkey were to be accepted into the EU. Many Germans view Turks as the most difficult foreigners to integrate into German society because of their relative lack of education and skills, the importance of the Islamic religion in their daily lives, and political divisions within Turkish society that are reflected in the migrant population abroad. Islamic fundamentalists, for example, collect monies from Turkish workers and businesses in Germany to finance the building of mosques there and to promote their views in Turkey.

If Turkey were to become an EU member, Turks would eventually have the right of free migration which goes with full membership, and Germany and other EU nations fear that there would be an outpouring of Turkish migrants. Turks have proved to be willing migrant workers. Turkey was not a significant emigration country until the early 1960s, but during the next decade, some 2 million Turks migrated abroad for employment. One study estimated that almost one-fifth of the twenty to thirty-five year-old Turkish men, some 700,000, emigrated from Turkey during the late 1960s and early 1970s. Despite rapid economic growth in Turkey during the 1980s, up to one-third or 2.5 million might have emigrated in the early 1990s if permitted.<sup>41</sup> As service sectors expand, more women may join

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them in emigrating, provoking fears in western Europe of a wave of Turkish migrants.

Turkey makes demands on its nationals abroad, including children born to Turkish parents in Germany. Turkish youth living abroad are at age eighteen obliged to perform eighteen months of military service in Turkey, or pay 10,000 DM (\$7,000) and have their service obligation in Turkey reduced to two months. Those who fail to perform military service or pay can not get their Turkish passports renewed.

### **Foreign Youth**

In 1994, the 1.1 million foreign children in primary and secondary schools made up about nine percent of all children in German schools. After six years in elementary school, children attend either a vocational training school, general secondary school, or a college preparatory school. Most foreign children (eighty percent in 1994) went to the general secondary school, and many did not finish.

A report that compared the status of foreigners in 1980, 1985, and 1995 concluded that most second- and third-generation children of guest workers are integrating successfully in Germany.<sup>42</sup> By 1995, for example, most of the foreign-born children were educated in German general secondary schools (*Hauptschule*), but the labor market situation has worsened, so that those with higher school-leaving certificates (*Abitur*) crowd out the foreigners with the lesser certificates in the competition for desirable apprenticeship slots. This analysis stresses that the glass is half-full, noting that the percentage of foreign children leaving German schools with an *Abitur* (preparation for university) doubled between 1988 and 1995.

Those who say that the glass is half-empty note that one fourth of the Germans leave school with an *Abitur*, versus less than ten percent of foreign youth. In 1995, one-fourth of the working-age foreigners had no school-leaving certificate, and over forty percent completed only the minimum amount of schooling required. Pessimists also designate as problem youth those who entered Germany after fourteen; ethnic Germans who arrived in Germany, were found not to be ethnic Germans, and were subsequently granted a TPS-status rather than German citizenship; rejected asylum seekers who could not be returned; and Bosnian youth in Germany.

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Germany has made numerous efforts to integrate Turkish and other foreign youth into its apprenticeship system.<sup>43</sup> Germany's dual training system provides certification and the status of being a "master" in over four hundred occupations, which range from mechanic to hairdresser. German youth have been favoring university preparation over apprenticeship, and many foreign youth simply drop out of school instead of replacing them as apprentices in fast-growing computer, banking and insurance occupations. The result is that Germany is producing fewer skilled workers than needed, and unemployed foreign youth are not prepared to fill the skilled jobs which remain vacant.

In socio-economic analyses, the key variables leading to higher German earnings are education and knowledge of German; both increase from the first to the second and later generations. In 1995, about fifty-five percent of all foreigners and ninety-three percent of second generation foreigners reported that they spoke German well. Better language skills are reflected in a narrowing of the earnings gap. Foreigners from Mediterranean countries earned an average of 3,300 DM in 1994, compared with 4,200 DM for Germans; however, second-generation foreigners earned as much as sixteen- to twenty-four-year old Germans in 1994.

Foreigners who have lived in Germany for one year or more, and have adequate housing and a steady job, are entitled to have their families join them in Germany; there are no quotas or waiting lists for family unification. However, children must be under sixteen to join their parents in Germany, and some observers would like to reduce the maximum age for family unification to fourteen or twelve, arguing that foreign children who come to Germany as teens do not learn enough German to be successful on the German labor market.

#### IV. ASYLUM SEEKERS AND BOSNIANS

The fall of the Berlin Wall in November 1989 opened a new chapter in Germany's immigration dilemma. In this case, migration hastened the demise of the communist regime in East Germany, and the fear of massive east to west migration persuaded West Germany to undertake a costly economic stabilization program in the east. While West Germans were absorbing East Germans and ethnic Germans from Eastern Europe and the former USSR, applicants for asylum began to pour into Germany.

Germany included a liberal asylum clause in its 1949 Basic Law: Article 16 includes an open-ended commitment to provide asylum to foreigners fleeing political persecution: "Persons persecuted for political reasons shall enjoy the right of asylum" in Germany.<sup>44</sup> There were relatively few asylum applications until 1980,<sup>45</sup> when a military coup in Turkey and a realization that Germany would not soon lift its 1973 recruitment stop led some Turks to realize that they could fly to Germany, since no visas were required, and apply for asylum in Germany. It took several years to determine if an asylum applicant needed refuge in Germany and, during that time, many asylum applicants received permits to work at high German wages. Turkish newspapers reproduced Germany's asylum application, and provided suggestions on how it should be completed in order to improve the chances of gaining recognition as a refugee. Turks accounted for over half of the 110,000 asylum applicants in 1980.<sup>46</sup>

There was a debate over the need to change the asylum provision of the constitution in 1980-81, but a quick fix was found: Turks were required to obtain entry visas before traveling to Germany, and asylum applicants were prohibited from working for five years after their arrival. The number of asylum applicants dropped to less than 20,000 in 1983, and the problem seemed to be solved.

Germany was able to deal with other asylum crises in the 1980s in similar ad hoc ways. For example, Germany did not require foreign children under sixteen to have visas to come to Germany, so some Sri Lankan Tamils, Iranians, and Turks sent their children under age sixteen on Eastern European airlines to Germany to request asylum. Some 2,500 unaccompanied minors arrived in this manner in 1988, and most applied for asylum. Germany imposed fines on airlines carrying minors in this

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fashion, and began to require visas of unaccompanied foreign minors, and the problem seemed to be solved.

Germany seemed unprepared for the upsurge in asylum applications after the demise of communism in 1989 and the civil war in ex-Yugoslavia. There were 103,000 asylum applicants in 1988, 193,000 in 1990, 256,000 in 1991, and a peak of 438,000 in 1992.<sup>47</sup> Foreigners were attacked on the streets, and several were killed when their homes were burned. As foreigners applied for asylum, they were assigned to states and cities on the basis of population shares, and then each state and city was required to provide housing and food while the application was pending. There was violence against foreigners in both the former West and East Germany, prompting Japanese and other foreign investors to warn that, if attacks on foreigners did not stop, they would not invest further in Germany.

The flood of asylum seekers was seen as a crisis that threatened internal stability and external relationships. The CDU/CSU-FDP government maintained that the durable solution to the asylum crisis lay in amending the Basic Law to eliminate the open-ended right to asylum in Germany. The SPD and the Alliance 90/Green (the Greens) parties did not want to change this provision of the Basic Law; indeed, some of those who favored an immigration system with annual quotas hoped to use the asylum issue to get Germany to develop an immigration policy. A compromise was reached in November 1992: the Article 16 clause guaranteeing the right to asylum remains in the Basic Law, but a new amendment was added that requires applicants for asylum who arrive in Germany after passing through countries that recognize the 1951 Geneva Convention to apply for asylum there rather than in Germany. Since Germany is surrounded by countries that abide by the Geneva Convention, foreigners can no longer arrive in Germany via Poland or Hungary and request asylum.<sup>48</sup>

The asylum issue has been dampened but not resolved. The number of asylum applicants fell to 116,000 in 1996, and to 104,400 in 1997. In 1997, the leading countries of origin of asylum seekers were Turkey (16,800), followed by ex-Yugoslavia (17,800) and Iraq (14,100). German authorities dealt with 171,000 asylum applications in 1997 and granted asylum to 8,400 foreigners, or five percent. Another 9,800 foreigners had their applications rejected, but were allowed to remain in Germany.

Some 102,000 or sixty percent of the applications were rejected as filed by persons who were not in need of protection from political persecution.<sup>49</sup>

Many politicians want to further reduce the number of asylum applicants, and they have proposed changes that would reduce the cost of caring for applicants. German Interior Minister Manfred Kanther, for example, proposed reductions in housing and other assistance to reduce costs to state and local governments. Most states have already switched from cash payments to in-kind assistance, and the result might be to shift from apartments to barracks-style housing, which critics charge would lead to the re-creation of Nazi-era camps. The Interior Ministry also proposed that asylum seekers whose applications are rejected should be denied benefits if they refuse to cooperate in their return to their country of origin, and that refugee status be withdrawn from those who travel voluntarily to the country in which they faced political persecution. The ministry alleged in May 1998 that over one hundred Iraqis granted asylum in Germany had voluntarily returned to Iraq at least once.

Foreigners granted asylum are entitled to live as permanent residents in Germany, and to have their families join them. Some of the Turks and Iraqis granted asylum in Germany are requesting permission to have their families come to Germany.<sup>50</sup> Many of those fleeing civil wars, on the other hand, are granted only a TPS in Germany, not a refugee status, and they often cannot have families join them in Germany. When TPS status is withdrawn, TPS foreigners become illegal aliens subject to deportation.

