

The New German Migration Law: Adequate Response to Domestic and Global Challenges?

“Gestire il difficilmente gestibile:
Nuovi strumenti di politica migratoria in Europa”

Loreto, 12 July 2006

Steffen Angenendt



Deutsche Gesellschaft für Auswärtige Politik e.V.
German Council on Foreign Relations

New Phase of German Migration Policy

- New Law appointed (Zuwanderungsgesetz).
- For first time, immigration and integration addressed by one Law.
- But: Several strategic, tactical and technical questions still unanswered.
- Major challenge: how to organise political, public debate on immigration and the future development of the country?

Structure of Presentation

1. **Overview: Immigration to Germany.**
2. Major political challenges:
Globalisation, Labour Market, Demography,
Integration
3. New Law: Main Regulations and Shortages.
4. Conclusion: What Makes Immigration
Reform in Germany so Difficult?

Immigration to Germany I

Immigration in the Post-World War II Period



- Massive movements of displaced persons, refugees leaving former German, occupied territories.
- Largely homogeneous group entering unsettled society made integration relatively easy.
- Guest-worker recruitment program beginning in mid-1950s.

Immigration to Germany III

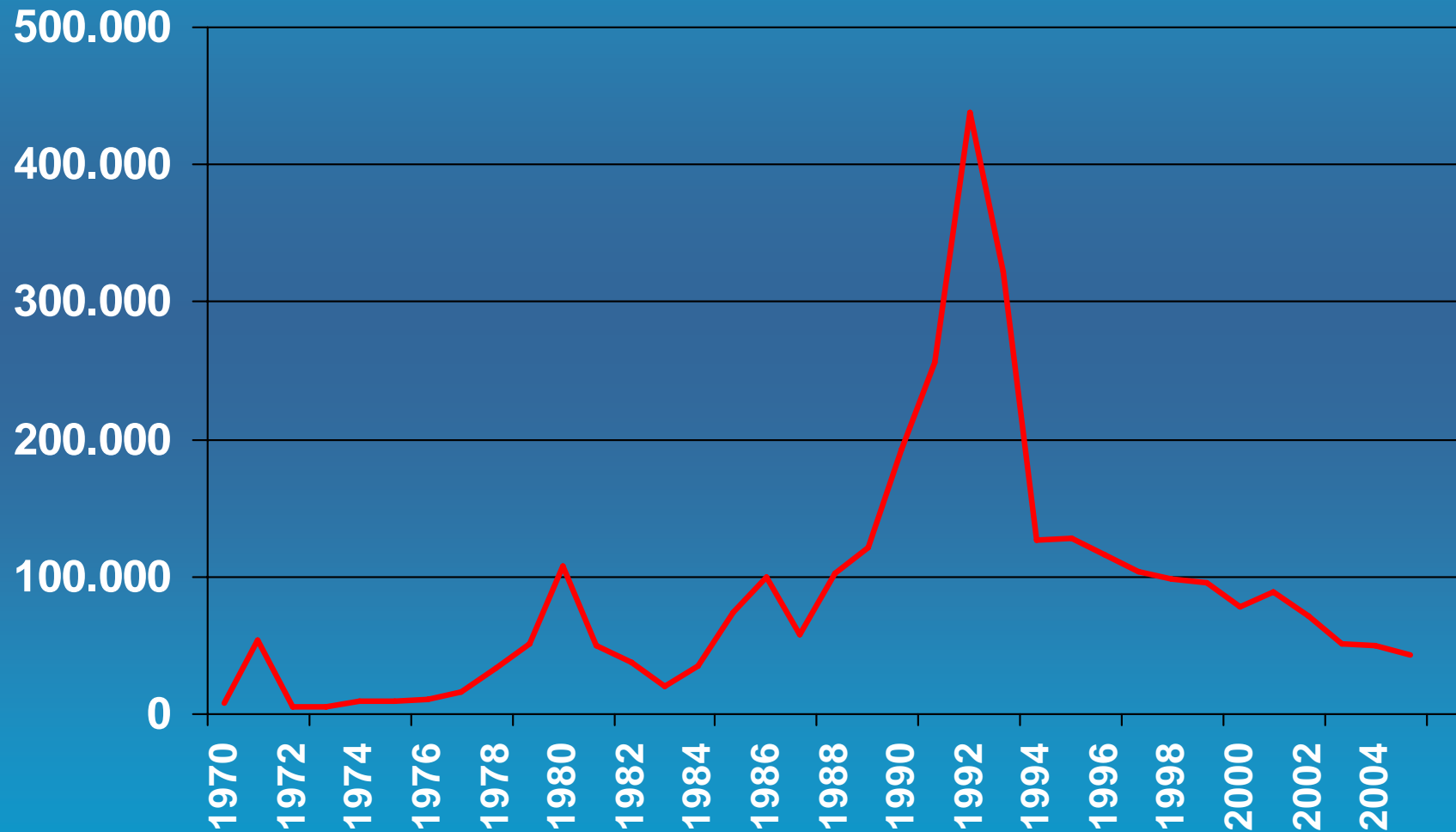
New Refugee Movements Since the 1980s



- Collapse of Soviet Bloc and outbreak of regional conflicts triggered large refugee movements in late 1980s & early 1990s.
- Asylum became an important avenue of immigration.

