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Germany: Managing Migration in the 21st Century

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*Germany: Managing Migration in the 21<sup>st</sup> Century*

by

Philip L. Martin

May 1, 2002

### **Abstract**

This monograph reviews Germany's evolution from a country of emigration to a reluctant land of immigration between the 1960s and 1980s, as guest workers settled and asylum seekers arrived. During the 1990s, Germany became a magnet for diverse foreigners, including the families of settled guest workers, newly mobile Eastern Europeans and ethnic Germans, and asylum seekers from throughout the world. Germany, with a relatively structured and rigid labor market and economy, finds it easier to integrate especially unskilled newcomers into generous social welfare programs than into the labor market. Since immigration means channels for immigrants and Germans adjust to each other, an aging German populace may resist the changes in the economy and labor market that could facilitate immigrant integration as well as the changes in culture and society that invariably accompany immigrants.

*Philip L. Martin, University of California, Davis; Chair, UC Comparative Immigration & Integration Program.*

## Germany: Managing Migration in the 21<sup>st</sup> Century

Philip L. Martin

May 1, 2002

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### Note to Discussants

This chapter updates (1) the chapter in the 1994 edition and (2) the 1998 monograph Germany: Reluctant Land of Immigration, which is available online:

<http://www.aicgs.org/publications/pubonline.shtml>

It is longer than the usual “country chapter” in the book, and I will prepare a 6000-7000 word version for the Stanford book, depending on the length of the other chapters and your comments. However, I would be grateful for your review, corrections etc of this long version.

You are the experts on Germany. I tried to provide, from a US perspective, the story of how Germany became an immigration country and some of the major issues Germany faces to manage migration in the 21<sup>st</sup> century. Before the book goes to press this fall, we should know what happens with the constitutional court and the elections.

### **Abstract**

Germany became a major country of immigration since 1960. In 2000, there were 7.3 million foreigners in Germany, including 1.8 million who were born in Germany; foreigners were about 9 percent of the 82 million residents. An additional 3.5 million residents are ethnic Germans, newcomers from Eastern Europe and the ex-USSR with German passports, but who often do not speak German. About 450,000 newcomers a year continue to arrive in Germany, including the family members of settled foreign and German residents (76,000 in 2000), asylum seekers (79,000), foreign students and workers (125,000), unauthorized foreigners (75,000?), and ethnic Germans (96,000)—many of these newcomers do not remain in Germany as immigrants, but are counted as part of the foreign population (Beauftragte. 2001)

Germany faces four major immigration-related issues that have roots in past policy decisions: integration, asylum, EU enlargement, and managing migration. First, is the integration of guest workers and their children and grandchildren, especially Turks; guest worker integration reflects Max Frisch’s aphorism, “We recruited workers, but got people.” (Wir haben Arbeitskraefte geholt, aber es sind Menschen gekommen, ” (cited in Lefringhausen, 1971, 192). Second is asylum. Germany’s history gave impetus to generous asylum policies, and guest worker policies gave Germany settled communities of Turks and Yugoslavs, so that, when there was trouble in ex-recruitment countries, as with Kurds in Turkey or civil war in ex-Yugoslavia, migrants from these areas sought shelter in Germany. Third is ethnic Germans and EU enlargement, or how to manage migration from poorer areas of Eastern Europe and the ex-USSR? Fourth is developing an immigration policy for a 21<sup>st</sup> century economy and society attempting to become more flexible as the population ages: Germany is today the major destination for immigrants without a formal policy that explains why the arrival of foreigners is in Germany’s interest, establishes priorities for entry and integration.

Germany is searching for a sustainable immigration policy in an enlarging European Union. Like most EU member nations, low fertility portends a shrinking population, and thus requires changes in the current pay-as-you-go pension system that could be mitigated with increased fertility or immigration. The picture is much the same for all 15-member nations of the EU--fertility is low, and populations and labor forces are near their peak

levels unless fertility or immigration increases. If the status quo persists, the Germany and Europe of the future could be a world in which nursing homes become more numerous than nurseries, and Europe becomes a kind of open air museum.

Developing a policy to manage migration is controversial. The coalition parties in power—the Social Democratic Party and the Greens/Bundnis 90--want to open Germany to especially skilled and professional immigrants, and to accelerate the integration of resident foreigners. The major opposition parties—the Christian Democratic Union and the Christian Social Union—are reluctant to expand immigration when unemployment is high; they want new entry doors linked to tougher policies on asylum seekers and family unification. A proposed law to “steer and limit the entry of foreigners” was approved by both houses of the German Parliament in March 2002, and awaits a Presidential signature and a possible court challenge.

This monograph reviews Germany’s evolution from a country of emigration to a reluctant land of immigration between the 1960s and 1980s, as guest workers settled and asylum seekers arrived. During the 1990s, Germany became a magnet for diverse foreigners, including the families of settled guest workers, newly mobile Eastern Europeans and ethnic Germans, and asylum seekers from throughout the world. Germany, with a relatively structured and rigid labor market and economy, finds it easier to integrate especially unskilled newcomers into generous social welfare programs than into the labor market. Since immigration means change as immigrants and Germans adjust to each other, an aging German populace may resist the changes in the economy and labor market that could facilitate immigrant integration as well as the changes in culture and society that invariably accompany immigrants.

### **Germany as an Immigration Country**

Germany has accepted the fact that it is a country of immigration. On July 4, 2001, an Immigration Commission with representatives of all major political parties as well as employers, unions and churches issued an historic report, "Organizing Immigration - Fostering Integration," that declared: “Germany is and should be a country of immigration,” thus removing the **not** from the previous policy: “Germany is not a country of immigration.” The Commission noted that, in addition to the 75,000 foreigners who move to Germany each year to join family members,<sup>1</sup> some 100,000 asylum seekers arrive, and another 100,000 ethnic Germans who are considered German citizens upon their arrival enter the country. The Commission recommended that Germany welcome an additional 50,000 foreign professionals a year, and that the Federal Office for the Recognition of Refugees be transformed into the Federal Office for Migration and Refugees.

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<sup>1</sup> Foreigners who have lived in Germany for one year or more, and have adequate housing and a steady job, are entitled to have family members join them in Germany; there are no quotas or waiting lists for family unification. However, only children under 16 can join their families; the argument is that, if they arrive after 16, the youth will not get sufficient education and training to succeed in the German labor market.

The "Green Card" program launched in August 2000 set the stage for the Commission's recommendations. During the high tech boom in early 2000, German information technology employers complained that there were at least 75,000 unfilled IT jobs, and that there were too few students in German universities to fill them. The US tripled the number of six year H-1B visas available to foreign professionals, from 65,000 in 1998 to 195,000 in 2001, and the German IT industry persuaded the SPD-Green coalition government to allow the fast track entry of foreign computer specialists. Between August 2000 and March 2002, about 14,000 of the 20,000 five-year green cards were issued to foreign IT workers who are paid at least \$40,000 a year; most are from Eastern Europe and India.

Many Germans who want to open new channels for immigrants hoped that the green card program would lead to a broader immigration law, thus removing immigration as an issue in September 22, 2002 national elections. However, the coalition government could not agree with the opposition parties on a new immigration law, so that immigration is expected to be a central issue contested in 2002 elections. SPD Chancellor Gerhard Schroeder asserted that: "We will establish a modern immigration law because we need one." CSU leader Edmund Stoiber, his conservative challenger, attempted to link high unemployment to opposition to more immigrants: "with 4 million unemployed, we can't have more foreign workers coming to Germany... Who is going to pay for integrating these workers. I've not heard the chancellor saying he'll give the billions it will cost to pay for this. Will industry pay?"

Table 1 highlights the problem emphasized by Stoiber. In the early 1970s, about 2/3 of the foreigners in Germany were employed wage and salary workers. By 2000, only 1/4 of the foreigners in Germany were employed wage and salary workers. There are more foreigners employed than suggested by wage and salary employment—about 300,000 are self-employed, and perhaps 500,000 earn less than E350 a month and thus are not enrolled in the social security system, but there is no doubt that Stoiber is referring to the fact that, in the minds of many Germans, foreigners have changed from being associated with work to being associated with unemployment and welfare.

**Table 1. Foreign Residents and Employed Foreigners: 1960-2000**

Foreign Residents and Employed Foreigners: 1960 - 2000				
thousands	Foreign Residents	Foreigners Employed	Percent	
1960	686	279	41%	
1968	1,924	1,015	53%	
1969	2,381	1,372	58%	
1970	2,977	1,839	62%	
1971	3,439	2,169	63%	
1972	3,527	2,317	66%	
1973	3,966	2,595	65%	
1974	4,127	2,151	52%	

1975	4,090	1,933	47%
1976	3,948	1,874	47%
1977	3,948	1,834	46%
1978	3,981	1,862	47%
1979	4,147	1,966	47%
1980	4,453	1,926	43%
1981	4,628	1,832	40%
1982	4,667	1,710	37%
1983	4,535	1,641	36%
1984	4,364	1,553	36%
1985	4,379	1,536	35%
1986	4,513	1,545	34%
1987	4,241	1,557	37%
1988	4,846	1,607	33%
1989	4,846	1,684	35%
1990	5,343	1,793	34%
1991	5,882	1,909	32%
1992	6,496	2,120	33%
1993	6,878	2,150	31%
1994	6,991	2,110	30%
1995	7,174	2,094	29%
1996	7,314	2,051	28%
1997	7,366	1,998	27%
1998	7,320	2,024	28%
1999	7,344	2,015	27%
2000	7,297	1,923	26%

Source:<http://www.bundesauslaenderbeauftragte.de/>

### **From Emigration to Guest workers— 1700-1973**

Germany was primarily a country of emigration until the 1950s, and remains the major source of immigrants to the US. Of the 66 million immigrants who arrived in the United States between 1820 and 2000, over 7 million or 11 percent were from Germany, followed by 6 million from Mexico and 5 million from Italy. 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 60 million Americans, or 1 in 4, reported German roots (Bade, 1997).