When fighting erupted in the ex-Yugoslavia in 1992, many residents fled to western Europe, and especially to Germany. By August 1995, it was estimated that fighting in the ex-Yugoslavia produced 3.5 million displaced persons and refugees, including 750,000 Bosnians, Serbs, and Croats who fled to Germany, Austria, Denmark, Norway, Sweden, and Switzerland. There were about 345,000 Bosnians in Germany in 1995 when the Dayton Peace Accords ending the fighting in Yugoslavia were signed, and most had a TPS (*Duldung*) status: TPS was typically granted for three- to six-month periods, and could be renewed. By April 1998, about 220,000 Bosnians remained in Germany, suggesting a return rate of about thirty-five percent.<sup>51</sup>

In Germany, the states are responsible for caring for foreigners with TPS status, and the states remove them from Germany when their country

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of origin is considered safe. This means that there are sixteen return policies rather than one, although the sixteen state interior ministers agreed with the federal interior minister to return Bosnians in Germany “in a gradual fashion.” German states worried about the high cost of caring for the Bosnians—\$3 billion in 1996 and \$2 billion in 1997—have sent letters to Bosnians, telling them that their legal residence status in Germany was about to expire and ordering them to leave. The letter includes the warning that, if Bosnians ordered out of Germany are caught as illegal aliens and deported, a record of their deportation will be stamped on their passports, making it impossible for them to re-enter Germany for two years.

Most states have used carrots as well as sticks to encourage returns, offering up to \$5,000 to those who leave, plus money to the community in Bosnia in which the refugees arrive. Half of the Bosnians who remain in Germany are Muslims whose homes lie in what are now Serb-controlled areas. In one remarkable case, a German community of 90,000 that housed 800 Bosnian Muslims built sixty-one moveable houses for them in Bosnia to encourage their return to a place a few miles away from their Serb-controlled village. If they are eventually permitted to return to their original village, their houses can be moved. Each returning family also received 2,500 DM.<sup>52</sup>

Germany has been a leader in promoting integration within the European Union, including “burden sharing” among EU nations to deal with asylum applicants and those such as Bosnians in need of TPS.<sup>53</sup> Burden sharing has so far not involved any plan to, for example, divide asylum applicants according to population shares within the EU, or to use EU funds to care for asylum seekers or foreigners with TPS status. Instead, burden sharing is far more informal. When Germany complains that it must care for Bosnians, France and Britain respond that their contribution was to provide troops in Bosnia.

## V. ETHNIC AND EAST GERMANS

### **Ethnic Germans**

Between 1950 and 1996, some 3.6 million ethnic Germans moved to West Germany. Ethnic Germans are mostly the descendants of Germans who migrated eastward into Romania beginning in the twelfth century and into Russia in the late eighteenth century, as well as Germans who were living in parts of former German territory such as the western provinces of Poland. Most of the estimated 3 million ethnic Germans in eastern Europe no longer speak German, and many have only a few documents to prove that their ancestors were German.

Article 116 of Germany's Basic Law gave those born of German parents, no matter how diluted their German heritage, the right to enter Germany and to secure German citizenship if they suffered persecution after World War II because of their German heritage (those born after 1993 are no longer eligible).<sup>54</sup> Like the asylum provision of the Basic Law, this provision was enacted during the Cold War, when most ethnic Germans were prohibited from emigrating. However, if they could get to Germany, the welcome mat was out for them.<sup>55</sup>

There were two distinct phases of this so-called *Aussiedler* (ethnic Germans) migration. The first, between 1950 and 1987, brought 1.4 million *Aussiedler* to Germany; sixty-two percent were Polish, and fifteen percent were Romanian. The second phase, from 1988 to 1996, brought about 2.3 million *Aussiedler*, with sixty percent from the ex-USSR, and twenty-six percent from Poland. The number of *Aussiedler* peaked in 1990 at 397,000, and led to legislative changes.<sup>56</sup>

In the 1990s, Germans fearful of a general mass migration from east to west began to resent the rush westward of people with often dubious German credentials. Newspaper stories shifted from a focus on daring escapes from persecution in the East to stories of the widespread sale of documents that "proved" one's ancestors served in the German army during World War I.

Beginning July 1, 1990, *Aussiedler* had to fill out a lengthy questionnaire and be approved as ethnic Germans before they arrived in Germany; winning recognition as an ethnic German also required passing a German test that, in 1997, thirty percent of the test-takers failed.<sup>57</sup> Since

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1993, a maximum 220,000 persons per year have been granted permission to move to Germany.

These policy changes reduced the number of ethnic Germans moving to Germany: 222,000 *Aussiedler* in 1994, 218,000 in 1995, 178,000 in 1996, and less than 134,000 in 1997. Several reasons for the decline have been offered, including German investments in Russia and Kazakstan.<sup>58</sup>

In 1998, there were about three million ethnic German *Aussiedler* in Germany, and Germany spent about three billion marks in 1997 to help them to integrate. Upon arrival, ethnic Germans are sent to a city in one of the sixteen German states. As German citizens, they are free to move, but they lose their access to subsidized housing and other assistance if they do. In 1996, almost half of the *Aussiedler* were in three states: North Rhine-Westfalia, twenty-two percent, Bavaria, fourteen percent, and Baden-Wurtemberg, twelve percent.<sup>59</sup>

Ethnic Germans are better educated than foreigners, but not as well educated as Germans. They have a very low labor force participation rate and a very high unemployment rate: only thirty-five percent of the ethnic Germans were in the labor force one year after arrival in Germany and they had a twenty-six percent unemployment rate in 1995. Ethnic German youth are responsible for a disproportionate amount of crime; many Germans refer to them as the “Russian mafia” despite the fact that they receive German passports upon arrival in Germany.

Jewish immigration is another factor that must be handled carefully. In 1933, there were 525,000 German citizens who were Jews, including 160,000 in Berlin. By the end of the war, there were only 15,000 Jews in Germany, and most were displaced persons from Eastern Europe. Germany permits unlimited Jewish immigration from the ex-USSR, and 40,000 Jews in the ex-USSR have applied to move to Germany. Between 1990 and 1996, some 38,000 Jews (plus their non-Jewish family members) immigrated to Germany, bringing Germany’s Jewish population to 65,000.<sup>60</sup> Like ethnic Germans, “Russian Jews” are assigned to the sixteen German states in accord with each state’s share of Germany’s population, and they are entitled to language and integration services similar to those of ethnic Germans.<sup>61</sup> However, unlike ethnic Germans, Jews are privileged foreigners in Germany, not German citizens.

## East Germans

There was an east-west migration within Germany before and after the dissolution of the former East Germany. At the end of World War II, Germany was divided into four zones, and occupied by troops from France, the UK, the U.S., and the USSR. Some 730,000 Germans moved from the Soviet zone to the other zones in the late 1940s, and another 3.8 million moved from East to West Germany between 1949 and the building of the Berlin Wall in August 1961. Another 600,000 East Germans moved west between 1961 and 1988, including many pensioners permitted to leave East Germany. In a little noted migration, some 393,000 West Germans moved east during these years.<sup>62</sup>

The fall of the Berlin Wall in November 1989 opened a new chapter in Germany's immigration story. Inter-German migration hastened the demise of the communist regime in East Germany, and the fear of massive east to west migration persuaded West Germany to undertake a costly economic stabilization program in the east to prevent "unification in West Germany." Some one million persons from the former East Germany moved into the former West Germany between 1989 and 1997, and internal migration continues, albeit at a slower pace.<sup>63</sup>

In eastern Germany, which has relatively few foreigners but high unemployment, there exists considerable anti-foreigner sentiment. Only about 150,000 foreigners live in the former East Germany, but skinheads and anti-foreigner youth have declared sections of cities there to be "foreigner-free zones," threatening to attack foreigners in these areas. One survey found that sixty-five percent of former East German residents think that too many foreigners are living in Germany, forty-eight percent say foreigners take jobs from Germans and fourteen percent say a dictatorship could solve the region's problems better than the present government. *Der Spiegel* also reported that a number of Third World diplomats in Bonn, including Egyptians, Cubans and South Africans, are worried about threats to their safety when the German capital moves to Berlin next year.<sup>64</sup>

## MIGRANT WORKERS IN THE 1990S

In the late 1980s, after EC-92 measures stimulated economic and job growth in the former West Germany, and Eastern European nations eased their emigration restrictions, Poles and other Eastern Europeans began arriving in Germany during their summer vacations and taking odd jobs in agriculture and construction.<sup>65</sup> As word spread that Poles were able to earn in one month a year's wages at home, hundreds of thousands arrived as tourists but sought jobs. For foreign policy reasons, Germany was reluctant to "recreate the Berlin Wall" on its eastern borders, but was also unwilling to tolerate the widespread employment of unauthorized foreigners.

The compromise was to develop several foreign worker programs that permitted Eastern Europeans to work legally in Germany. Today, there are at least five distinct foreign worker programs, and they permit some 350,000 foreigners to work temporarily in Germany.<sup>66</sup> However, most of these foreigners are employed less than a full year, so the "new" foreign worker programs add the equivalent of about 150,000 full-time equivalent workers to the German work force.

Unlike 1960s guest worker programs, the 1990s foreign worker programs have a different purpose—to make inevitable migration legal and to cope with micro labor shortages in agriculture, hotels, and construction, not macro or economy-wide labor shortages. The 1990s programs include rules and incentives intended to encourage the workers to return to their countries of origin.

The most important program involves *project-tied* workers. Under this program, German firms sub-contract with foreign firms to, for example, erect the structure of a new office building—the foreign firm supplies the expertise and workers to complete this phase of the project. The employer-to-employer subcontracting agreement is submitted to the German Employment Service, which checks to ensure that the foreigners will be paid prevailing wages. The foreigners are then admitted to Germany for a maximum two years, and are considered, e.g., Czech or Polish workers while in Germany, much as an American specialist sent to Germany to repair a computer would be an employee of the U.S. firm while abroad. About half of the subcontracted migrant workers in Germany are from Poland.

There are no firm-specific quotas on the number of subcontracted foreign workers who can be employed, but there are industry-by-industry ceilings and a countrywide quota. There were an average 46,000 project-tied foreign workers in Germany in 1996, down from a peak 95,000 in 1992. The number was reduced because of scandals that involved German contractors using project-tied agreements as a backdoor guest worker program.