Immigration to Germany IV

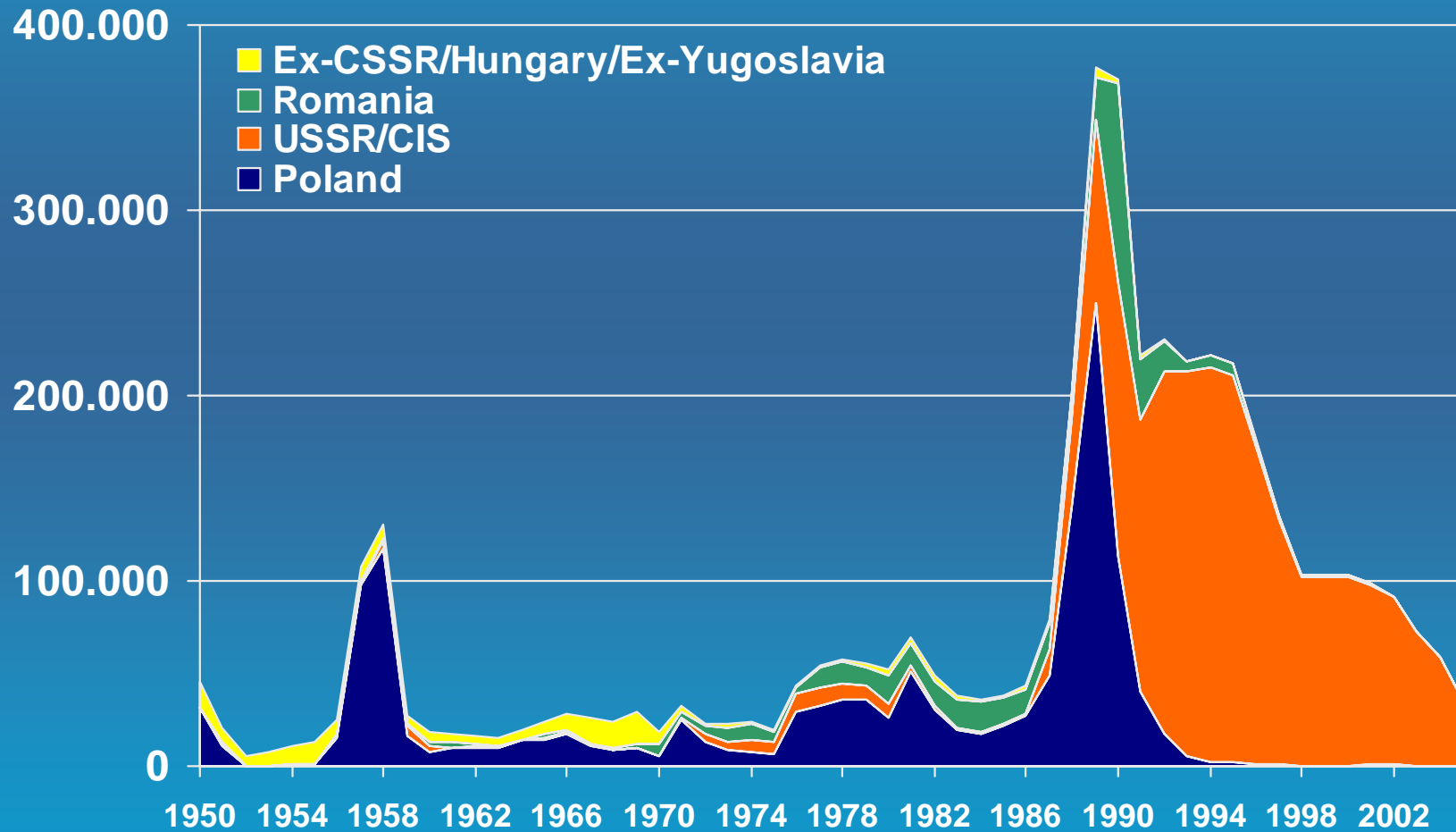
Asylum-seekers in Germany, 1970-2005*



Source: Statistisches Bundesamt * Since 1995 only first-time applications

Immigration to Germany IV

Ethnic German Immigrants by Country of Origin, 1950-2005