In the early 1900s, Germany was transformed from an agricultural into an industrial nation, and internal migration became more important than transatlantic migration. Most internal migration was from east to west, from East Prussia to the Central German cities of Berlin, Leipzig, and Dresden, and later to the western German Rhineland (Bade, 1987, p. 62). Even though “Ruhr Poles” were Prussian citizens, they were different in language and religion from local residents, and faced integration problems. Italians were also imported to work in Ruhr-area mines and factories, permitting industry to expand, and they were so

numerous that the 1.2 million foreigners enumerated in the 1910 and 1920 German Censuses were 2 percent of the population.

Migrant workers from further east replaced some of those moving west on Prussian estates. These migrant farm workers were supposed to return to their homes when their jobs ended, but many settled and were integrated, just as most of the Poles who moved west within Germany integrated successfully (Bade, 1984). This early German experience with foreign workers meant that "leakage into settlement" was not considered a serious consequence of migrant worker programs, but the successful integration of Ruhr Poles and Italians also did not lead to a feeling that immigrants enriched Germany.

During World War II, Germany used *Fremdarbeiter* from occupied nations in its factories. In August 1944, there were 7.5 million foreign workers--two 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 (Herbert, 1997). This gave German employers experience dealing with foreign workers, so that, 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>2</sup> There were 79,000 Italian farm workers in Germany when Germany signed a labor recruitment agreement with Italy in 1955, permitting farmers to hire Italian workers to harvest their crops. Italy wanted jobs for its unemployed workers, but insisted that they be recruited and employed on the basis of a bilateral labor agreement. It soon became apparent that the real need for additional labor was not in the fields; it was in the German factories producing cars, machine tools, coal and steel, and consumer durables for booming export and domestic markets.<sup>3</sup>

### **Guest Worker Recruitment**

In 1960, the number of job vacancies exceeded the number of registered unemployed, and German employers requested permission to recruit additional foreign workers. Hermann (1992, 7) concluded that there was "no noteworthy discussion" of alternatives to recruiting guest workers, and analysts cite four reasons why recruiting guest workers seemed to be

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<sup>2</sup>The former West Germany absorbed large number of Germans who moved west: one writer called the westward movement of 8 million Germans between 1944 and 1946 "the greatest migratory movement of modern times." (Ardaugh, 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 9 to 13 million; Rainer Muenz estimated in 1999 that there were 12 million east-west migrants, and that 4.5 million were still alive in 1999.

<sup>3</sup> Thirty countries expressed an interest in sending migrants to Germany, but Germany made the decision to import only Europeans (the exception was a few hundred Koreans).



the right thing to do (Bohning, 1984, Krane, 1975, 1979). First, the German labor force was shrinking for demographic and related reasons in the early 1960s, including a delayed baby boom, the greater availability of educational opportunities that kept more youth in school, and better pensions that prompted earlier retirements. For "family-political" reasons, alternatives to importing guest workers, such as encouraging more women to seek jobs, were not pursued. Second, there was a reluctance to risk what was perceived to be a fragile economic recovery on risky mechanization and rationalization alternatives to foreign workers (Lutz, 1963, Kindleberger, 1967). Unions did not oppose importing foreign workers in this era of full employment, after they secured a 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 European Community nationals would have freedom of movement rights<sup>4</sup> after January 1, 1968 (Bohning, 1972). 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 that lasted longer than expected. Germany and other European nations in the 1960s had undervalued currencies in a world of fixed exchange rates, so that local and foreign capital was invested to produce goods for export markets. The incentive to invest and create jobs in Germany was significant: if the exchange rate was \$1 = 5DM when it "should" have been \$1 = 4DM, a \$100 investment in Germany was worth 500DM to the investor rather than its "true" 400DM value. For this reason, American multinationals poured so many dollars into Europe that a French writer warned of *The American Challenge* to Europe. Germans had little incentive to invest and create jobs abroad in this era.

Many Germans believed that the 3 R's of recruitment, remittances, and returns were a form of "foreign aid" to labor emigration countries. Unemployed workers would be recruited, reducing joblessness in southern Europe, their remittances could supply some of the capital needed for economic development, and returned workers with training and experience gained in Germany would be productive factory workers in their countries of origin—their employers may also favor German equipment during the economic takeoff.

Guest worker recruitment expanded faster and grew larger than anticipated. In 1960, there were 329,000 foreign workers in Germany. After the Berlin Wall closed the door from East to West Germany in 1961, recruitment agreements were signed with 7 non EC recruitment countries: Greece, Morocco, Portugal, Spain, Tunisia, Turkey, and Yugoslavia.<sup>5</sup> The number of guest workers topped 1 million in 1964 and, after a dip during the 1996/97 recession, the employment of foreign workers in Germany climbed to a peak 2.6 million in

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<sup>4</sup> Freedom of movement within the EEC means that a worker from any member state may enter another, remain for up to 3 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>5</sup> 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 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

1973, when about 12 percent of the German wage and salary work force was foreign workers. Most guest workers were ex-farmers between 18 and 35, although a significant number of semi-skilled construction workers, miners, and 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.

German employers who had vacant jobs asked local Employment Service (ES) offices to refer local workers to fill them. Most ES offices made only a pro forma search for local workers, and so e.g. an employer's request for 1,000 unskilled workers was sent to the German ES office in Istanbul, where Turks who had registered to work in Germany were screened for health and skills and put on trains or planes for Germany with one-year work and residence permits. A day or two after arrival, the guest worker would be at work on an assembly line or at a construction site. With 10 Turks wanting to work in Germany for each one recruited by employers, the Germans could be selective, and they were. Some 30 to 40 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, 40 percent of Turkey's carpenters and stonemasons were employed in Germany, often as assembly line or unskilled workers (Martin, 1980).

Most migrant workers were recruited anonymously, but German employers could request workers by name. Migrants soon learned that they could jump the recruitment queue by persuading friends and relatives already employed in Germany to have employers request them by name (Martin and Miller, 1980). Some migrants traveled to Germany, found a job, and then had their employers request them-- 20 to 30 percent of the Turks employed in Germany during the late 1960s and early 1970s went first as "tourists." Guest workers soon comprised a major share of the assembly line workers in major manufacturing plants. At GM Opel's major auto assembly plant in Russelheim, 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.

Guest worker recruitment peaked between 1968 and 1973, when the migrant work force rose from 1 to 2.6 million (Martin, 1981). On some days in the early 1970s, over 1,000 migrants arrived, and they became increasingly visible in German work places and train stations, where many congregated on weekends. However, two myths discouraged planning for settlement and integration: rotation and return. Germany's Rotationsprinzip held that, after completing one year of work, and perhaps another two-years for especially good workers, the migrant would return to his country of origin and put his savings to work developing his country, and be replaced by a fresh recruit. The myth of return arose from migrants who proclaimed that they wanted to return to their families and communities, to familiar languages and cultures.

Most migrants did in fact return: between 1960 and 1999, 70 percent of the 30 million foreigners who stayed in Germany more than 90 days left, but few Germans were prepared

for the settlement of the other 30 percent. Of the 7.3 million foreigners in Germany in 2000, 40 percent have been in Germany 15 years or more, meaning they arrived before 1985. (Beauftragte, 2001, 5).

### **Settlement**

A guest worker program aims to add workers temporarily to the labor force, but not settlers to the population. However, rotating guest workers through permanent jobs was not in the interest of employers or migrants. 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 while enjoying Turkish living costs. Migrants had to stay abroad longer than planned to realize their savings goals and, since they earned the right to unify their families in Germany after one year of work, some unified their families. German employers did not discourage family unification, since the wives of the guest workers could also work, and their presence encouraged trained and experienced migrants to remain in Germany, saving employers the cost of recruiting and training new migrants (Miller and Martin, 1982, Castles, 1989).

German policy thus strengthened the right of migrants to remain rather than enforcing rotation. As a result, the number of migrants and dependents swelled rapidly, so that southern Europeans outnumbered Germans in sections of Berlin and Frankfurt, as well as in many smaller industrial cities. The presence of migrant children in German schools made it apparent that some of the "guests" were settling in Germany, upsetting many Germans. Politicians, employers, and unions defended the migrants, arguing that they preserved the Wirtschaftswunder. However, they left unanswered the question of 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.

Some Germans were aware of unsuccessful campaigns to expel foreigners in neighboring Switzerland, and the slogan "Foreigners out! Germany is for the Germans" became a rallying cry of rightist and nationalist German politicians. Most of the opposition to migrants came from the right and was based on culture, but a few economists warned that Germany's famed industrial engine was becoming calcified because employers, with migrant labor readily available, did not aggressively develop labor-saving technologies. These Cassandras warned that the Japanese auto industry in the early 1970s had begun to experiment with robots to assemble cars after the Japanese government turned down their request to employ migrants, while German employers hired Turks.

By 1973, it was clear that many of the guests had become permanent residents, and that most Germans were opposed to the unanticipated settlement of migrants and their families. The German government reacted by discouraging the recruitment of additional workers, raising the employer-paid recruitment fee from DM300 to DM1,000 in spring 1973. Wildcat strikes involving migrants in summer 1973 convinced the government that the foreign worker system was getting out of control, the October 1973 oil embargo

threatened a recession that would eliminate the need for additional guest workers. On November 23, 1973, the government announced that no more unskilled foreign workers could be recruited for jobs in Germany that lasted more than 90 days. This recruitment stop was opposed by employers and the labor ministry as well as emigration countries—all hoped that it would be short-lived.<sup>6</sup>

### **From Guest Workers to Minorities—1973-1989**

The failure of the Rotationsprinzip was the first significant policy-outcome gap in the German migration, but several subsequent gaps compounded the sense that the government could not manage migration. When the 1973 recruitment stop was announced, there were 2.6 million employed foreign workers, and 4 million foreigners, and both numbers were expected to decrease. The number of employed foreigners fell as expected, to 1.8-1.9 million in the late 1970s, but the foreign population remained at 4 million, as unemployed migrants who feared that they could not return to Germany if they went home remained. Instead, many unified their families, and the foreign population rose to 4.5 million in 1980 (Bade, 1984). Newly arrived spouses were not allowed to work, and the ratio of non-workers to workers among foreigners almost doubled, from 0.7 to 1 in 1973 to 1.3 to 1 in 1980.