Most newly-arrived foreign workers are employed seasonally in Germany. A total of 150,000 *seasonal* foreign workers were in Germany in 1994, but most stayed only a few months, so that seasonal foreign workers contributed the equivalent of 40,000 full-time workers to the German labor force. Seasonal foreign workers can remain up to ninety days in Germany, and most are employed in agriculture, restaurants, or construction. Seasonal foreign workers receive bilingual contracts that describe the job and work place, specify the pay and the start and stop dates, and spell out provisions for employer-provided housing, meals, and travel arrangements. The German Employment Service reviews the proposed contracts and tests the local labor market before issuing seasonal work permits to foreigners.<sup>67</sup> Both German employers and seasonal foreign workers make required payroll tax contributions that add about thirty-five percent to the average six to ten mark hourly wage in agriculture. However, if seasonal foreign workers are employed less than two months, the workers and their employers do not have to pay social security taxes on their wages.

The third program is for border *commuters* from the Czech Republic and Poland. If local workers are not available in Germany within fifty kilometers of these eastern borders, employers can request permission from the German Employment Service to employ commuter workers at prevailing wages. Daily cross-border commuting is encouraged, but frontier workers are permitted to remain overnight in Germany for up to two days each week.

The fourth program permits about 6,000 young East Europeans to work and learn in Germany for up to eighteen months. These new *Gastarbeiter* or *work-and-learn* programs are reciprocal, i.e., eighteen-to forty-year old eastern European trainees can live and work in Germany, and young Germans likewise have the opportunity to live and train in

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Poland, Russia, Romania, etc. German employers submit work-and-learn offers to their local ES offices which, without testing the German labor market to ensure that young Germans or settled foreigners are available, transmits the employer's job offer to an ES office in Eastern Europe. There are quotas on the number of persons from each of the Eastern European countries who can be in work-and-learn programs in Germany. The fifth program permits about 1,000 *nurses* from the former Yugoslavia to work in Germany.

In both the U.S. and Germany, there has been a shift in the rationale for temporary foreign worker programs.<sup>68</sup> Instead of recruiting foreign workers to deal with macro or widespread labor shortages, most programs today are justified as a way to deal with micro labor shortages, e.g., in agriculture or construction, or to channel into legal programs otherwise illegal migrants.

## VII. ILLEGAL MIGRATION

Will legal foreign workers admitted under these 1990s foreign worker programs increase or reduce illegal immigration? As in the U.S., Germany attempts to prevent illegal immigration and employment with border and interior controls. Germany has about as many border guards as the U.S., and a far more elaborate interior control system, involving separate residence and work permit systems.

In 1998, Germany had 6,200 border police on its 1000-kilometer eastern border with Poland and the Czech Republic (about the same number as the U.S. has on its 2,000-mile border with Mexico). In 1997, they apprehended about 20,000 foreigners—most were from Romania, Albania, and Bulgaria—attempting to enter Germany. German border police as well as 500 border crossing guides may stop cars and trucks within thirty kilometers of the border and search them for unauthorized foreigners.

Once inside Germany, an elaborate system of labor market and residence controls aims to prevent illegal foreigners from working and living in Germany. Germany introduced fines on employers who hired illegal alien workers in 1972 (the U.S. introduced employer sanctions in 1986), and increased these fines several times: in 1998, an employer can be fined up to 100,000 marks or \$60,000, per illegal alien hired.<sup>69</sup> However, labor inspectors acknowledge that the prospect of such fines has not prevented three hundred thousand to one million illegal aliens from being hired on German farms, in hotels and restaurants, and by construction firms despite (1) an unemployment rate of over twenty percent for legal foreign workers and (2) the availability of legal channels through which migrant workers can be hired.<sup>70</sup>

The reason why the immigration control system seems to be failing is that relaxed enforcement in the late 1980s and 1990s permitted some German employers to become dependent on foreign workers. The best example is construction in Berlin. Berlin is sometimes called the world's largest construction site; there are some 10,000 building sites, including 300 major projects, scattered throughout the city that will be united Germany's capital in 2000. In 1997, contractors and subcontractors employed about 550,000 workers, including 200,000 foreigners. Nonetheless, in March 1997, some 25,000 construction workers in Berlin were unemployed.

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Germany has assigned extra labor inspectors to police workers on Berlin-area construction sites. These inspectors mount one “major inspection” each month. A major inspection involves up to one hundred police with dogs to surround the construction site to prevent anyone from leaving during the inspection, and two to three hundred labor inspectors to check the legal status of each worker on the site. A convoy of fifty or more vehicles is assembled near the site to be inspected; police surround it; and inspectors rush into the partially assembled buildings so that they can determine exactly what task workers are doing (the worker may be legal if he is laying bricks, but not if he is painting, and he may be working for the “wrong” employer).<sup>71</sup>

The third enforcement task involving foreign workers is the new recruitment law (*Entsendegesetz*). Beginning January 1, 1997, all workers employed on German construction sites must be paid at least the minimum wage negotiated between German unions and employers. The workers are quickly interviewed where they are employed, and then taken to a central location where their work permits are reviewed; construction workers are required to carry permits with their photos. Workers without proper permits are handcuffed, placed in police vans, and taken to detention facilities.<sup>72</sup> Their suspected unauthorized status is confirmed by the Aliens Police, who then remove them from Germany.

Despite spectacular raids by labor inspectors, fifteen to twenty-five percent of the workers on most construction sites in Berlin are believed to be unauthorized workers. As with the asylum system, many observers believe that the enforcement system is well organized, but not effective in discouraging the entry or employment of unauthorized foreign workers. Many employers of unauthorized workers are subcontractors, some of whom go out of business and do not pay their fines. Local prosecutors who consider drugs and other crimes to have higher priority often do not take up “victimless” cases involving foreign workers.

If there are one million illegal aliens among Germany’s thirty-five million employed workers, as German unions estimate, then the percentage of illegal alien workers in Germany (three percent) is about the same as in the U.S., where perhaps four million illegal aliens are among the 125 million employed (three percent).<sup>73</sup>

There are two broad responses to the combination of high unemployment among German workers, and complaints of labor shortages that lead to the presence of large numbers of foreign workers. One response is to blame rigidities and excesses in the German labor market. For example, unemployment insurance benefits and assistance can continue indefinitely at relatively high levels, so unemployed German and legal foreign workers can avoid hard and dirty jobs that other foreigners are willing to take.<sup>74</sup> If minimum wages were lowered and benefits reduced, this argument runs, German and resident foreign workers would be more likely to apply for jobs, and German employers would be more likely to hire them.

The second response to the combination of high unemployment among German and resident foreigners and “labor shortages” that lead to the entrance of more foreign workers is to call for stepped-up labor law enforcement. Stepped-up labor law enforcement requires more inspectors, as well as laws that would make, e.g., the general contractor liable for all labor law and immigration violations found on a work site (joint liability between general contractors and subcontractors).<sup>75</sup>

## VIII. CITIZENSHIP AND NATURALIZATION

Germany continues to debate whether political participation leads or follows other forms of integration.<sup>76</sup> This takes concrete form in the debate over whether to ease relatively stringent naturalization requirements, whether to offer foreigners who want to become German citizens the option of retaining their original citizenship, and whether to permit foreigners to vote in local elections. (EU residents have had the right to run for office and to vote in local elections in another EU member nation since 1995.)

Germany has two types of naturalization: discretionary naturalization and naturalization by right (*Anspruch*). Most naturalizations are by right—282,000 of 314,000 in 1995. By-right naturalizations include those granted to ethnic Germans moving from the former Soviet Union; ethnic Germans obtain German citizenship upon their arrival in Germany. Most foreigners seeking discretionary naturalization must have lived in Germany for fifteen years, have no felony convictions, be able to support themselves, renounce their current citizenship, and “show a credible integration into our social and state order” according to Erwin Marschewski of the Christian Democratic Union (CDU).<sup>77</sup>

Since 1993, foreigners aged sixteen to twenty-three who lived in Germany for at least eight years, went to school in Germany, and apply for naturalization, have a “right” (*Anspruch*) to become German citizens, which means that German officials cannot deny their applications on the general ground that their naturalization is not in the interest of Germany.

The number of foreigners electing to become German citizens was 72,000 in 1995, or about one percent of the foreign population. Since the number of foreign residents increases by 200,000 to 300,000 per year and naturalizations are only one-fourth of immigration levels, Germany will have ever more foreigners.

Turks, the largest group of foreigners, have one of the lowest rates of naturalization. Many foreigners’ advocates believe that if Germany permitted foreigners to retain their original Turkish or Yugoslav citizenship, more foreigners would elect to become naturalized Germans, and integration would be eased. Under Germany’s 1913 citizenship law, German nationality follows bloodlines, not birthplace.

The SPD, FDP, and the Greens have proposed that Germany permit dual nationality, e.g., Turks becoming naturalized Germans would not have

to give up their Turkish citizenship. However, the CDU/CSU reject dual nationality, and this opposition in March 1998 led the German Parliament to reject, on a 338-317 vote, an SPD-backed proposal that would have allowed children born to resident aliens the right to have dual nationality until the age of sixteen, at which point they would have to choose between German and their parents' citizenship. Under the rejected proposal, children born to resident foreigners would have received automatic German citizenship if at least one of their parents was born in Germany, so that third-generation foreigners would automatically acquire German citizenship.

Turkey, like Mexico, until recently required its citizens who naturalized to give up their Turkish citizenship, which thus put at risk some property and inheritance rights in Turkey. Since June 12, 1996, however, Turks who lose their Turkish nationality by becoming a citizen of another country retain their rights to property and inheritance in Turkey. These changes have encouraged more naturalizations. In 1998, there are expected to be about 160,000 Turkish-origin German voters, up from 30,000 in 1994.