Source: Statistisches Bundesamt

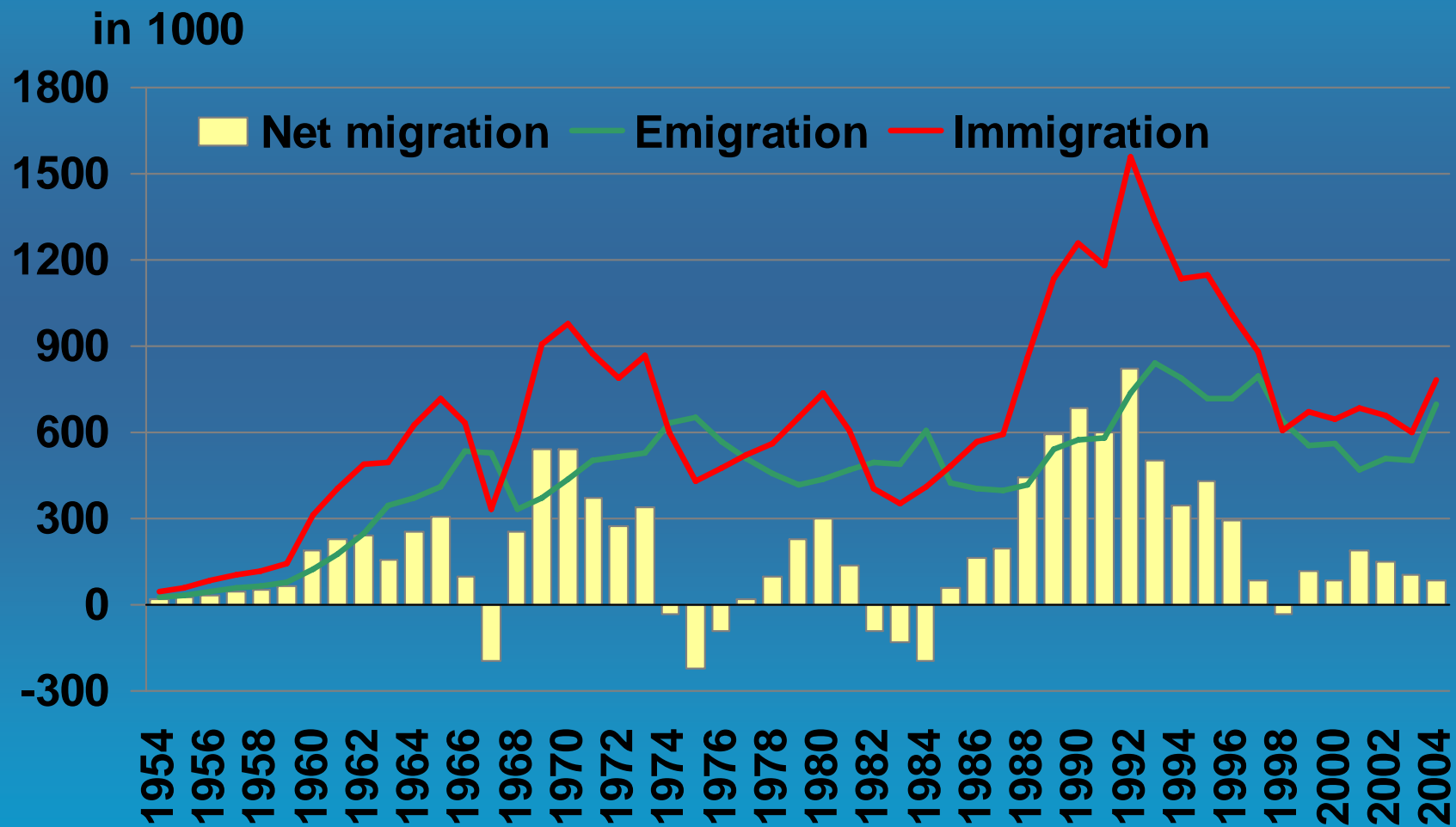
Immigration to Germany V

Other Avenues of Legal Migration

- Family reunification still high.
- Student programmes limited.
- Labour migration: Intensive use of short-term / seasonal labour.