Germany attempted to discourage family unification by prohibiting foreigners from moving to cities that were already "overburdened," defined as cities with 12 percent or more foreigners. However, this hard-to-enforce measure simply reduced the mobility and flexibility of migrants that had been their *raison d'être*. Similarly, an effort to save money on children's allowances wound up encouraging family unification. After 1975, full children's allowances were paid only to children living in Germany, a response to newspaper stories of Turkish parents obtaining allowances for 6 to 10 real and fictitious children in Turkey. One result was that some parents brought their children to Germany.

The 1982 election campaign was won by the "rightist" CDU-CSU-FDP parties in part because they promised to "do something" about immigration. The new government's migration management policy was to offer departure bonuses to settled foreigners who gave up their work and residence permits, following a 1981 French example. A migrant family could get a departure bonus of up to \$5,000, and departing workers could get their share of social security contributions refunded 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. Most studies concluded that the foreigners who took departure bonuses would have left in any event, so that Germany merely bunched normal emigration during the two-years that bonuses were available (Hönekopp, 1990).

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<sup>6</sup> Foreigners Commissioner Liselotte Funke said that employers and the labor ministry preferred to continue guest worker recruitment, but were willing to agree to tighter restrictions on family unification. *Die Zeit*, February 17, 1989, p19.

### **1980s and 1990s Policy: Return or Integrate, Turkey**

During the 1980s and 1990s, the policy of the German government was clear: "the Federal Republic of Germany is not, nor shall it become, a country of immigration." This policy clearly failed: there were 4.6 million foreigners in Germany in 1981, when the statement was first made, and 5.8 million in 1991. German policies toward foreigners during the 1980s had three elements: (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.. There was a tension between promoting returns and fostering integration, as reflected in the statement of then SPD Chancellor Helmut Schmidt after his October 1980 re-election. Schmidt said that Germany had no choice but to integrate the guest workers who settled after making economic contributions during the 1960s, and continued: "four million is enough."<sup>7</sup>

Turks were never more than a third of the foreigners in Germany but, because they were the last of the guest workers to arrive in large numbers and the most visible, in part because they were Muslims, Turks came to mean "problem foreigners." Many Germans emphasized the obstacles to the integration of Turks: their different treatment of men and women, the importance of the Islamic religion in their daily lives as well as political divisions within Turkish society that were reflected among migrants, as between Kurds and other Turks. Turkey made demands on its nationals abroad, including children born to Turkish parents in Germany. For example, Turkish youth at age 18 were obliged to perform 18 months of military service in Turkey or, since the Turks born in Germany may not speak German, they could pay DM10,000 (\$7,000) and have their service obligation in Turkey reduced to two months.<sup>8</sup>

There were about 3.5 million Turks living abroad in 2000, including 3 million in Europe, with 70 percent in Germany. The Turkish government's number-one goal is full membership in the EU, with the Turkish government stressing that the EU should embrace full Turkish membership: (1) because of the country's strategic position between Europe and Asia and (2) to send a signal to other Muslim societies, such as those of North Africa, that the EU will include Muslim societies that are secular and democratic. Many Europeans fear that Turkish EU membership would lead to another wave of Turkey-EU migration--estimates are that 20 to 30 percent of Turkish youth would emigrate to seek higher wages if they could do so. During the guest worker era, about 20 percent or 700,000 of the 20 to 35 year-old Turkish men emigrated. A late 1980s study suggested that, if there were the opportunity, one-third or 2.5 million might emigrate, that is, emigration pressure

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<sup>7</sup> Schmidt continues to be pessimistic about integrating foreigners. In a 2002 book, "Hand on Heart," Schmidt wrote that Germany: "brought in far too many foreigners as a result of idealistic thinking that resulted from the experience of the Third Reich. We have seven million foreigners today who are not integrated, many of whom do not want to be integrated and who are also not helped to integrate. We Germans are unable to assimilate all seven million. The Germans also do not want to do this. They are to a large extent xenophobic."

<sup>8</sup> Those who fail to perform military service or pay can not get their Turkish passports renewed.

rose among men, and women may also emigrate if there were a second round of guest worker recruitment (Martin, 1991, p. 94).

Turkey hopes that admission to the EU will bring EU assistance and foreign direct investment that creates jobs and pushes up wages, thus making migration insignificant. However, some Turkish elites privately say they sympathize with Europeans trying to deal with Anatolian peasants, recalling that the Turkish government has been attempting a top-down modernization since the 1920s.<sup>9</sup> It is in this sense that some Turkish leaders say that Turkish labor migration to the EU turned into a lose-lose proposition: Europe got unskilled Turks, some of whom have proven difficult to integrate, and the presence of Turkish migrants in the EU makes it harder for Turkey to win full EU membership.

Some argue that integration is evident in "mixed" marriages between Germans and non-Germans. There are about 60,000 "mixed" marriages a year between Germans and non-Germans: about half involve German men marrying foreign women—one-sixth of them Polish—and half involve German women marrying foreign men—one-seventh were Turkish. German citizens who marry EU foreigners can normally bring their spouses to Germany right away, but Germans who marry other foreigners must sometimes wait months before consulates issue entry visas—complaints from German partners that authorities consider all marriages with foreign spouses abroad to be suspect are common. Long-term foreign residents of Germany who marry foreigners who are abroad must first prove to local German authorities that they have assets available to support the spouse and children they want to bring into Germany. Foreign spouses of German citizens do not usually acquire an independent right of residence until the marriage has lasted four years in Germany.

### **Integration and Youth**

Foreigners are some of the most surveyed people in Germany. The sociologist who has directed many of the surveys of foreigners in Germany is Ursula Mehrländer. Her 1974, 1987, 1997 surveys reach three major conclusions:

1. There are differences between foreign-born parents and their children born and educated in Germany. Many of the parents, even in the 1990s, maintained an "illusion of return." However, their children plan to remain in Germany and, as they have children, the guest worker generation winds up accepting the fact that they will stay in Germany. The illusion of return can lead them to be ill-prepared for retirement in Germany, and to invest in little-used housing in Turkey.
2. There are sharp differences in integration indicators between nationalities. Many of the foreigners are so-called invisibles, especially those from other EU countries—the Dutch and Austrians are not considered foreigners in Germany, although they are. For many

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<sup>9</sup> Turkish politicians reportedly tell Turkish migrants abroad that the Turkish government is fighting to reduce the discrimination they experience in Europe, while telling European politicians that they sympathize with efforts to bring Anatolian peasants into the modern world. Mexican politicians, by contrast, call migrants heroes in both the US and Mexico.

Germans, foreigner means Turk, even though Turks are only about 28 percent of the foreign residents.

3. The integration of children born to foreign parents can be considered a glass that is half full or half empty. On the one hand, the German language skills of most “foreign” children born and educated in Germany rose in the 1990s toward “native levels.” On the other hand, many foreign children live in enclaves where Turkish remains the major language, and about 20 percent do not complete secondary school, versus 5-6 percent of German youth. Optimists stress the narrowing of the gap between foreign and German youth in language skills and educational qualifications. Pessimists point to the persisting gap, and the fact that the unemployment rate for foreign workers, negligible in the 1960s, rose to twice that of German workers in the 1980s and 1990s.

The key to immigrant education is the K-12 school system. In Germany, most children attend elementary school for six years, and then switch at age 12 to a vocational training school, a general secondary school, or a college preparatory school. Most foreign children go to the general secondary school and finish, but when they compete for apprenticeship slots, which often lead to career jobs, they can be crowded out by Germans in the more desirable occupations such as banking or computers who went to college preparatory school and have an Abitur certificate. Thus, almost one-fourth of foreign youth in the vocational training system in the late 1990s were learning to be barbers or hairdressers, and another 20 percent were learning to be mechanics or painters. At the same time, employers complain that Germany is producing too few skilled workers.<sup>10</sup>

One issue in managing migration is the maximum age for family unification. Some Turkish parents allegedly want to keep their children in Turkey so that they are educated there rather than in Germany. However, German authorities complain that, if a Turkish youth does not come to Germany until her schooling is almost completed, she will not have sufficient language and other skills to succeed in the German labor market. Thus, Germany requires foreigners to bring children to Germany before age 16—liberals want to raise this age limit to 18 or the US limit of 21, conservatives want to reduce it to 14 or 12.

Social mobility studies find that the key variables associated with higher earnings for foreigners are years of education and knowledge of German. These variables are improving for the second and third generations. In 1995, about 55 percent of all foreigners and 93 percent of second generation foreigners reported that they had good German. Foreigners from Mediterranean countries earned an average of DM3,300 a month in 1994, compared with DM4,200 a month for Germans; however, second-generation foreigners earned as much as 16- to 24-year old Germans.