## IX. LESSONS AND OPTIONS

There are three major lessons of the German experience with migration over the past four decades:

1. Guest worker programs are far easier to start than to stop; migration programs begun for narrow labor market reasons can open doors to family and humanitarian immigration as well.
2. Countries should be careful about making open-ended constitutional commitments on migration that do not acknowledge the possibility of changed circumstances.
3. Policy changes can have visible effects on migration flows. Policy changes in 1993 affecting ethnic Germans and asylum seekers had immediate effects on flows that temporarily defused migration as a political issue.

Germany's immigration and integration policies have not changed since the goals of these policies were spelled out in 1981-82: (1) promote the integration of legally-resident foreigners and their families; (2) reduce non-EU immigration as much as possible; and (3) encourage the voluntary return and reintegration into their home countries of resident foreigners. These policies are often contradictory. Policies that promote integration, for example, might include permitting family unification, which may discourage voluntary returns.

Foreigners are often said to arrive via front, side, and back doors. Germany's front door remains open to the close relatives of settled foreigners and to ethnic Germans, although qualitative and quantitative restrictions prevent all who want to enter from coming. Germany closed the side door to guest workers in 1973, but began to reopen side doors to "truly temporary" foreign workers in the 1990s. These side doors were not reopened because Germany felt that the experience gained during the guest worker era would diminish the gap between migration policy goals and outcomes; they were reopened for foreign policy reasons and in the hope that legal migrant workers could substitute for illegal workers.

Finally, Germany has significantly increased expenditures to reduce back door illegal immigration.

### **Immigration Policy Options: Germany**

The major ruling political parties in the coalition government—the CDU/CSU—want to maintain the immigration status quo, which says: “*Deutschland ist kein Einwanderungsland.*” (Germany is not a country of immigration). Critics argue that this policy has not prevented Germany’s foreign population from increasing, but has prevented planning for immigration and encouraging the integration of settled foreigners.<sup>78</sup>

The other major political parties—CDU/CSU coalition partner FDP and the opposition parties SPD and the Greens—want to establish an immigration policy for Germany that anticipates immigration and simplifies naturalization. Each of these parties has offered a proposal to manage migration:<sup>79</sup>

1. The FDP’s *Zuwanderungsregelungsgesetz* proposal of February 9, 1996 would establish a quota-based immigration system, and promote the integration of foreigners by offering German language courses. Foreigners completing such courses could receive “integration certificates” that entitle them to unlimited rather than limited work permits (unlimited work permits are issued without a labor market test; limited work permits are issued only after the labor department specifies that no Germans or established foreigners are available to fill the job). The quota on immigrants would be established for two-year periods based on economic and other factors. The quota on ethnic Germans would be maintained, so that there would be waiting lists or queues of ethnic Germans and foreigners waiting to enter Germany.

The FDP proposal would allow foreigners born in Germany of legally resident parents to become dual nationals if they wished at age eighteen. All foreigners who have lived in Germany for eight or more years and meet other qualifications could apply for naturalization, down from the current fifteen years.

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2. The state of Rhineland-Pfalz, governed by a SPD-FDP coalition, in March 1997 proposed in the SPD-dominated *Bundesrat* that Germany establish annual quotas for various types of immigrants. In addition, the Rhineland-Pfalz proposal would give foreigners the right to apply for German citizenship after eight years of residence, and grant persons born in Germany of legally resident parents automatic access to German citizenship, with youth who thus have two nationalities required to choose one by age twenty-three. Foreigners, at their own cost, could participate in German language and culture classes; successful completion of these courses would be rewarded with secure residence and work permits.
3. The Greens in April 1997 proposed an immigration system that would tie the annual admission of immigrants to the number of ethnic Germans (thus, a maximum 220,000 immigrants per year would be admitted under current law). The Greens' proposal would explicitly recognize dual nationality, grant German citizenship to babies born in Germany with at least one legal foreign parent, and change German asylum law to prevent the deportation of persons who would lose access to, e.g., specialized medical treatment they are receiving in Germany if they were returned to their country of origin. To promote integration, employers and government would share the cost of providing language and culture classes on a fifty-fifty basis, and immigrants could participate in such classes at no charge.
4. The SPD in April 1997 announced principles for immigration and integration that include the provision of language and culture classes for foreigners during their first three years in Germany at no charge.

The debate over dual nationality illustrates why Germany seems unable to craft durable immigration and naturalization policies for the twenty-first century. The question is simple: should Germany permit foreigners who elect to become German citizens to retain their Turkish or Yugoslav citizenship? Many scholars have serious questions about how conflicts between nations over military service and loyalties would be resolved. However, the debate in Germany is marked by assertions that

reflect extreme positions. For example, CDU Chancellor Helmut Kohl warned that dual nationality might encourage Turks to migrate to Germany: “If we today give in to demands for dual citizenship, we would soon have four, five, or six million Turks in Germany instead of three million.”<sup>80</sup>

At the other extreme are those who argue that dual nationality would guarantee integration, forgetting that ethnic Germans with German passports may not feel integrated, just as blacks and children born to immigrants in inner cities are American citizens but may not feel themselves to be an integral part of U.S. society. It is not clear that dual nationality alone would head off what the first ethnic Turk elected to the German *Bundestag*, Cem Ozdemir, fears: a “sense of alienation among ethnic Turks [that] is creating conditions for a potential social explosion in Germany.”<sup>81</sup> Calls for multiculturalism are often offered to avoid a sense of alienation among foreign youth in German cities.<sup>82</sup>

Demographic projections illustrate why the status quo is not sustainable. If Germany were to receive a net 190,000 additional foreigners each year, and if both German and foreign women have very low fertility—1.2 to 1.3 children per woman—the number of foreigners in Germany will climb from 7.1 million in 1995 to 10.6 million in 2010, and to 12.6 million in 2030.<sup>83</sup> The German population, on the other hand, is projected to shrink to 62 million in 2030, so that foreigners would be seventeen percent of the 75 million residents of Germany. In major German cities such as Frankfurt and Stuttgart, this projection implies that half of the residents would be foreigners in two generations.

If immigration occurs at higher levels, say 400,000 per year, and naturalization rates remain at mid-1990s levels, then Germany would in 2030 have a population of about 90 million, of whom thirty percent would be foreigners. In this scenario, cities such as Frankfurt, Stuttgart, and Munich would have populations that were half or more foreign within thirty years.

As Germany searches for durable immigration and integration policies, two issues will have to be resolved: decentralization and numbers. German immigration policy today is far more decentralized than U.S. immigration policy: the sixteen German states have far more influence over immigration and integration policy than do U.S. states. There are federal authorities to deal with only two types of newcomers—

ethnic Germans and asylum seekers. Other types of migration—as well as the removal of unwanted foreigners—are governed by state governments. Developing an immigration policy would likely increase the role of the federal government vis-à-vis the states.

The second issue is how many newcomers should be admitted each year, and what criteria should determine the annual quota. A widespread assumption in Germany is that the development of an overall federal migration policy and a federal migration agency would imply more migration.

### **Immigration Policy Options: Europe**

Many Germans believe that immigration issues must be resolved at the EU level, since the policies of one country can affect migration to another.<sup>84</sup> Fifteen western European nations are members of the European Union,<sup>85</sup> which had 370 million residents and a GDP of \$7.5 trillion in 1996.<sup>86</sup> Under EU freedom of movement rules, nationals of EU member nations have the right to enter another EU nation for up to three months to seek employment.<sup>87</sup> If an EU national finds a job in another EU nation, the host EU nation must issue any necessary work and residence permits.

In 1995, about one-fourth of the foreigners in Europe were EU nationals living in another EU nation, such as Germans residing in Luxembourg or Belgium. This means that 5.5 million or 1.5 percent of EU residents lived outside their country of citizenship, including 1.8 million EU nationals living in Germany. The EU is attempting to increase movement from one EU nation to another, especially among students. However, there continue to be disputes about national qualifications for workers who find employment in another EU country—e.g., can France arrest British ski instructors in France who do not have a French instructor's diploma<sup>88</sup>—and freedom to provide services within the EU—can a German construction company establish a subsidiary in Portugal, hire workers there, and send them to Germany at wages higher than in Portugal, but lower than in Germany, under freedom to provide services rules?<sup>89</sup> Moving workers from a lower to higher wage country is considered “social dumping.”

The EU plans to enlarge. Entry negotiations with six countries: Poland, the Czech Republic, Hungary, Slovenia, Estonia and Cyprus began

in 1998. If all six countries join the EU, its population would rise from 370 million to 500 million, but the EU's GDP would increase by only five percent. Absorbing poorer countries may set off a new wave of migration. In the past, there has usually been a lag of seven to ten years before the nationals of newly admitted EU member nations obtain full freedom of movement rights.<sup>90</sup> As these entry negotiations proceed, one important issue will be the waiting period before new members have full freedom of movement rights.

The EU has not yet decided what to do about foreigners from non-EU nations who are living in the EU, such as Turks living in Germany. In 1995, there were about 14 million non-EU foreigners in Europe, and these foreigners do not have freedom of movement rights within the EU, e.g., a Turk with the right to live and work in Germany does not have the right to live and work in France. However, as borders disappear in Europe, it has become more difficult to enforce rules that confine, e.g., Algerians to France or Turks to Germany. In several cases, school classes making trips outside their country have not been able to take along classmates who were not EU nationals, as when German classes visit France.

Europe is struggling to develop a common immigration policy in two distinct forums. The first is within the EU. EU decisions fall under one of three "pillars:" first pillar issues are those on which the EU Commission can take the lead in proposing policy, such as the Common Agricultural Policy. Once first pillar issues are accepted by EU member states, all comply. Second pillar policies are those that are handled at the level of national governments, including foreign and defense policies. Third pillar issues such as immigration are the responsibility of national governments, but require coordination between EU member nations. Many EU nations want immigration to become a first pillar issue, so that a common migration policy could be achieved by unanimous or majority vote, and then imposed on all member nations.