Immigration to Germany V

Inflows and outflows, 1950-2004



Source: Statistische Bundesamt

Immigration to Germany VI

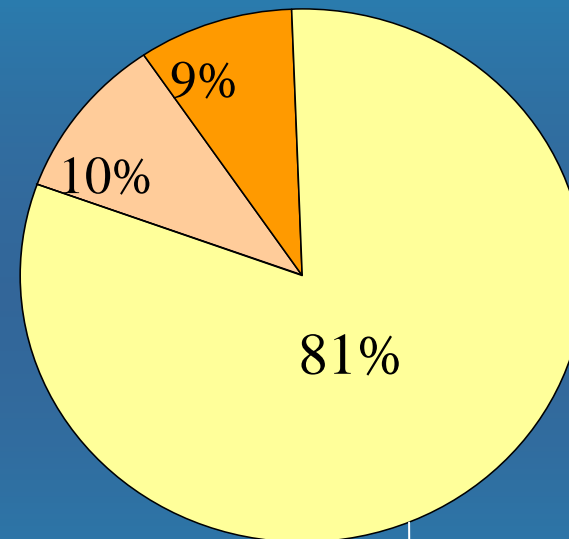
Current situation I

Legal foreign residents
(7,3 million)

Germans with migration
background (8 million):

- naturalised foreigners
- naturalised ethnic Germans
from Eastern Europe
- descendants from naturalised
foreigners

Germans without
migration background
(67,1 million)



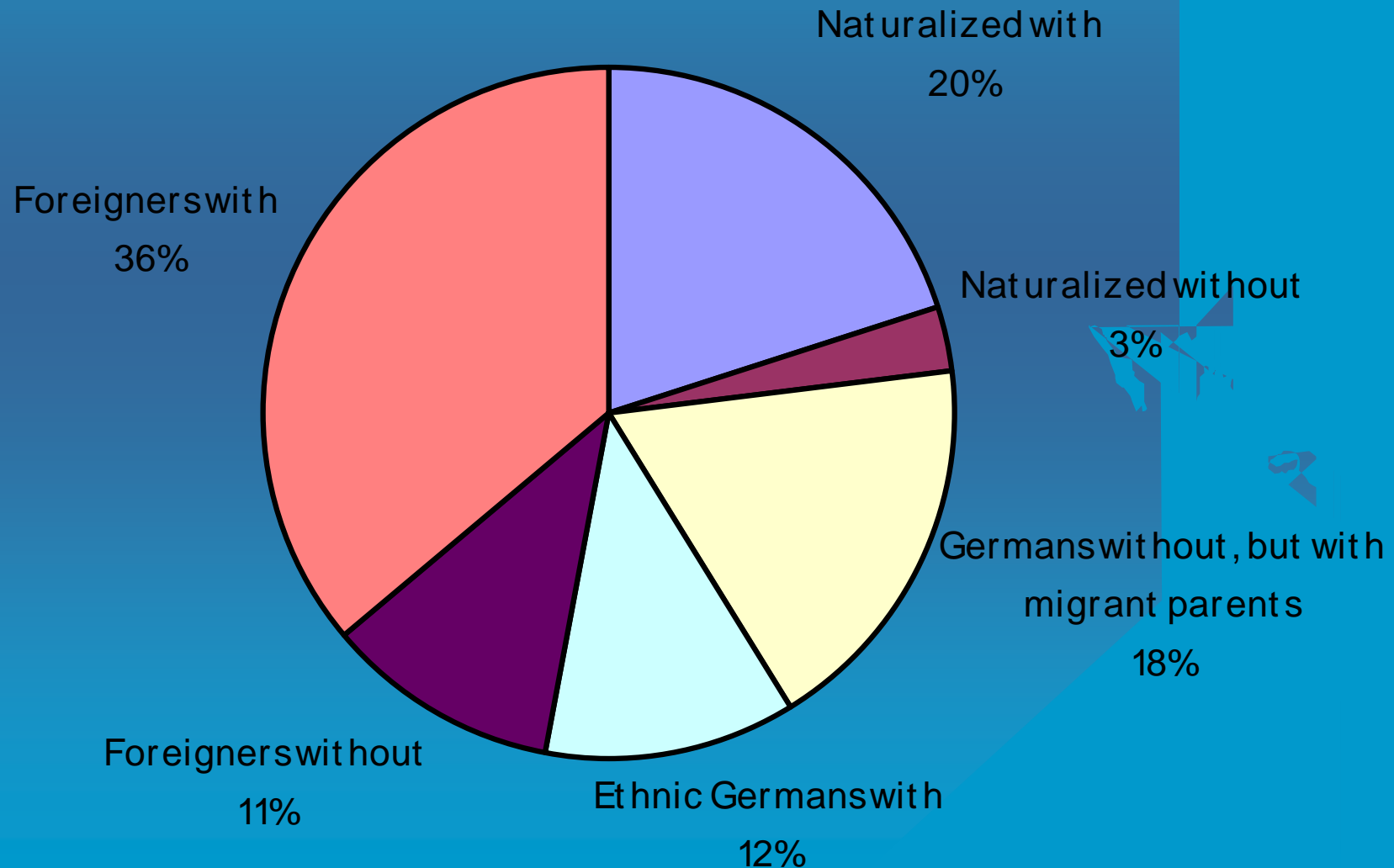
In total, 15,3 million or one person out of five living in Germany is of foreign origin.