Germany has a system of publicly-funded federal, state, and local “foreigners’ commissioners” who act as middlemen between foreigners and natives, helping to defuse

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<sup>10</sup> Germany's dual training system provides certification and the status of being a “master” in over 400 occupations, which range from mechanic to hairdresser.

tensions and promote integration. The first foreigners' commissioners were appointed by city governments in the early 1970s, and the first federal foreigners' commissioner was appointed in November 1977.<sup>11</sup> The federal office promotes the integration of settled foreigners in Germany and tolerance for foreigners among Germans. It participates in meetings in which regulations affecting foreigners are developed, publishes reports on foreigners, and organizes an annual meeting for state and local 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 foreign residents in governmental systems that would otherwise devote less time and resources to them. In many cases, they report directly to the mayor, but in other cases, they are isolated, with the definition of doing a "good job" being that local leaders do not have to deal with foreigners' issues.

### **Integration and Unemployment Today**

In 2000, there were about 1.9 million foreigners with wage and salary jobs, including 553,000 Turks, about the same as in the previous five years. The unemployment rate for foreign workers, about 16 percent in 2000, was more than twice the rate for Germans, about 8 percent; the two-to-one ratio of foreigner to German unemployment rates parallels the two-to-one ratio between African-American and white unemployment rates in the United States. Many of the foreign workers are guest workers who arrived before 1973 as 20 to 30 year-olds. In 2000, they were 50 to 60 years old, and most were either (1) well-integrated in the workplace or (2) jobless, and with little prospect of finding another job.<sup>12</sup>

During the economic restructuring that began in the 1970s, the unemployment rate for foreign workers rose because they tended to be employed in manufacturing sectors that were being transformed. Foreigners without good German who were laid off from manufacturing jobs often found it hard to find well-paying service jobs. One reason may have been discrimination; another may be the regulated German labor market, which establishes relatively high wage and benefit norms that can make the cost of employing an unskilled worker \$8 to \$10 an hour, plus 40 percent in payroll taxes for pension, health insurance, and other benefits. Foreigners are generally more flexible than German workers, more willing to accept night and weekend work, which helps to explain why half of the McDonald's employees in Germany are foreigners.

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<sup>11</sup> The federal office was upgraded in November 1997 and is today known as the Federal Commissioner for Foreigners' Questions. ([www.bundesauslaenderbeauftragte.de/](http://www.bundesauslaenderbeauftragte.de/))

<sup>12</sup> Foreigners have been elected to both union and independent works council posts in factories-- 29 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 (Frey et.al, 114). About half of all foreigners in unions are in the IG Metall union which, with 2.8 million members, is sometimes described as the world's largest union. However, many IG Metall members no longer pay dues because they have retired or are unemployed; there are believed to be 1.6 million dues-paying members.



During the 1990s, the number of self-employed foreigners almost doubled, from 138,000 in 1989 to 263,000 in 1999. Many self-employed foreigners serve other foreigners, operating restaurants, small shops, and travel services—over half of the self-employed foreigners had no employees in 1999. Many foreigners find it difficult to open their own businesses, since they generally need a permanent residence permit and often a "Meister" certificate.

One of the hardest hurdles for advocates of more immigration to overcome is the fact that a growing share of foreigners in Germany are not in the wage and salary work force. In industrial countries, about half of the population is in the work force, so that a US population of 280 million is associated with a labor force of 140 million, and a German population of 82 million is associated with a labor force of 41 million. In 1973, there were 2.6 million employed wage and salary workers among the 4 million foreigners in Germany (65 percent); in 2000, there were 1.9 million among the 7.3 million foreigners (26 percent). The explanation for this widening gap between foreigners and workers includes higher unemployment, the increase in self-employment, and the fact that younger foreigners tend to have more children—foreigners are 9 percent of residents, but account for 13 percent of births. However, the fact that foreigners were associated with work in the early 1970s, and are associated with non-work early in the 21<sup>st</sup> century, is one reason why many Germans oppose more immigration.

Frankfurt, Germany's banking and commercial capital, provides an example of foreigner integration. In 1998, Frankfurt had nine foreigners among its 93 city council members, a result of a European Union decree allowing EU foreigners to run in local elections. However, 12 percent of the votes in the Frankfurt election went to anti-immigrant parties.

### **East Germans, Ethnic Germans, and Asylum: 1989-2000**

#### **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, UK, US, and 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

The fall of the Berlin Wall in November 1989 opened a new chapter on internal migration. Migration hastened the demise of the communist regime in East Germany, and the fear of massive east-west migration persuaded West Germany to undertake a costly economic stabilization program to avoid "unification in the west." Some one million persons from the former East Germany moved into the former West Germany between 1989 and 1997, including 390,000 in 1989 and 395,000 in 1990. Internal migration from east to west continues, albeit at a slower pace of 50,000 to 60,000 a year.

## Ethnic Germans

Ethnic Germans are mostly the descendants of Germans who migrated eastward into Romania since the 12th century, and into Russia since the late 18th century, as well as Germans who were living in what was Germany when World War II ended, such as the western provinces of Poland. Most of the 3 million ethnic Germans in eastern Europe and the ex-USSR 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 gives those born of German parents, no matter how diluted their German heritage, the right to German citizenship if they suffered persecution after World War II because of their German heritage (those born after 1993 are no longer eligible).<sup>13</sup> Like Article 16 on asylum, this provision was enacted in 1949, when most ethnic Germans were prohibited from emigrating. However, if they could get to Germany, the welcome mat was out for them (Bade, 1994a).

There were two distinct phases of ethnic German migration. The first, between 1950 and 1987, brought 1.4 million ethnic Germans to Germany. Most came from Poland, 62 percent, followed by 15 percent from Romania. The second phase, since 1988, brought about 3 million ethnic Germans, most from the ex-USSR—in the late 1990s, 99 percent of ethnic Germans were from the ex-USSR. The number of ethnic Germans arriving peaked in 1989 at 397,000 (including 250,000 Poles), and prompted legislative changes that made it harder for to qualify for ethnic German status. After July 1, 1990, ethnic Germans had to fill out a lengthy questionnaire and be approved as ethnic Germans before arriving in Germany, and winning recognition as an ethnic German required passing a test in German that 30-40 percent of the test takers failed.<sup>14</sup> Beginning in 1993, a maximum 220,000 ethnic Germans could be recognized each year.<sup>15</sup> After being accepted as an ethnic German, applicants are assigned to one of the 16 German states, and the state to which they are assigned can and usually does re-check the person's ethnic German heritage. When state checks are completed, the applicant can set out for Germany, and receives housing and other assistance from state and local governments upon arrival.

The number of ethnic Germans moving to Germany fell from 222,000 in the mid-1990s to about 100,000 a year in the late 1990s.<sup>16</sup> Of these 100,000, about 75,000 are non-ethnic

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<sup>13</sup> 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 until 1998. Since then, there is a blanket assumption of persecution only for residents of the USSR.

<sup>14</sup> Applicants can not retake the test, since the test is intended to determine whether the candidate is or is not of German heritage.

<sup>15</sup> 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.

<sup>16</sup> Those who want to further reduce the movement of ethnic Germans to Germany note that, in 1996, DM3.1 billion was budgeted to help ethnic Germans in Germany to integrate, and DM 150 million was set aside for programs in the areas where ethnic Germans now live.

German family members who, under one proposal, would have to pass a German test before they could move to Germany. Ethnic Germans are better educated than foreigners, but not as well educated as Germans, and many do not consider themselves, nor are they seen by Germans, to be Germans—many call themselves and are called Russians. Ethnic Germans have a very low labor force participation rate and a very high unemployment. Ethnic German youth (the “Russian Mafia”) are responsible for a disproportionate amount of crime.

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. There is no quota on Jewish immigration from the ex-USSR and, between 1990 and 2000, some 137,000 arrived. Not all stayed—there were 85,000 registered Jews in 2000. Like ethnic Germans, “Russian Jews” are assigned to the 16 German states in proportion to their share of Germany’s population. The states provide housing and language and integration services similar to those provided to ethnic Germans, but Jewish immigrants are privileged foreigners in Germany, not German citizens.<sup>17</sup> For example, in Berlin, which has 12,000 Jews, the city government provides about \$20 million a year for the upkeep of Jewish buildings, schools and security, far more than what is provided for the 170,000-strong Turkish community.

### Asylum

Germany included a liberal asylum clause in its 1949 Basic Law: Article 16 of the Basic Law includes an open-ended commitment to provide asylum to foreigners fleeing political persecution: “Persons persecuted for political reasons shall enjoy the right of asylum.” (Angenendt, 1997). There were relatively few asylum applications until 1980,<sup>18</sup> when a military coup in Turkey and a realization that Germany would not soon lift the 1973 recruitment stop prompted some Turks to fly to Germany, since visas were not required, and apply for asylum. It took several years to determine if an asylum applicant was a refugee, and most asylum applicants were allowed to work while waiting for a decision. Some Turkish newspapers reproduced Germany’s asylum application form, and provided suggestions on how it should be completed to maximize a stay in Germany. Turks were over half of the 110,000 asylum applicants in 1980, and Germany found a quick fix—it began to require visas, and asylum applicants were prohibited from working for five years. The number of asylum applications dropped to less than 20,000 in 1983.<sup>19</sup>

This quick fix left Germany unprepared for the upsurge in asylum applications after 1989 and the civil war in ex-Yugoslavia. There were 103,000 asylum applicants in 1988, 193,000

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<sup>17</sup> Berlin has the largest Jewish population, some 15,000 strong.

<sup>18</sup> There were 1737 asylum applications in 1967, and 10,000 in 1970.