The EU makes policy during European Councils, meetings of EU heads of state and government, held every six months near the end of the six-month EU presidency that rotates from country to country. Immigration has been significant issue in the most recent meetings. In June 1997 in Amsterdam, for example, EU member nations agreed to cooperate more closely on immigration, asylum and visa matters, but they did not agree to

move immigration from the third to the first pillar, nor to shift from unanimous to majority voting on migration issues. German Chancellor Kohl, a leading proponent of European integration, said because of objections by Bavaria that as a matter of “national duty and a piece of self-preservation,” all EU decisions on asylum and immigration must be decided by unanimous rather than a majority vote.

Even as a third pillar issue, the EU has taken steps to coordinate national migration policies. The Dublin Convention of 1990, for example, permits asylum seekers to apply for asylum in only one EU country, and makes the decision of that country binding on all other EU nations. EU nations have declared themselves free of political persecution, so asylum applications filed by nationals of EU member nations are automatically rejected. Many analysts have advocated that the EU adopt an immigration policy that anticipates the annual entry of several hundred thousand immigrants.<sup>91</sup>

The Schengen agreement of 1985 and 1990, which is eventually to be included in the EU’s Treaty of Amsterdam, eliminates border checks within member nations (there is an opt-out for the UK, Ireland and Denmark). On March 26, 1995, border checks were eliminated on persons crossing between the original seven Schengen members—Germany, France, Belgium, Luxembourg, the Netherlands, Spain and Portugal. For example, flights between Munich and Paris are as treated domestic trips, and passengers may travel without their passports. Schengen member nations have agreed on a common list of countries whose nationals need visas to enter “Schengenland” and on a computer data base (the Schengen Information System based in Strasbourg, France) that allows, e.g., a German immigration inspector on the Polish border to know who France does not want admitted.<sup>92</sup>

In June 1997, Greece became the thirteenth country to join the Schengen agreement, meaning that there are no checks on movements between Germany, the Netherlands, Belgium, Greece, Italy, Luxembourg, Austria, Spain and Portugal. Five Nordic nations that have had a passport-free travel zone since 1958—Finland, Denmark and Sweden, along with non-EU Norway and Iceland—joined the Schengen group December 19, 1996.

## Whither Migration?

For the first time in history, all of the industrial democracies face the common challenge of managing immigration from poorer nations, and integrating these newcomers into changing societies. There are no magic bullet solutions to stop immigration or achieve integration, and the German experience shows that ad hoc solutions to complex migration issues can have very different consequences in the short and long runs.

Germany seems to be deadlocked on immigration and integration issues. At the one extreme are those who argue that, in an integrating Europe, no country can manage immigration and integration alone. By resolving immigration issues at a higher level, the hope is that the EU can impose durable solutions on issues such as annual inflows, the treatment of asylum seekers, and dual citizenship. At the other extreme are those who believe that, despite the current deadlock, Germany must resolve immigration and integration issues inside its borders in a manner that reflects German rather than European concerns.

In Germany, dual nationality has become the major point of contention: “admissionists” who believe that Germany should have a planned annual influx of immigrants and do more to integrate foreigners tend to support dual nationality, while “restrictionists” who want to avoid a planned intake of foreigners and who do not want to make naturalization easier often argue that dual nationality is a mirage that will not solve integration problems and will only create new problems. Despite the widely held belief that, in a free vote, the *Bundestag* would vote in favor of dual nationality, proposals to introduce dual nationality were defeated in 1997 and 1998.

Germany goes to the polls on September 27, 1998. The possible outcomes include:

1. An SPD-Green majority government, which would be expected to quickly embrace dual nationality, introduce an immigration policy with annual quotas, and take steps to promote the integration of foreigners.
2. A return of the CDU/CSU-FDP government, which would likely reject changes in nationality, immigration, and integration policies if the CDU/CSU required their FDP partners to vote with the government.

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Even if there were to be a grand coalition between the CDU/CSU and the SPD, there may be a reluctance to tackle immigration issues because they are so controversial. For example, many German migration researchers note that politicians still debate “foreigners policy” (*Ausländerpolitik*), suggesting to some that foreigners are still persons who might be persuaded to leave Germany.

The U.S. and Germany have very different starting points on immigration and integration issues, but they face surprisingly similar migration questions at the end of the twentieth century. Both countries must answer the three major immigration questions: how many, from where, and with what status should foreigners arrive? These questions are usually answered in an immigration policy that spells out which foreigners are wanted and welcomed, and how illegal and unwanted foreigners are kept out or removed. Since more foreigners want to enter and settle than Germany and the U.S. are willing to accept, immigration policy also establishes how much immigration is in the national interest, and how priorities between types of foreigners are established and enforced.

Finally, both the U.S. and Germany are struggling with the shifting status of arriving foreigners. In both countries, a majority of those who settle permanently do not arrive as settlers; they arrive in another category, such as tourist or student or temporary worker or asylum seeker and are eventually permitted to settle. Is this the best way to select immigrants? How do sometimes prolonged adjustment of status procedures affect integration?

Germany and the U.S. have the highest number and percentage of foreigners or foreign-born residents in fifty years. In both countries, the number and share of foreigners is expected to increase in the twenty-first century. What is the best way to integrate foreigners? What are the key integration variables—citizenship, education and economic status, or having native-born friends? What should the goal of integration policies be—to blend different cultures in melting pot fashion or to embrace salad bowl multiculturalism?

As Germany, the U.S., and other industrial democracies struggle with the answers to these questions, it is important to keep three principles of migration in mind. First, there are no magic bullet or quick fix answers. Second, policies must be flexible; the short term consequences of

immigration and integration policies may be the opposite of the longer term effects, and policies may have to change to reflect these changing impacts of policy. Third, durable solutions to migration issues are more likely to be found nearer the middle than at the extremes of the spectrum of options. For this reason, it is important to reinforce those seeking middle of the road solutions and thus avoid zigzags from one extreme to the other.

## ENDNOTES

<sup>1</sup> If immigration into Germany continues at a net 190,000 per year, and fertility and naturalization remain at current levels, Germany in 2030 will shrink from 82 million to 75 million, and 25 million or thirty-three percent of the residents will be foreigners. In the U.S., by contrast, net immigration of 820,000 per year would give the U.S. about 345 million residents in 2030, including 48 million or fourteen percent foreign-born residents.

<sup>2</sup> *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>3</sup> Statements of the German government. Bundesministerium des Innern, *Aufzeichnung zur Ausländerpolitik und zum Ausländerrecht in der Bundesrepublik Deutschland* (Bonn: A1-937 20/15, August 1997), 5. Also quoted in Klaus J. Bade, *Ausländer-Aussiedler-Asyl. Eine Bestandsaufnahme* (Munich: C.H. Beck Verlag, Beck'sche Reihe Band 1072, 1994), 18. Also in Beauftragte Bericht 99, *Zur Situation der ausländischen Arbeitnehmer und ihrer Familien—Bestandsaufnahme und Perspektiven für die 90er Jahre* (Bonn:Beauftragte der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen, 1990), 7.

<sup>4</sup> Beauftragte, *Daten und Fakten zur Ausländersituation* (Bonn: Beauftragte der Bundesregierung für Ausländerfragen, March 1997), 174.

<sup>5</sup> Rainer Muenz, Wolfgang Seifert, Ralf Ulrich, *Zuwanderung nach Deutschland: Strukturen, Wirkungen, Perspektiven* (New York: Campus, 1997), 167.

<sup>6</sup> For example, in April 1998 the right-wing, anti-immigrant German People's Union (DVU) won thirteen percent of the vote in Saxony-Anhalt. For updates on significant migration developments in Germany, see *Migration News*. 1998. <http://migration.ucdavis.edu>. Monthly.

<sup>7</sup> *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>8</sup> "Wir haben Arbeitskräfte geholt, aber es sind Menschen gekommen." Quoted in Klaus Lefringhausen, "Wirtschafts-ethische Aspekte für lokale Actionen", eds. R. Leudesdorff and H. Zillessen, *Gastarbeiter-Mitburger* (Gelnhausen: Burckhardthaus, 1971).

<sup>9</sup> In 1992, the cost of accommodating asylum applicants was 1,400DM monthly, or about \$840 per month and \$10,080 per year.

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- <sup>10</sup> Over the past 176 years, Germany has sent about 1.5 million more immigrants to the U.S. than Mexico. INS, *Statistical Yearbook of the Immigration and Naturalization Service* (Washington: INS, 1997).
- <sup>11</sup> Klaus J. Bade, "From Emigration to Immigration: The German Experience in the Nineteenth and Twentieth Century." eds. Klaus J. Bade and Myron Wiener, *Migration Past, Migration Future: Germany and the U.S* (Providence: Berg Publishers, 1997).
- <sup>12</sup> Klaus J. Bade, Ed, *Population, Labor and Migration in Nineteenth and Twentieth Century Germany* (Providence, RI: Berg Publishers, 1987), 62.
- <sup>13</sup> Klaus J. Bade, Ed., *Auswanderer-Wanderarbeiter-Gastarbeiter: Bevölkerung, Arberitsmarket and Wanderung in Deutschland seit des 19. Jahrhunderts* (Ostfildern: Scriptor Verlag, 1984).
- <sup>14</sup> Ulrich Herbert, *Hitler's Foreign Workers: Enforced Foreign Labor in Germany under the Third Reich* (New York: Cambridge University Press, 1997).
- <sup>15</sup> The former West Germany absorbed large number of Germans who moved west: one writer called the westward movement of eight million Germans between 1944 and 1946 "the greatest migratory movement of modern times." John Ardaugh, *Germany and the Germans* (London: Hamisch Hamilton, 1987), 13. Estimates of the number of Germans who moved west between the end of World War II and the construction of the Berlin Wall in 1961 range from nine to thirteen million.
- <sup>16</sup> Helga Hermann, *Ausländer: von Gastarbeiter zum Wirtschaftsfaktor* (Köln: Der Institut der deutschen Wirtschaft. Beiträge, 173, 1992) 7.
- <sup>17</sup> W.R. Böhning, *Studies in International Labor Migration* (London: Macmillan, 1984). See also Ronald Krane, Ed. *International Migration in Europe* (New York: Praeger, 1979) and Ronald Krane, *Manpower Mobility Across Cultural Boundaries: Social, Economic, and Legal Aspects: The Case of Turkey and West Germany* (Leiden: Brill, 1975).
- <sup>18</sup> Vera Lutz, "Foreign Workers and Domestic Wage Levels with an Illustration from the Swiss Case." *Banca Nazionale del Lauoro Quarterly Review*, Vol. XVI, Nos. 64-67 (1963). See also Charles Kindleberger, *Europe's Postwar Growth: The Role of Labor Supply* (Cambridge: Harvard University Press, 1967).
- <sup>19</sup> W.R. Böhning, *The Migration of Workers in the United Kingdom and the European Community* (Oxford: Oxford University Press for the Institute of Race Relations, 1972).
- <sup>20</sup> Jean-Jacques Servan-Schreiber, *The American Challenge* (New York: Atheneum, 1988). First published in 1968.
- <sup>21</sup> Freedom of movement within the EEC means that a worker from any member state may enter another, remain for up to three months in search of a job, and then, if the migrant finds employment, the host country must grant any necessary work and residence permits.
- <sup>22</sup> *Migration News*, <http://migration.ucdavis.edu>, monthly.
- <sup>23</sup> Germany recruited workers during the 1960s from EC-member nation Italy and from seven non-EC recruitment countries: Greece, Morocco, Portugal, Spain, Tunisia, Turkey, and Yugoslavia. Greece became a member of the EC in 1981, and Spain and Portugal became members in 1986. Greece had to wait until 1988 before its citizens

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got full freedom of movement rights, and Spain and Portugal, scheduled to have freedom of movement rights, in 1993, got mobility rights one year early in 1992.

<sup>24</sup> Philip L. Martin, *Guestworker programs: Lessons from Europe* (Washington, D.C.: U.S. Department of Labor, Bureau of International Labor Affairs, 1980).

<sup>25</sup> Philip L. Martin and Mark J. Miller, "Guestworkers: Lessons from Western Europe," *Industrial and Labor Relations Review*, Vol 33:3 (April 1980).

<sup>26</sup> *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>27</sup> Philip L. Martin, "Germany's Guestworkers," *Challenge*, 24:3, (July, 1981), 34-42.

<sup>28</sup> Martin and Miller, 1982. See also Stephen Castles, *Migrant Workers and the Transformation of Western Societies* (Ithaca: Cornell Western Societies Program, Paper 22, 1989).

<sup>29</sup> In a 1989 interview, Foreigners Commissioner Liselotte Funke said that both employers and the labor ministry opposed the recruitment halt; they preferred continued recruitment, but tighter restrictions on bringing family members to Germany. *Die Zeit*, February 17, 1989, 19.

<sup>30</sup> Bade, 1984.

<sup>31</sup> *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>32</sup> Mark Miller and Philip Martin, *Administering foreign-worker programs: Lessons from Europe* (Lexington, MA: Lexington Books, D.C. Heath and Company, 1982), 86-89.

<sup>33</sup> Elmar Hönekopp, *Zur beruflichen und sozialen reintegration türkischer Arbeitsmigranten in Zeitverlauf* (Nürnberg: Bundesanstalt für Arbeit, Institut für Arbeitsmarkt und Berufsforschung, 1990).

<sup>34</sup> Ursula Mehrländer, *Soziale Aspekte der Ausländerbeschäftigung* (Bonn: Neue Gesellschaft, 1974). Ursula Mehrländer, *Ausländerforschung 1965 bis 1980: Fragestellungen, theoretische Ansätze, empirische Ergebnisse* (Bonn: Neue Gesellschaft, 1987); Ursula Mehrländer, Carsten Ascheberg, Joerg Ueltzhoeffer, *Situation der ausländischen Arbeitnehmer und ihrer Familienangehörigen in der Bundesrepublik Deutschland* (Bonn: Bundesministerium für Arbeit und Sozialordnung Forschungsbericht 265, 1997).

<sup>35</sup> *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>36</sup> Hans-Uwe Bach, "Entwicklung und Struktur der Ausländerarbeitslosigkeit in der Bundesrepublik Deutschland - seit 1960." in Elmar Honekopp. Ed. *Aspekte der Ausländerbeschäftigung in der BRD* (Nürnberg: Bundesanstalt für Arbeit, Institut für Arbeitsmarkt und Berufsforschung 114, 1987), 144-178.

<sup>37</sup> *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>38</sup> Martin Frey and Ulrich Mammey, *Impact of Migration in Receiving Countries: Germany* (Geneva: International Organization for Migration, 1996), 114.

<sup>39</sup> Faruk Sen and Andreas Goldberg, *Turken in Deutschland: Leben zwischen zwei Kulturen* (Munich: C.H. Beck Verlag, Beck'sche Reihe Band 1075, 1994).

<sup>40</sup> Friedrich Heckmann, *Die Bundesrepublik: ein Einwanderungsland?* (Stuttgart: Klett-Cotta, 1981).

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41. Philip L. Martin, *The Unfinished Story: Turkish Labor Migration to Western Europe, With Special Reference to the Federal Republic of Germany* (Geneva: International Labor Office, 1991), 94.

42. Mehrländer, 1997.

43. Beauftragte, *Zur Situation der ausländischen Arbeitnehmer und ihrer Familien - Bestandsaufnahme und Perspektiven für die 90er Jahre* (Bonn: Beauftragte der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen, Bericht 99, 1990).

44. Steffen Angenendt, Ed., *Deutsche Migrationspolitik im neuen Europa* (Opladen: Leske + Budrich, 1997).

45. There were 1,737 asylum applications in 1967, and 10,000 in 1970.

46. *Migration News*, <http://migration.ucdavis.edu>, monthly.

47. *Migration News*, <http://migration.ucdavis.edu>, monthly.

48. Klaus J. Bade, *Ausländer-Aussiedler-Asyl. Eine Bestandsaufnahme* (Munich: C.H. Beck Verlag, Beck'sche Reihe Band 1072, 1994). This safe third country provision does not make it impossible to arrive via neighboring countries and apply for asylum in Germany. Many asylum applicants, for example, say that they were put into a locked truck in Bulgaria or Romania and do not know how they reached Germany. Germany cannot return applicants to neighboring countries unless it can prove that they entered via that country.

49. *Migration News*, <http://migration.ucdavis.edu>, monthly.

50. When they apply to have their families join them, German authorities insist that often falsified papers be laboriously checked. Alternatively, foreigners who want to speed up family unification can pay for genetic tests, performed mostly at the University of Muenster for about 200DM, to demonstrate that the person coming to Germany is in fact a family member.

51. *Migration News*, <http://migration.ucdavis.edu>, monthly.

52. Neil King, "Movable East German Mayor Finds Unusual Solution for Refugee Problem," *Wall Street Journal*, April 22, 1998.

53. Kay Hailbronner and Claus Thiery, "Schengen II und Dublin - Der zuständige Asylstaat in Europa," *ZAR, Zeitschrift für Ausländerrecht und Ausländerpolitik*, 2. Quartal, 1997.

54. An individual must prove that she suffered persecution because of German heritage in the aftermath of World War II, but there was a blanket "proof" for East Europeans and residents of the USSR. In 1998, there is a blanket assumption of persecution only for residents of the USSR.

55. Klaus J. Bade, Beck'sche Reihe Band 1072, 1994.

56. *Migration News*, <http://migration.ucdavis.edu>, monthly.

57. Many of those recognized as ethnic Germans may not move to Germany. For example, some 250,000 ethnic Germans in Poland have German and Polish passports; they seem to regard the German passport as insurance. There is discussion of restricting the validity of permission to move to Germany to one year.

About one-third of those taking the German test fail. The test cannot be retaken and is intended to determine whether the candidate is or is not of German

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heritage. The civics part of the test includes questions such as naming the sixteen German Länder. German language and civics are offered in 400 cities in Russian and Kazakstan.

<sup>58</sup>. Those who want to further reduce the movement of ethnic Germans to Germany note that, in 1996, 3.1 billion DM is budgeted to help ethnic Germans in Germany to integrate, and 150 million DM is set aside for programs in the areas where ethnic Germans now live. *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>59</sup>. *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>60</sup>. *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>61</sup>. Berlin has the largest Jewish population, some 15,000 strong.

<sup>62</sup>. *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>63</sup>. In 1989, 390,000 East Germans moved west, and in 1990, another 395,000.

<sup>64</sup>. Ray Moseley, "Anti-foreigner Sentiments, Violence on the Rise in Eastern Germany," *Chicago Tribune*, April 12, 1998.

<sup>65</sup>. EC-92 was the EC program to reduce economic barriers between EU nations and speed up economic and job growth. It began in the late 1980s, and was complete in 1992.

<sup>66</sup>. Elmar Hönekopp, "The New Labor Migration as an Instrument of German Foreign Policy," in Rainer Münz and Myron Weiner, Eds. *Migrants, Refugees, and Foreign Policy: U.S. and German Policies Toward Countries of Origin* (Providence, RI: Berghahn Books, 1997), 165-182.

<sup>67</sup>. About ninety percent of seasonal foreign workers are requested by name by German employers.

<sup>68</sup>. Philip L. Martin, "Guest worker policies for the twenty-first century," *New Community*, Vol 23, No 4, October, 1997, 483-494.

<sup>69</sup>. If the employer exploits the foreign workers by putting them in worse conditions than similar German workers, or employs five or more foreign workers without permits for thirty days or more, or employs foreign workers without permits for a second or third time, then the employer can be charged with criminal violations, and be sentenced to three to five years in jail.