<sup>19</sup> Germany was able to deal other asylum surges in similar ad hoc ways. For example, Germany did not require foreign children under 16 to have visas to come to Germany, so some Sri Lankan Tamils, and Iranians sent their children to Germany by air to request asylum, e.g. 2,500 unaccompanied minors applied for asylum in 1988. Germany imposed fines on airlines carrying minors without documents, and began to require visas of unaccompanied foreign minors, and the problem was solved.

in 1990, 256,000 in 1991, and a peak 438,000 in 1992, an average 1,200 a day. As soon as they applied for asylum, foreigners received housing and food provided by state and local governments, at a cost of about \$10,000 per asylum applicant per year, and some of this housing became the focus of attacks by anti-foreigner elements. Attacks on foreigners became frequent—almost 600 arson attacks on foreigner housing in 1992. The attackers did not distinguish asylum seekers from other foreigners in Germany, and Japanese and other foreign investors warned that, if the government could not stop the attacks on foreigners, they would stop investing in Germany.

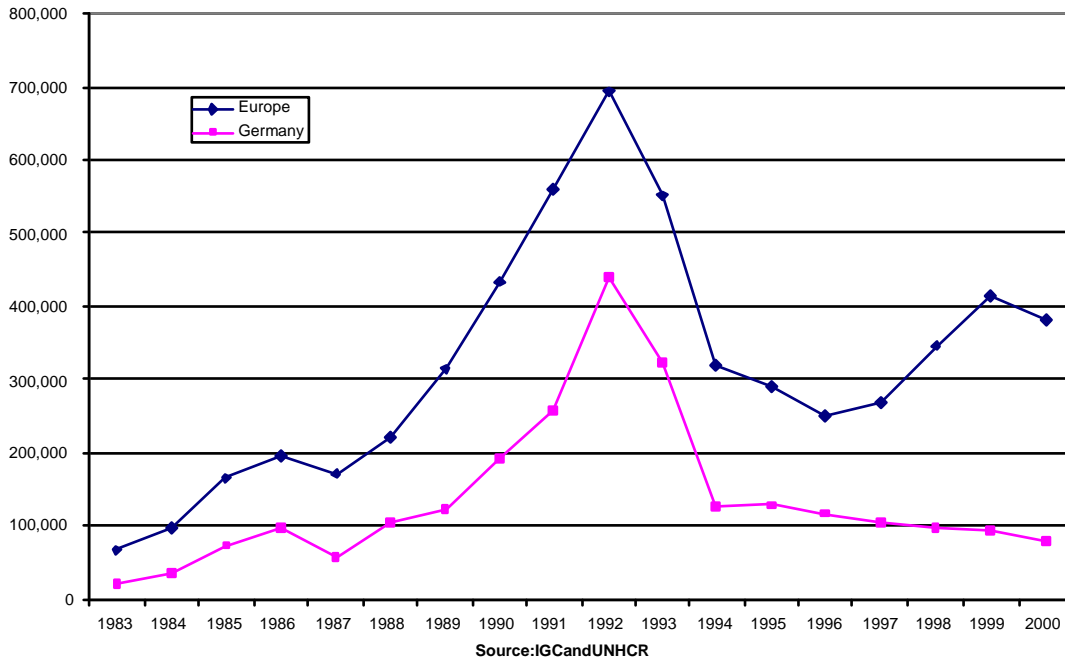
The CDU-CSU-FDP coalition government of the early 1990s argued that the best solution to the asylum crisis lay in amending the Basic Law to eliminate the open-ended right to asylum in Germany. The SPD and Green parties were strongly opposed to changing Article 16 of the Basic Law; some wanted to use the resolution of the asylum crisis to develop an immigration system with annual quotas, arguing that, if Germany opened legal channels for immigrants, fewer foreigners would come as asylum seekers. A compromise was reached in November 1992; it preserved Article 16, but amended it to require foreigners seeking asylum to apply in the first “safe country” they reach. Since Germany is surrounded by “safe countries,” foreigners could no longer arrive in Germany via Poland or Hungary and request asylum, and arrivals by air could be dealt with through carrier sanctions (Bade, 1994a).<sup>20</sup>

**Figure 1. Asylum Applications in Europe and Germany, 1983 - 2000**

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<sup>20</sup> This safe third country provision can be evaded by asylum applicants saying that they were put into a locked truck in Bulgaria or Romania and do not know how they reached Germany. Germany cannot return applicants Poland or the Czech Republic unless it can prove that they entered via Poland or the Czech Republic.

Asylum Applications in Europe: 1983-2000



The 1992 asylum compromise reduced the number of asylum applications, to 116,000 in 1996 and 78,600 in 2000. Decisions were made on 105,502 asylum applications in 2000, with asylum granted in 3,128 cases; another 8,318 applicants were given permission to remain in Germany at least temporarily. About 60 percent of the applicants were refused asylum, and 30 percent of the applications were resolved before a decision was made. Foreigners granted asylum are entitled to live as permanent residents in Germany, and to have their families join them.<sup>21</sup>

When fighting erupted in the ex-Yugoslavia in 1992, many residents fled to western Europe, especially to Germany, where there was a large community of Yugoslavs. By August 1995, the fighting in ex-Yugoslavia had produced 3.5 million displaced persons and refugees, including 750,000 Bosnians, Serbs, and Croats who fled to Germany as well as to Austria, Denmark, Norway, Sweden, and Switzerland. There were about 345,000 Bosnians in Germany in 1995 when the Dayton peace accords ending the fighting there were signed. Most had a Temporary Protected Status (Duldung) that was renewed every three to six months, and did not permit employment in Germany. Germany succeeded in getting most of these Bosnians to depart; the 16 German states showed considerable ingenuity in developing carrots and sticks to persuade Bosnians to return. Caring for the

<sup>21</sup> When those recognized as refugees apply to have their families join them, German authorities may insist that the true papers used for family unification be checked carefully, since falsified papers were often used to enter Germany. In some cases, when there is doubt about family relationships, those seeking to have family members admitted are advised to have DNA samples taken to prove the relationship.

Bosnians cost the German states \$3 billion in 1996, and they offered e.g. \$5,000 to those who left voluntarily, plus money for their community in Bosnia.<sup>22</sup>

Germany has been a strong proponent of burden sharing within the European Union, arguing that countries should either care for asylum applicants and those fleeing civil wars in Europe, or receive EU funds for the care of such foreigners (Hailbronner and Thiery, 1997). Although there has been much discussion of burden sharing, there are no EU funds that flow to countries to help cover the costs of sheltering asylum applicants and foreigners with TPS.<sup>23</sup> In the case of Bosnia, for example, France and Britain told Germany that their contribution was to provide troops to keep the peace.

### **New Guest Workers and Green Cards**

In the late 1980s, EC 92 measures stimulated economic and job growth in the former West Germany just as Eastern European nations eased emigration restrictions. Poles and other Eastern Europeans began to work in Germany during their summer vacations, often in agriculture. As word spread that Poles were able a year's wages at home by picking apples or wine grapes for one month in Germany, hundreds of thousands of "tourists" arrived and found jobs. For foreign policy reasons, Germany was reluctant to "re-create the Berlin Wall" on its eastern borders, but was also unwilling to tolerate the widespread employment of unauthorized foreigners. The compromise was to launch several foreign worker programs that, in the late 1990s, permitted some 350,000 foreigners to work temporarily in Germany (Hönekopp, 1997).<sup>24</sup>

### **New Guest Workers**

Unlike 1960s guest worker programs, the 1990s foreign worker programs had a different purpose and design. The 1960s guest worker programs were akin to shotgun blasts of workers to fill job vacancies throughout the labor market; the 1990s programs were more akin to rifle shots aimed at filling vacancies in particular sectors. Thus, the project-tied workers' program allowed German construction firms to sub-contract with foreign firms to e.g. erect the structure of a new office building. Under the subcontract, the foreign firm supplies the expertise and workers to complete a phase of the project. The employer-to-employer subcontracting agreement is checked by the German Employment Service, and the foreign workers who are admitted for up to two years are considered to be Polish or Czech workers while they are in Germany, that is, they are not enrolled in the German

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<sup>22</sup> In one remarkable case, a German city of 90,000 that hosted 800 Bosnian Muslims built 61 moveable houses in Bosnia 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 again. Each returning family also received DM2500. Neil King, "Movable East German Mayor Finds Unusual Solution for Refugee Problem," Wall Street Journal, April 22, 1998.

<sup>23</sup> The EU in September 2000 agreed to establish a special 216 million euro (\$191 million) fund to help share out the burden of caring for asylum applicants. Germany immediately requested 30 percent of this burden-sharing fund, but no funds were paid out.

<sup>24</sup> Most of these "new guest workers" are employed less than a full year, so they add the equivalent of about 150,000 full-time equivalent workers to the German work force,

social security system. The number of project workers peaked at 95,000 in 1992, and averaged 44,000 in 2000.

The 1973 recruitment stop applied to unskilled foreign workers coming to Germany for more than 90 days. In the 1990s, Germany launched a seasonal foreign worker program that admitted workers for up to 90 days. The seasonal worker program expanded in the 1990s—there were 129,000 admissions in 1991, 226,000 in 1997, and 264,000 in 2000 (in some cases, the same worker returned to Germany twice in one year, so there were, e.g. 238,000 individuals involved in 2000). Most seasonal foreign workers are requested by name by German farmers, restaurants, or construction contractors. Their pay, housing, and travel arrangements are spelled out in bilingual contracts that must be approved by the German Employment Service, which also ensures that local workers are not available.<sup>25</sup>

There were three other guest worker programs launched in the 1990s to manage inevitable migration and to fill job vacancies in particular sectors. One program allowed workers from the Czech Republic and Poland to commute to German jobs within 50 km of Germany's eastern borders, and to stay overnight in Germany up to two days a week. A work-and-learn program allowed 5,900 East Europeans aged 18 to 40 to live and work in Germany for up to 18 months; in 2000, 1,500 or 25 percent of these “new guest workers” were from Poland.<sup>26</sup> Finally, Germany launched a program to admit 1,000 nurses from the former Yugoslavia.