<sup>70</sup>. German enforcement of employer sanctions depends largely on complaints from employers, unions, and workers and on a computer comparison of two employee lists. The employers of "dependent" employees (those who earn less than 4500 DM monthly) must register them with one of the various social insurance programs, and this list is then compared with the list of work permits issued in order to spot persons on one list but not the other. Fines are stiffer for evading social insurance taxes which add twenty to forty percent to wages, and this compulsion to register for social insurance is believed to minimize the employment of aliens who do not have work permits. However, if the employer does not register employees for social insurance, this computer matching process fails to detect illegal aliens.

<sup>71</sup>. There are two major violations of German labor laws that involve foreign workers: illegal alien employment (both the employer and foreign worker violate #229 of the German labor law, AFG), and the unlawful transfer of foreign workers from one employer to another (*Arbeitnehmerüberlassung*). In 1996, about 87,000 or eighteen

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percent of the cases opened involved illegal alien employment, and 8,500 cases involved unlawful worker transfers. In 1996, there were a total of 55,300 citations issued for employing illegal aliens, including 9,100 criminal citations that involved thirty-seven million DM in fines (\$22 million), or an average criminal fine of \$2,400 (in 1995, there were 6,500 criminal sanctions and thirty million DM in fines). In 1996, labor inspectors checked 424,000 workers at work, and checked 1.1 million pay and work permit records.

The third enforcement task involving foreign workers is the new recruitment law (*Entsendegesetz*). Beginning January 1, 1997, all workers employed on German construction sites must be paid at least the minimum wage negotiated between German unions and employers.

<sup>72</sup> In 1998, Berlin reportedly had filled its detention facilities with apprehended foreign workers. *Migration News*, <http://migration.ucdavis.edu>, Vol. 5, No. 8, August 1998.

<sup>73</sup> *Migration News*, <http://migration.ucdavis.edu>, monthly.

<sup>74</sup> In Germany, unemployment insurance (UI) benefits are sixty to sixty-three percent of previous earnings for about two years, and then about fifty percent of earnings indefinitely, while in the U.S., UI benefits are typically fifty percent of previous earnings for a maximum of six months. Thus, a \$1,200 monthly UI check is equivalent to \$8.50 per hour for a 35-hour week, a fairly high wage for, e.g., a 45 year old unemployed construction worker. In addition, construction workers receive a Christmas bonus ("13th month's salary") that was one hundred percent, and is now seventy-seven percent of their usually monthly wage.

<sup>75</sup> In addition, subcontractors could be required to post a bond to cover the cost of unpaid wages and fines, which would permit the market to help determine their reliability, since the more reliable contractors could presumably get bonds more cheaply.

<sup>76</sup> Klaus J. Bade, *Der Manifest der 60. Deutschland und die Einwanderung*, (Munich: C.H. Beck Verlag, 1994). See also Albrecht Weber, Ed., *Einwanderungsland Bundesrepublik Deutschland in der Europäischen Union* (Osnabrück: Universitätsverlag Rasch, IMIS-Schriften Vol. 5, 1997).

<sup>77</sup> Naturalization costs about 300 DM or \$165.

<sup>78</sup> Klaus J. Bade, *Homo Migrans: Wanderungen aus und nach Deutschland-Erfahrungen and Fragen* (Essen, 1994).

<sup>79</sup> Kay Hailbronner, "Der aufenthaltsrechtliche Status der verschiedenen Gruppen von Einwanderern in der Bundesrepublik Deutschland," in Albrecht Weber, Ed. *Einwanderungsland Bundesrepublik Deutschland in der Europäischen Union*, IMIS-Schriften (Osnabrück: Universitätsverlag Rasch, Vol. 5, 1997). See also Kay Hailbronner, "Was kann ein Einwanderungsgesetz bewirken?" *Aus Politik und Zeitgeschichte* Nr. 46, 1997, 39-46.

<sup>80</sup> William Drozdiak, "Citizenship Debate Divides Germans," *The Washington Post*, November 5, 1997. "Die Reform der Staatsbürgerschaft wird still beerdigt und bleibt ein Wahlkampfthema," *Focus Magazin*, November 3, 1997. "Germany: Dual Nationality," *Migration News*, December 1997, Vol 4, No. 12.

<sup>81</sup> *Ibid.*

<sup>82.</sup> Klaus J. Bade, Ed., *Die multikulturelle Herausforderung: Menschen über Grenzen-Grenzen über Menschen* (Munich: C.H. Beck Verlag, Beck'sche Reihe Band 1184, 1996). See also Wolfgang Zank, *The German Melting-Pot: Multiculturalism in Historical Perspective* (New York: St. Martins Press, 1998).

<sup>83.</sup> Muenz et al, 1997, 161.

<sup>84.</sup> James Hollifield, *Immigrants, Markets, and States: the Political Economy of Immigration in Postwar Europe and the U.S.* (Cambridge: Harvard University Press, 1992).

<sup>85.</sup> The EU was known as the European Economic Community (EEC) when it was founded in 1957, then the European Community (EC), and since November 1, 1993, the European Union (EU).

<sup>86.</sup> Since January 1994, the EU and the five-nation European Free Trade Association have formed the European Economic Area, with freedom of movement between, e.g., non-EU Norway and Iceland and the rest of the EU. Population and GDP are for the European Economic Area.

<sup>87.</sup> Article 48 of the Treaty of Rome says that: "(1) Freedom of movement for workers shall be secured within the Community." Article 7(1) of Regulation 1612/68 provides: "A worker who is a national of a member state may not, in the territory of another member state, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work."

<sup>88.</sup> For example, the EU in 1997 threatened to take action against France if it continued to impose "excessive obstacles" to foreign workers in the ski industry. France had ruled that the top British ski diploma is inferior to the French variety, providing the basis for the arrest of several British ski instructors who were teaching skiing in France without a French diploma.

France countered that some British firms advertise openly to encourage French firms to avoid paying French taxes. In November, 1995 the French minister for European affairs accused a British firm of social dumping when it sent letters to one hundred winter resorts in France pointing out the cost savings they could achieve by utilizing British workers. According to the British firm, an employer paying a worker £1,000 (U.S.\$1,600) per month must pay an additional twenty percent or £200 in payroll taxes, but a French employer paying a worker £1000 needs to pay another £1000 in various payroll taxes. British workers abroad often have some of their pay deposited in UK accounts.

French firms could thus save money by hiring British workers on six- to twelve-month contracts, and the British workers, whose British employers would pay British health care taxes, would be covered under the French health care system under European law. A British firm offered to provide French builders with British workers willing to work fifty hours weekly at regular pay, while French law requires overtime pay after thirty-nine hours per week.

<sup>89.</sup> During the construction boom in Berlin in the 1990s, many German contractors established subsidiaries in an EU nation such as Britain or Portugal, hired workers there, and then sent the workers employed by that subsidiary to Germany under the freedom to provide services provisions of the EU. In many cases, Portuguese, British,

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and Irish workers were willing to work for lower wages than German workers. If the British workers in Germany are registered in Britain as self-employed, they can be paid in cash, and they pay no income or payroll taxes in Germany. German construction unions complain that many EU workers declare themselves self-employed to escape taxes in Germany.

<sup>90</sup>. Spanish and Portuguese workers, for example, have had full freedom of movement rights only since 1993.

<sup>91</sup>. Klaus Zimmermann, Barry Chiswick, and Thomas Straubhaar, *Migration and Integration in Fortress Europe: A Policy Report* (London: CEPR, 1998).

<sup>92</sup>. In March 1996, Schengen-member France re-instituted border checks at its crossings with Belgium, Luxembourg and the Netherlands in order to enforce its drug laws, and in December 1996, Spain and Portugal agreed to re-build check points along their border to combat illegal immigration.

APPENDIX A: AN IMMIGRATION CHRONOLOGY

<b>Year</b>	<b>Event</b>
1955	Recruitment agreement with Italy
1960	Recruitment agreement with Spain and Greece
1961	Recruitment agreement with Turkey
1963	Recruitment agreement with Morocco
1965	Recruitment agreement with Tunisia
1968	Recruitment agreement with Yugoslavia
1965	Foreigners Law: EC nationals have the same labor market rights Germans. Non-EC foreigners to be rotated in and out of Germany
1973	Recruitment stop: No more unskilled non-EC foreign workers
1975	Only children living in Germany get full allowance.
1975-77	Non-EC foreigners can not move into “overburdened” cities with twelve percent or more foreigners.
1977	Federal-State Commission recommends a foreigners policy.
1978	New regulations: residence permit ( <i>Aufenthaltserlaubnis</i> ) after five years; residence right ( <i>Berechtigung</i> ) after eight years.
1979	Kühn memorandum on need for an integration policy.
1981-82	Migration goals: reduce non-EC immigration, promote voluntary returns, and integrate those who choose to stay.
1983-84	Foreign worker departure bonus program
1989-1990	New “truly temporary” foreign worker programs launched
1990	Foreigners law revised: more security for settled foreigners, but newly-arrived foreigners find it harder to obtain secure residence rights.
1993	Asylum law reform; 220,000 annual quota on the number of persons who can be recognized as ethnic Germans.
1995	Schengen border-free agreement goes into effect between Belgium, France, Germany, Luxembourg, the Netherlands, Portugal, and Spain March 26, 1995.
1997-98	German <i>Bundestag</i> rejects dual nationality.

## **APPENDIX C: FOREIGNERS COMMISSIONERS**

Germany has a system of publicly-funded federal, state, and local “foreigners commissioners” to act as middlemen between foreigners and natives. Some Americans believe that the U.S. should learn from this German “best practice” and develop a system of publicly-funded ombudsmen to assist foreigners and to head off problems between foreigners and U.S. residents.

The first German foreigners commissioners were appointed by cities with large numbers of foreigners in the early 1970s, and the first federal foreigners commissioner was appointed in November 1978. Today, thirteen of the sixteen German states have foreigners commissioners, and 187 cities have foreigners commissioners, for a total of about 200. Each is independent, i.e., the federal commissioner has no “official” authority over the state or local commissioners, although there is informal cooperation.