### **Green Cards**

None of these new guest worker programs received as much attention as the Green Card program that began in August 2000. The SPD-Green government elected in September 1998 proposed that foreigners who become naturalized Germans could routinely retain their original nationality, which would have changed Germany from one of the most restrictive to one of the most liberal countries on dual nationality. However, the CDU-CSU opposition parties based their winning campaign in February 1999 in Hesse state elections on opposition to dual nationality (“dual or double benefits for foreigners”), and forced a compromise under which dual nationality remains the exception. Since 2000, children born to legal foreign residents of Germany are considered dual nationals until age 23, when they normally lose German citizenship unless they give up their old citizenship.

The Green Card program was an effort by the SPD-Green government to highlight the economic benefits of foreign professionals, and was developed in response to a request for foreign workers by the computer association BITKOM. Chancellor Gerhard Schroeder agreed that Germany needed more high-tech workers, and he proposed what he called a “green card” program that allows non-EU foreigners paid at least \$45,000 a year to live and

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<sup>25</sup> Both German employers and seasonal foreign workers make required payroll tax contributions that add about 35 percent to hourly wages; if they are employed less than 2 months, workers and their employers do not have to pay social security taxes.

<sup>26</sup> To obtain “new guest workers,” German employers submit work-and-learn offers to local ES offices, which transmit them to an ES office in Eastern Europe; there is no test of the German labor market.

work in Germany for up to five years. The opposition CDU based its May 2000 campaign in state elections North Rhine-Westphalia on opposition to the green card proposal, using the slogan “Kinder statt Inder” (children instead of Indians) to argue that Germans should have more children and train them instead of importing high-tech workers from India. This CDU campaign failed, and the first green cards were issued August 1, 2000. Of the 20,000 permits available, about 12,000 were issued by April 2002, mostly to foreigners with computer skills from Eastern Europe and India.

There was initially some opposition within the governing SPD party to the green card program. The federal Minister of Education and Research, Edelgard Bulmahn (SPD), said: "We cannot allow companies to move abroad because of the shortage of highly skilled personnel in information technology," while Economy Minister Werner Müller highlighted the job multiplying aspects of foreign professionals with the following example: "If you need a pianist, you can't just hire a piano tuner. But when you employ a new pianist, you'll also need additional piano tuners." However, Labor Minister Walter Riester (SPD) at first objected to the green card program: "We cannot allow a general international opening of the job market. We have over four million unemployed people, among them very qualified people in the information technology field."<sup>27</sup> There were initially expectations that the German Green Card program would be expanded to biotech, construction, and hospitals and nursing homes, but this has not happened, perhaps because the number of foreign workers requested was smaller than anticipated.

The German Green Card is unlike the US green card or immigrant visa, and also unlike the US H-1B program. US green cards are immigrant visas that allow foreigners to live and work anywhere in the US and to become naturalized US citizens after five years. Most US employers can have foreign professionals admitted with H-1B visas on the basis of an attestation that they are needed, and the foreigner can bring his family to the US for up to six years. Most H-1B foreigners buy one-way tickets to the US, since they hope their US employers will “sponsor” them for immigrant visas, that is, advertise for US workers and fail to find them, so that the US Department of Labor “certifies” that a foreigner is needed to fill the vacant job. Most foreigners leave the job they were certified to fill as soon as they get their immigrant visas.

### **Unauthorized Foreigners**

The estimates of unauthorized foreign residents in Germany range from 150,000 to 1.5 million, with this wide range reflecting the various ways in which a foreigner can be in Germany unlawfully, including entering Germany illegally or entering legally and then violating the terms of legal entry by working or overstaying. There is agreement that the number of illegals peaks in the summer, when "working tourists" from Eastern Europe find jobs in agriculture, construction and services.

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<sup>27</sup> There were 31,000 unemployed IT workers in December 1999.



Most of unauthorized foreigners in Germany are believed to enter legally, as tourists or other visitors, so border controls are generally considered only a “first line of defense” against illegal migration. Interior controls, including separate residence and employment control systems, are the major checks on illegal residence and employment in Germany and most other European countries, a reflection of the fact that countries with significant tourism and trade sectors do not want to impede cross-border traffic. Instead, Germany and 12 other EU member-nations have developed a common external border control system, the Schengen agreement, and a common data base, the Schengen Information System, to monitor movements over a common external border..<sup>28</sup>

Germany’s Border Patrol or Bundesgrenzschutz (BGS) has been shrinking, from 33,700 agents and support personnel in 1995 to 31,117 in 2001.<sup>29</sup> The data in Table \_\_\_ indicate that apprehensions and smuggling cases peaked in 1998, and have since fallen, but indicators of unauthorized foreigner activities are higher in 2000 than in 1995. In 2000, about 11 percent of the foreigners apprehended near German borders have been from Romania, followed by 10 percent from Afghanistan, and 8-9 percent each from Yugoslavia and Moldova. Beginning September 1, 1998, BGS agents may stop cars and trucks within 30 km (18 miles) of Germany’s external borders and search them for unauthorized foreigners, as well as search for unauthorized foreigners in train stations.

**Table 2. German Border Patrol Enforcement: 1995-2001**

	German Border Patrol Enforcement: 1995 -2000					Change	
	1995	1996	1997	1998	1999	2000	1995-00
BGS Staff	33,700	33,909	33,445	33,246	32,681	31,692	-6%
Border Apprehensions	29,604	27,024	35,205	40,201	37,789	31,485	6%
Returns	29,673	27,249	26,668	31,510	23,610		
Smugglers Arrested	2,323	2,215	2,023	3,162	3,410	2,740	18%
Smuggled Migrants	6,656	7,364	8,288	12,533	11,101	10,320	55%

Source: German Ministry of the Interior

Apprehensions exclude persons refused entry at German airports, 13,000 in the late 1990s

Returns are persons removed within six months of entry

Separate systems of labor market and residence controls aim to prevent foreigners from working and living illegally in Germany. The central register of foreigners and the Aliens Authority reports to the state government and the federal Ministry of the Interior; while the registry of work permits and labor inspectors are the responsibility of the state government and the federal Ministry of Labor. Computer cross checks of data from these registers, as well as separate computer databases of workers for whom employers pay

<sup>28</sup> The Schengen Agreement went into effect in 1995, and includes all EU-member states except Ireland and the UK.

<sup>29</sup> The major reason for this slight drop is that, after Germany was unified in 1990, those who were employed on the previous German-German border were added to the BGS temporarily.

social security and health taxes, can help to flag suspicious individuals and employers, but the normal complaint of aliens police and labor inspectors is that they have too few people to do their job effectively.

Germany has Auslaenderbehoerde (foreigners authorities) in most cities, and these offices issue Aufenthaltserlaubnisse (residence permits). The data from local foreigners authorities are collected in a central foreigners register. Police in the late 1990s located 130,000 to 140,000 foreigners a year who were suspected of being unlawfully in Germany, such as overstaying their visas, and charged 10,000 a year with falsifying documents (Beauftragte, 2001, 72-3).

Foreign workers require work permits. Germany introduced fines on employers who hired illegal alien workers in 1972 as part of a broader effort to reform foreigners' laws, and then increased the administrative fines and criminal sanctions that can be levied for hiring unauthorized workers or for working illegally. Beginning in 1975, persons who recruited foreign workers outside lawful channels could be fined up to DM50,000, and in 1982, fines on employers were raised to DM100,000 (\$60,000) or three years in prison.<sup>30</sup> However, most fines that are levied are small. For example, in 1983, there were about 3,800 fines levied, and 85 percent were for under DM1,000.

Sanctions were not politically controversial when they were introduced in 1972. At that time, major employer and union groups endorsed sanctions under the theory that more controls were needed in order to assure the public that immigration was under control. There were few immigrant associations in the early 1970s, and they did not voice concerns about discrimination--some endorsed the idea that sanctions were needed to draw a bright line between legal and illegal migrants and prevent anti-immigrant sentiments from growing. The approval of sanctions was strengthened by ILO convention 143, approved in 1975, which recommends employer sanctions, and a draft directive issued by the EC Commission in 1978 that also encouraged the adoption of employer sanctions--British resistance prevented its EC-wide adoption.<sup>31</sup>

Labor inspectors employed by the federal and state Departments of Labor have the primary responsibility for enforcing employer sanctions, but they acknowledge that the prospect of fines has not prevented 300,000 to 500,000 unauthorized foreigners from finding jobs despite (1) a high unemployment rate for legal foreign workers and (2) the

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<sup>30</sup> If the employer exploits the foreign workers by putting them in worse conditions than similar German workers, or employs 5 or more foreign workers without permits for 30 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 3 to 5 years in jail.

<sup>31</sup> The British objected to the draft directive because the criminal sanctions envisaged by the would infringe on the United Kingdom's sovereignty. Illegal foreigner employment was not a significant problem, and the British feared that employer sanctions might exacerbate employment discrimination against minorities.

availability of legal channels through which migrant workers can be hired.<sup>32</sup> Employer sanctions became less effective at deterring unauthorized foreign worker employment in the 1990s because the government was reluctant to enforce laws strictly against Eastern Europeans--the foreign policy argument was that Germany should not endanger the transition economies of Eastern Europe with strict enforcement of employer sanctions laws.

One example of how quickly “law-abiding” Germans got used to unauthorized foreign workers occurred in Berlin, the world’s largest construction site in the mid-1990s. In 1997, there were some 10,000 building sites, including 300 major projects, scattered throughout the city, and construction contractors and subcontractors employed about 550,000 workers, including 200,000 foreigners-- 15 to 25 percent of these foreigners were not authorized to be working in Germany. To combat unauthorized workers, Germany assigned extra labor inspectors to Berlin, and they mounted at least one “Razzia” or raid each month. A raid could involve 100 police with dogs to surround the construction site to prevent anyone from leaving during the inspection, and 200 to 300 labor inspectors who rushed inside to check the legal status of each worker on the site-- a foreign worker may be legal if he is laying bricks, but not if he is painting, or he may be working for the “wrong” employer.<sup>33</sup> During inspections, workers were quickly interviewed where they were employed, and then taken to a central location where their work permits were reviewed; construction workers are required to carry work permits with their photos. Workers without proper permits were handcuffed, placed in police vans, and taken to detention facilities.<sup>34</sup>

These raids did not eliminate unauthorized foreigners from German construction sites. In October 2001, the German Labor Office reported that 3,500 labor inspectors, supported by police and foreigners’ authorities, checked 5,400 employers and 17,000 workers in

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<sup>32</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 in the early 1990s) must register them with one of the various social insurance programs, and this list can be compared with the list of work permits that have been issued in order to spot persons on one list but not the other. Fines are stiffer for evading social insurance taxes, which add up to 40 percent to wages, than for violations of sanctions laws. If the employer does not register employees for social insurance, this computer matching process fails to detect illegal aliens.

<sup>33</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 18 percent of the cases opened involved illegal alien employment, and 8500 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 DM37 million in fines (\$22 million), or an average criminal fine of \$2400 (in 1995, there were 6,500 criminal sanctions and DM33 million 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 recruitment law (Entsendegesetz) in construction. 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>34</sup> In 1998, Berlin reportedly filled its detention facilities with apprehended foreign workers.

construction, and found 5,200 suspected violations. For example, 1,500 workers did not receive the minimum wage (DM19.17 an hour in former West Germany, DM16.87 in the former East), 780 did not have work permits, and 900 were drawing UI or other benefits while working (Schwarzarbeit). In 190 cases, it appeared that employers had unlawfully lent their employees to another employer. Throughout Germany, there were an average 40,000 fines a year levied in the late 1990s, and 8,000 cases referred to district attorneys for prosecution (Beauftragte, 2001, 74).

There were two broad responses to the combination of high unemployment among German workers and complaints of labor shortages that led to the presence of large numbers of foreign workers in German construction. One response was to blame rigidities and excesses in the German labor market for high unemployment. For example, unemployment insurance (UI) benefits and assistance can continue indefinitely at relatively high levels for jobless workers, encouraging them to shun hard and dirty jobs that newly arrived foreigners are eager to take.<sup>35</sup> If minimum wages were lowered and UI benefits reduced, this argument runs, jobless German and resident foreign workers would be more likely to fill the jobs. The other response was to call for stepped-up labor law enforcement to preserve “good jobs in the high-wage, high-benefit German labor market. This has been the major German response--more inspectors and raids, plus consideration of laws that would, e.g., make the general contractor liable for all of the labor law and immigration violations on a work site (joint liability between general contractors and subcontractors).<sup>36</sup>

### **Migration and EU Enlargement**

Germany is grappling with unauthorized foreigners in an enlarging EU. Poland, the Czech Republic, Hungary, Slovenia, Estonia and Cyprus are expected to join the EU in 2004, increasing the EU's population from 375 million to 500 million, but raising the EU's GDP by only five percent; another 6-7 countries are in line to join the EU. There were fears that EU enlargement would set off a wave of migration from poorer to richer countries, especially from Eastern Europe to Germany and Austria, which prompted these countries to resist granting free movement rights immediately to new EU member nations.<sup>37</sup>

Many Europeans look to the US and other “classical immigration countries” for lessons on how best to manage migration. However, superficial comparisons can be misleading

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<sup>35</sup> In Germany, UI benefits are 60 to 63 percent of previous earnings for about two years, and then about 50 percent of earnings indefinitely, while in the US, UI benefits are typically 50 percent of previous earnings for a maximum of six months. Thus, a \$1200 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.<sup>35</sup> In addition, construction workers receive a Christmas bonus (“13th month's salary”) that was 100 percent, and is now 77 percent of their usually monthly wage.

<sup>36</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>37</sup> The EU Commission, which pressed for a quick transition to freedom of movement, also wants the 10 million non-EU foreigners settled in the EU to have freedom of movement within the EU. For example, Turks settled in Germany do not have the right to move to France.

because of different laws and policies. In Europe, citizenship is often conferred by blood, not place of birth. This means that there cannot be “second-generation” foreigners in Canada and the US because persons born in these countries, even to unauthorized foreign parents, are automatically citizens. However, in Germany until 2000, a baby born to foreign parents was a foreigner, and 1.3 million of the foreigners in Germany were born to foreign parents in Germany. On the other hand, Germany considers ethnic Germans—persons born in Eastern Europe and the ex-USSR but with German parents or grandparents—to be Germans.

In 1999, net immigration into the EU was 711,000, helping to bring the EU population to 375 million (4 million births, 3.7 million deaths). Foreigners are not distributed uniformly across Europe--Germany has less than one-fourth of the EU's population, but 36 percent of the EU's foreigners. Luxembourg has Europe's highest percentage of foreigners—35 percent of its residents are foreigners, most from Belgium, France, and Germany, and almost 65 percent of its workers are foreigners. Switzerland, which is not a member of the EU, has 19 percent foreign residents and 17 percent foreign workers, reflecting the presence of UN offices in Geneva as well as the reliance of the Swiss tourist, construction, and farming industries foreign workers. Belgium has a high percentage of foreign residents and workers from other European countries, in part because Brussels is the headquarters city of the European Union and because Belgium in the past recruited guest workers and had colonies.

**Table 4. Foreigners and Foreign Workers in Western Europe: 1998**

Foreigners and Foreign Workers in Western Europe: 1998						
	Total	Foreign	Foreign	Total Labor	Foreign	Foreign
	Pop(000)	Pop(000)	Percent	Force(000)	Labor Force(000)	Percent
Austria	8,099	737	9.1	3,303	327	9.9
Belgium	10,253	892	8.7	4,261	375	8.8
Denmark	5,333	256	4.8	2,938	94	3.2
France	57,095	3,597	6.3	26,016	1,587	6.1
Germany	82,247	7,320	8.9	27,714	2,522	9.1
Ireland	3,700	111	3	1,500	48	3.2
Italy	59,524	1,250	2.1	19,529	332	1.7
Luxembourg	430	153	35.6	234	135	57.7
Netherlands	15,762	662	4.2	7,172	208	2.9
Norway	4,459	165	3.7	2,233	67	3
Spain	40,000	720	1.8	15,917	191	1.2
Sweden	8,929	500	5.6	4,294	219	5.1
Switzerland	7,095	1,348	19	3,994	691	17.3
United Kingdom	58,079	2,207	3.8	26,641	1,039	3.9
Total/Average	361,005	19,918	5.5	145,748	7,835	5.4

Source: OECD. Trends in International Migration, 2000. OECD. Paris, p41

Many European and Germany leaders want an EU immigration policy that welcomes newcomers to prevent population and labor force declines. European Commissioner for

Justice and Home Affairs Antonio Vitorino, in a July 12, 2000, speech, said “the European Union is facing a changing economic and demographic situation ... the zero immigration policies of the past 25 years are not working.” Vitorino urged EU nations to agree “on new legal ways for immigrants to enter the EU, recognizing the contribution...[but] avoid the creation of new ghettos in our towns and cities.”

Could immigration stave off population decline in Western Europe? The UN Population Division estimated the number of immigrants that various countries would have to admit in order to maintain their 1995 populations, labor forces, and ratios of younger to older persons. The results show that immigration would have to increase dramatically to prevent population and labor force changes. For example, the Big 4 EU countries—France, Germany, Italy, and the UK—include about two-thirds of EU residents, and received about 88 percent of EU immigrants in 1995. If they wanted to maintain their 1995 populations at current fertility rates, they would have to triple immigration levels, from 237,000 a year to 677,000 a year, with the greatest increase in Italy. To maintain their 1995 labor forces, immigration would have to increase to 1.1 million a year. Finally, to “save social security,” which the UN assumed meant keeping constant the ratio of persons 18 to 64 years old to persons 65 and older, immigration would have to increase 37-fold, to almost 9 million a year.

**Table 5. Immigration Required to Avoid Population Decline in Europe**

Immigration Required to Avoid Population Decline in Europe,  
2000 -20 50

	Actual Immigration in 1995 (t thousands)	Average annual number of migrants required: 20 00 -20 50					
		to maintain 1995 Pop (t thousands)	Multiple of 199 5 immigratio n	to maintain 1995 working- age p opulat ion) (t thousands)	Multiple of 199 5 immigratio n	to maintain Pop support ratio* (t thousands)	Multiple of 199 5 immigratio n
EU( 5 countries)	270,000	949,000	4	1,588,000	6	13,480,000	50
Big 4 EU	237,000	677,000	3	1,093,000	5	8,884,000	37
France	7,000	29,000	4	109,000	16	1,792,000	256
Germany	204,000	344,000	2	487,000	2	3,630,000	18
Italy	6,000	251,000	42	372,000	62	2,268,000	378
United Kingdom	20,000	53,000	3	125,000	6	1,194,000	60
Other EU countries	33,000	272,000	8	495,000	15	4,596,000	139
United States	760,000	128,000	0	359,000	0	11,851,000	16

\*Migrants necessary to maintain 1995 population ratio of persons ages 15-64 to those

ages 65 or older.

Source: United Nations, "Replacement Migration: Is It A Solution to Declining And Aging Population?"

Accessed online at: [www.un.org/esa/population/executionsum.htm](http://www.un.org/esa/population/executionsum.htm), on May 7, 2001.

Germany would have to admit 344,000 immigrants a year to stabilize its population at 1995 levels, and 3.6 million immigrants a year to maintain the current ratio of those 65

and older to those 16-64 year. However, most Europeans do not want more immigration—EU nations are currently receiving 300,000 to 500,000 legal newcomers a year, including returning citizens, family members of settled foreigners, guest workers, and asylum applicants, and up to 500,000 unauthorized foreigners. Increasing current immigration flows, or legalizing unauthorized foreigners, would likely produce strong political opposition.