The federal office of the foreigners commissioner was upgraded in November 1997, and in 1998 has a staff of fifteen, with offices in Bonn and Berlin. The federal commissioners office promotes the integration of settled foreigners in Germany and tolerance for foreigners among Germans. The federal office participates in federal meetings in which regulations affecting foreigners are developed, publishes reports on foreigners, and organizes an annual meeting that state and city foreigners commissioners may attend at their own expense. During the most recent meeting, in May 1998, the federal foreigners commissioner warned about the dangers of right-wing xenophobia, especially in eastern Germany.

The key term used to describe state and local foreigners commissioners is diversity—there is no unified system. In some states and cities, the foreigners commissioner is a government official, e.g. in Baden-Wurtemberg, the foreigners commissioner is the Justice Minister. In other places, the foreigners commissioner is a separate office of the state or city government, and reports e.g. directly to the mayor. Finally, in some cases, the foreigners commissioner is a sub office of the social services agency, and reports to elected officials through the director of the agency. Whether state or city, foreigners commissioners receive funding from and report to the level of government that appoints them, e.g.,

state-appointed commissioners report to state governments, and city-appointed commissioners report to city governments.

Most foreigners commissioner offices consist of a commissioner, a secretary, and perhaps one or two others, including a legal advisor and social workers. The major cost is salary for staff who typically make calls on behalf of foreigners seeking assistance to other government offices. Salaries are set by state and city government pay scales, e.g., foreigners commissioners in major cities receive about \$5000 per month, and their secretaries about \$2500 per month. The cost of a typical office is at least \$100,000 per year, and rises to \$500,000 to \$1 million when the commissioners also receive funding for e.g. pilot projects to work with foreign youth. However, the ability of the commissioners to raise additional funds depends on their own initiative and the interest of the state or city that appointed them in foreigners issues.

Three examples highlight the diversity of foreigners commissioners. Frankfurt, with 180,000 foreigners among its 650,000 residents, has had a foreigners commissioner since 1989. In 1996, the office had a staff of fourteen and a budget of 2.5 million marks. Berlin, with 435,000 foreigners among 3.5 million residents, has had a foreigners commissioner since 1981. In 1996, the office had a staff of thirty and a budget of 12 million marks. Munich has 260,000 foreigners among 1.2 million residents, and has a foreigners commissioner who reports directly to the mayor.

Most of the foreigners commissioners and their staffs have backgrounds in social work, and most see their major task as helping individual foreigners to deal with problems. Most foreigners commissioners publish materials in various languages to explain the rights and obligations of foreigners and their access to social services. Many foreigners commissioners also publish brochures that explain the foreigners to Germans—their culture, etc.

A meeting of 120 foreigners commissioners May 12-13, 1998, generated several observations:

1. In Germany, foreigners means Turks, even among foreigners commissioners. Even though Turks are less than one-third of the foreigners in Germany, most of the examples of foreigners' problems refer to Turks; some of the foreigners commissioners are of Turkish

origin.

2. The effectiveness of foreigners commissioners depends on (1) the person filling the position and (2) the interest of the state or city in foreigners issues. In many cases, foreigners offices report directly to the mayor, but the office may be isolated, with the definition of the foreigners commissioner doing a “good job” being that local leaders do not have to deal with foreigners.
3. Foreigners commissioners work in a system that makes government responsible for helping people in need. In Germany, government has an obligation to protect and help, i.e., after a problem is identified, the tendency is to ask for a government program to deal with the problem. Most foreigners commissioners spend their time (1) persuading other government offices to be flexible for foreigners with problems or (2) developing pilot programs to promote e.g. apprenticeships for foreign youth.<sup>1</sup> Most foreigners commissioners see themselves as advocates for foreigners in governmental systems that would otherwise devote less time and resources to them.
4. Because of their backgrounds, commissioners tend to promote supplemental programs to help foreigners adapt to the German system. In the U.S., by contrast, advocates for foreigners often go to court to change laws and programs that seem to disadvantage foreigners. The foreigners commissioner system may serve as a partial substitute for public interest law on behalf of foreigners.
5. There appears to be little coordination between foreigners commissioners, i.e., they seem to have no home page or email network that permits “best practice” experiences to be shared between states and cities. Projects seem to be driven by the circumstances in each city or state, not by, e.g., attempts to experiment with the same project in several cities simultaneously.
6. Research on foreigners tends to be ad hoc, often performed by ethnic-based organizations rather than being a normal part of census

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and other data gathering efforts. Thus, a Center for Turkish Studies carries out surveys of Turkish businesses and Turkish youth rather than having the census collect and report data by ethnicity or country of origin.

If the U.S. were to develop a system of foreigners commissioners, several decisions would have to be made:

1. Should the commissioners be federal, state or local employees? Who should pay for them: the level of government that appointed them, as in Germany, or should there be an integrated system with, e.g., federal funding?
2. How can the tendency to view commissioners as foreigners advocates rather than brokers with credibility in both the native and foreigners communities be avoided?
3. To what extent would a commissioners system divert resources from public interest law, which in many cases may be the most effective assistance for foreigners in the U.S. context?

The U.S. system that seems most similar in practice (but not in funding) is that for Migrant Education (ME), a \$300 million per year federally-funded program to advocate in state and local school systems on behalf of and to assist the children of migrant farm workers. The rationale for the federal funding of ME in the 1960s was that state programs denied assistance to interstate migrants, so that migrant children would be disadvantaged because of the interstate migration of their parents.

Under ME, each state receives a share of the federal appropriation that reflects its share of the number of eligible children identified within the state. In many states, this allocation is quite small, and is sufficient only to provide salary and support for an ME director and secretary. In other places, such as Fresno and the Rio Grande Valley, 25 to 50 million dollars is received, and there are separate classes provided to ME children. The program is explained more fully in:

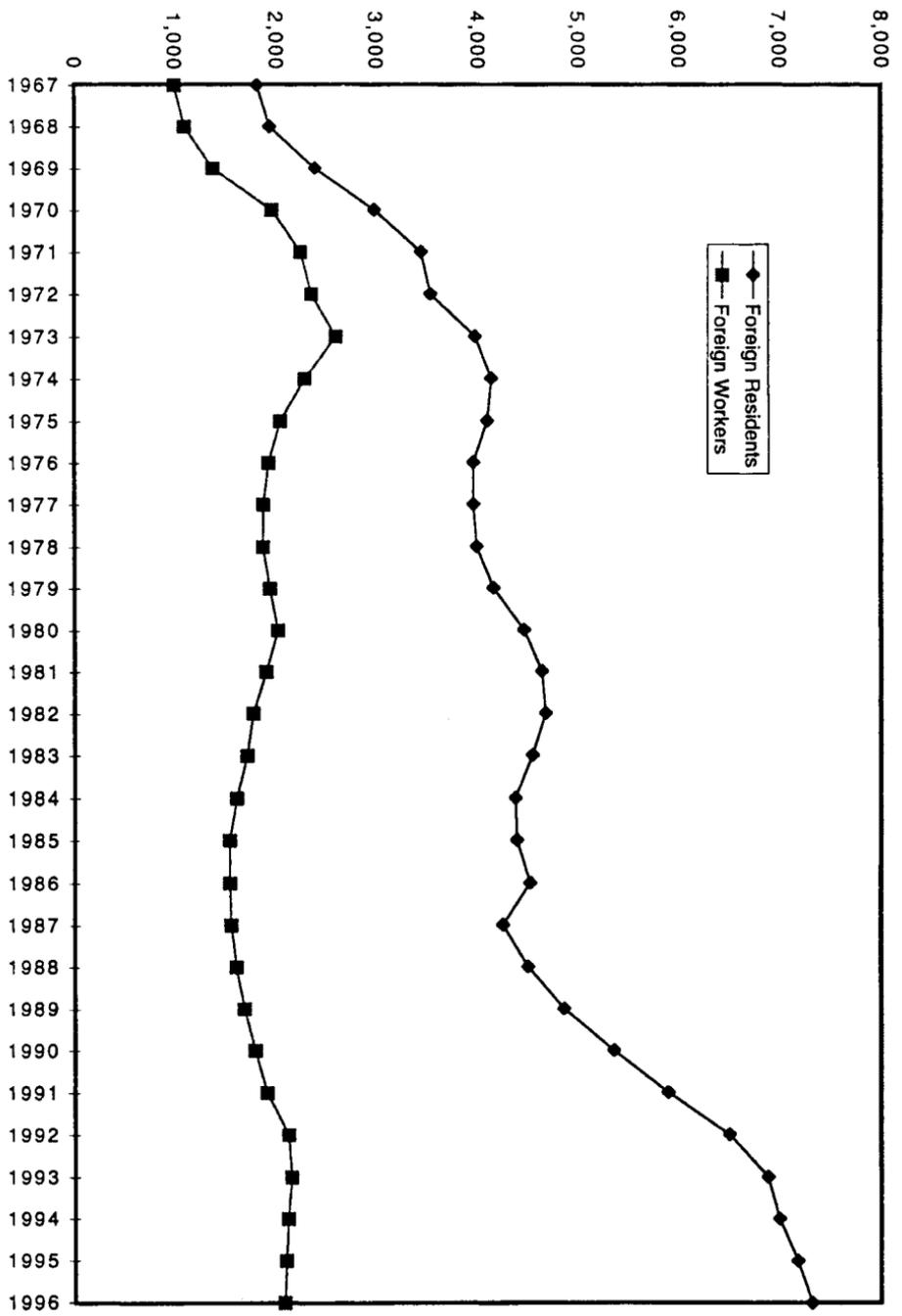
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Philip L. Martin and David Martin, *The Endless Quest: Helping America's Farm Workers* (Boulder: Westview Press, 1993).

### ENDNOTES

<sup>1</sup> For example, Mannheim plans to spend DM550,000 per year to put 1.5 social workers in three sections of the city with large numbers of foreigners to create apprenticeship slots for foreign youth in foreigner-owned businesses.

# Foreign Residents and Foreign Workers: 1967-1996 (000)



# Asylum Applications and Persons Granted Asylum: 1980-1996