This opposition to immigration is evident in plans to enlarge the EU by accepting 12 Eastern European countries and possibly Turkey. Studies of potential migration from Eastern European countries if Poles and Hungarians had freedom of movement rights, meaning they could seek jobs anywhere in the EU after their expected entry in 2004, estimated that 335,000 workers from all of Eastern Europe would migrate west the first year, and then the number of migrants would shrink to 160,000 a year by 2010, with 80 percent of the migrants moving to Austria and Germany.<sup>38</sup> These relatively modest migration projections led Austria and Germany to insist that the EU prevent newly entered Eastern European nations from migrating for at least two years (2005-06) after their expected entry in 2004. After this two year wait, the current 15-EU members could individually prevent freedom of movement for another three years (2007-09), and then a further two years, for a maximum seven-year wait (2010-11). Eastern European countries, which wanted immediate freedom of movement, eventually accepted this 2-3-2 plan.

### **Managing Migration to Germany**

Germany became a land of immigration in the 1970s and 1980s in part because it pursued flawed policies that worked the first time they were tried. For example, the guest worker programs of the 1960s were based on the theory that guest workers would rotate in and out of Germany as needed. When this principle was tested during recession in 1966-67, it worked, even though subsequent experience showed that there is nothing more permanent than temporary workers.<sup>39</sup> 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 durable policies, but Germany did not have to look for durable policies because ad hoc changes seemed at first to work.

Germany is a peculiar position among industrial democracies: 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. This largely reflects the political power of the opposition parties, the Christian Democratic

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<sup>38</sup> Tito Boeri and Herbert Brucker, "The Impact of Eastern Enlargement on Employment and Labour Markets in the Member States," *Financial Times*, June 27, 2000. P15

<sup>39</sup> Between 1966 and 1967, for example, the employment of guest workers fell by 25 percent, while German employment fell only 3 percent, suggesting that guest workers could be rotated in and out of the labor market as needed.

Union and the Christian Social Union (CDU-CSU), that dominated the coalition governments between 1982 and 1998, and insisted: "Deutschland ist kein Einwanderungsland." (Germany is not a country of immigration). The other major political parties--the FDP (part of the CDU-CSU coalition government) as well as the then opposition SPD and Green parties—called for an immigration policy in the 1990s that anticipated immigrants and simplified naturalization (Hailbronner, 1997a, b).

For example, the FDP proposed a quota-based immigration system in 1996 under which annual admissions would be based on economic indicators. To promote integration, there would be "integration courses" that would give graduates "integration certificates" that entitled them to unlimited work permits.<sup>40</sup> The FDP proposal would have allowed foreigners born in Germany of legally resident parents to become dual nationals if they wished at age 18, and permitted foreigners to naturalize after 8 years, down from 15 years. The Greens in 1997 proposed an immigration system that would make the maximum number of immigrants admitted the same as the number of ethnic Germans, 220,000 a year, and grant German nationality to all babies born in Germany with at least one legal foreign parent. To promote integration, the Greens proposed that employers and governments share the cost of providing language and culture classes on a 50-50 basis. The Social Democratic Party in 1997 announced "principles" for reform of immigration and integration policies.

Much of the debate until 1998, when the CDU-CSU-FDP government was in power, involved the role of naturalization and dual nationality in promoting integration, and reflected different answers to the question, does political participation leads or follows other forms of integration (Bade, 1994b, Weber, 1997). Germany has two types of naturalization: discretionary naturalization and naturalization by right (Anspruch). Most naturalizations are by right, and most are granted to those recognized as ethnic Germans.<sup>41</sup> Foreigners seeking discretionary naturalization must have lived in Germany for 15 years, have no felony convictions, be able to support themselves, renounce their current citizenship and, in the words of CDU leader Erwin Marschewski, "show a credible integration into our social and state order."<sup>42</sup> German officials can deny discretionary applications on the grounds that the naturalization of an applicant is not in the interest of Germany, and it is said that denying a naturalization application involves only one official making one decision, but approving an application requires several officials and decisions.

During the 1990s, the question was whether Germany should permit foreigners who naturalize to retain their original citizenship. The debate was marked by extreme assertions, as when then Chancellor Helmut Kohl warned that dual nationality might encourage Turks to migrate to Germany: "If we today give in to demands for dual

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<sup>40</sup> 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.

<sup>41</sup> Since 1993, foreigners aged 16 to 23 who lived in Germany for at least eight years and gone to school in Germany have a right to be naturalized if they apply.

<sup>42</sup> Naturalization costs about DM300 or \$165.



citizenship, we would soon have 4, 5, or 6 million Turks in Germany instead of three million." At the other extreme were those who asserted that dual nationality would guarantee integration, even though many ethnic Germans with German passports do not feel integrated. Many of those who advocated dual nationality argued that it was needed to prevent the development of a Turkish underclass.<sup>43</sup> Academics played a role in the debate by noting that, without birthright citizenship and with continued low naturalization rates, the foreign share of the shrinking German population would rise.

The CDU-CSU-FDP government did not approve dual nationality, and it was replaced by a SPD-Green government in 1998 that made dealing with immigration one of its top domestic priorities. During the campaign, all parties except the Greens issued statements in support of limiting immigration and removing foreign criminals. One of the first acts of the new SPD-Green coalition government was to propose a reform of Germany's 1913 naturalization law, the Reichs-und Staatsangehoerigkeitsgesetz (RuStAG) that would have introduced birthright citizenship and dual nationality. A scaled-back plan that permitted, beginning January 1, 2000, babies born to at least one foreign parent legally resident in Germany for eight or more years to be considered German citizens at birth, with the child deciding whether to retain German or the parents' citizenship by age 23—if they do not give up their parents' nationality by age 23, they lose German nationality.

SPD Interior Minister Otto Schily opposed a more comprehensive immigration law in 1999 and early 2000, saying in response to an FDP proposal for an immigration law with quotas determined by economic indicators: "There is no need for an immigration law, because, if we had one, the quotas would be zero." This statement reflected public sentiment—a 2000 poll reported that 66 percent of respondents thought immigration was "too high and has exceeded the limits of what is bearable," and 75 percent believed that Germany's asylum policies should be changed to limit the maximum stay for a refugee to nine months. However, in June 2000 Schily appointed a 21-member immigration commission to make policy recommendations, and it delivered the July 4, 2001 report that laid the basis for the proposal approved by the German Parliament in March 2002.

## Conclusions

There seem to be three major lessons of the German migration experience:

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 that circumstances may change.

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<sup>43</sup> Since June 12, 1996 Turks who lose their Turkish nationality by becoming a citizen of another country may retain their rights to property and inheritance in Turkey.

3. Policy changes can have significant and visible effects on migration flows that change public attitudes. Policy changes in 1993 affecting ethnic Germans and asylum seekers had immediate effects on flows that temporarily defused migration as a political issue.

Germany and the US have very different starting points on immigration and integration issues, but they face surprisingly similar migration questions, including: how many, from where, and in 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. Both countries currently have the highest number and percentage of foreigners or foreign born residents in a century, and both are grappling with fundamental questions, including the key integration variables—are they citizenship, education or economic status? What should the goal of integration policies be—to blend different cultures in melting pot fashion or to embrace salad bowl multiculturalism?

At one level, Germany has been debating whether to be an immigration country, while the US has been debating how many and which immigrants. US exceptionalism in welcoming immigrants is clear in a comparison of the following statements:

- President Clinton in June 1998: “I believe new immigrants are good for America. They are revitalising our cities. They are building our new economy. They are strengthening our ties to the global economy, just as earlier waves of immigrants settled the new frontier and powered the Industrial Revolution. They are energising our culture and broadening our vision of the world. They are renewing our most basic values and reminding U.S. all of what it truly means to be an American. [Americans] share a responsibility to welcome new immigrants, to ensure that they strengthen our nation, to give them their chance at the brass ring.”
- SPD Interior Minister Otto Schily in December 1998: Germany has “reached the limits, the point where we have to say we cannot bear any more. The majority of Germans agree with me: Zero immigration for now. The burden has become too great. I would not even dare publish the costs that stem from immigration. The Greens say we should take 200,000 more immigrants a year. But I say to them, show me the village, the town, the region that would take them. There are no such places.”

As Germany and other industrial democracies struggle with the answers to fundamental 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 and capable of being changed quickly, since the short term consequences of immigration and integration policies may be the opposite of the longer term effects. 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 a middle ground between the extremes of no borders and no immigrants.

## German Immigration Chronology

Year	Event
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 for German jobs Lasting more than 90 days
1975	Only children living in Germany get full allowance.
1975-77	Non-EC foreigners can not move into "overburdened" cities with 12 percent or more foreigners.
1977	Federal-State Commission recommends a foreigners policy.
1978	New regulations: residence permit (Aufenthaltserlaubnis) after 5 years; residence right (Berechtigung) after 8 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
1998	SPD-Green coalition replaces the CDU-CSU-FDP coalition government
1999	SPD-Green proposals for routine dual nationality are modified to allow children born in Germany to legal foreign resident parents to be German nationals; these these "children of foreigners" lose German nationality if they do not give up their parents' nationality by age 23.
2000	Kinder statt Inder (children instead of Indians) campaign fails, and Germany begins issuing the first of 20,000 "green cards" to non-EU foreigners earning at least DM100,000 a year
2001	Independent commission declares that Germany is a country of immigration and recommends the admission of up to 50,000 professionals a year. SPD-Green introduces an immigration law
2002	German Bundestag and Bundesrat approves SPD-Green immigration law, but the Bundesrat vote is contested. Immigration promises to be a campaign issue in 2002

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