Source: Statistisches Bundesamt, Mikrozensus 2005

Immigration to Germany VI

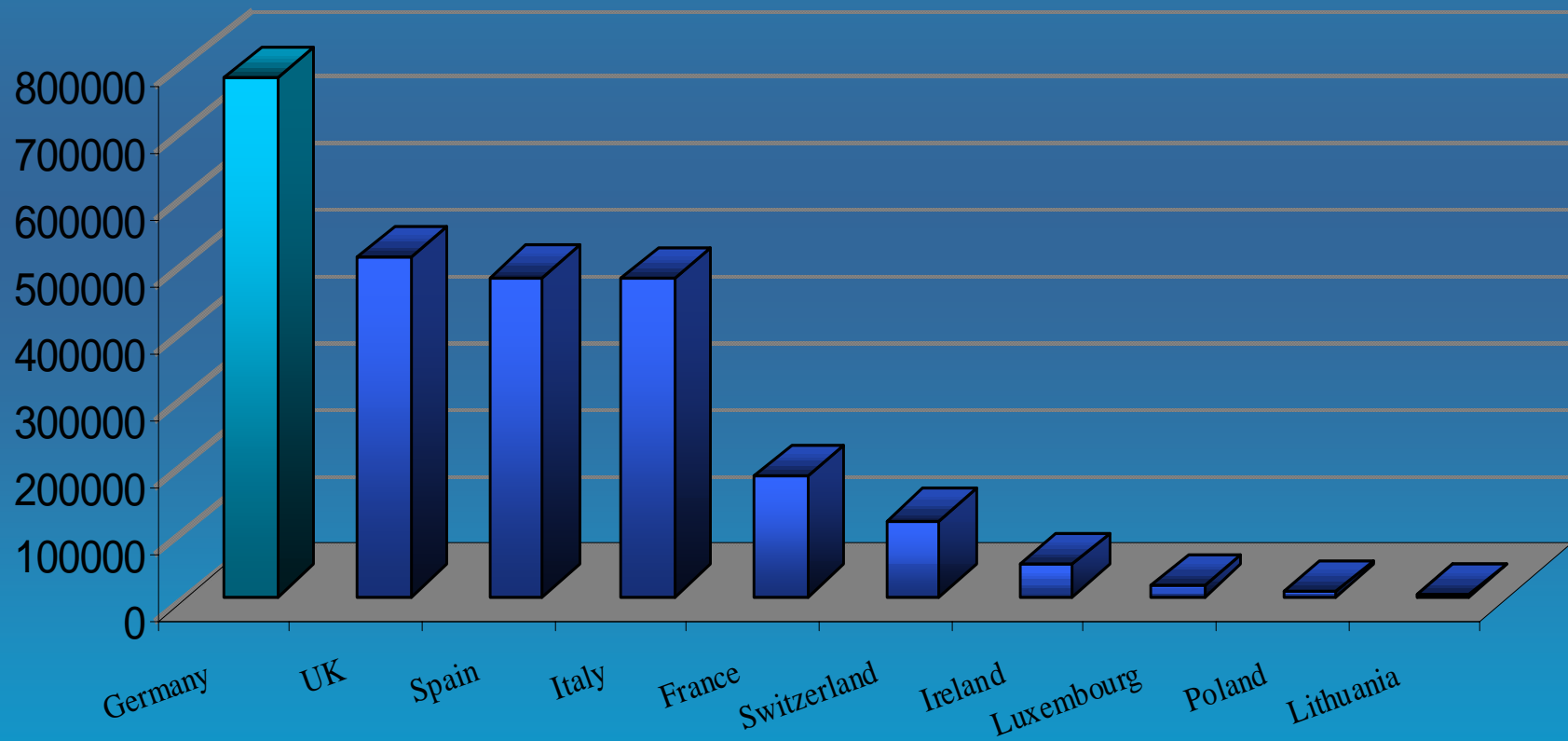
Current situation II

Migration experience of German population



Immigration to Germany VII

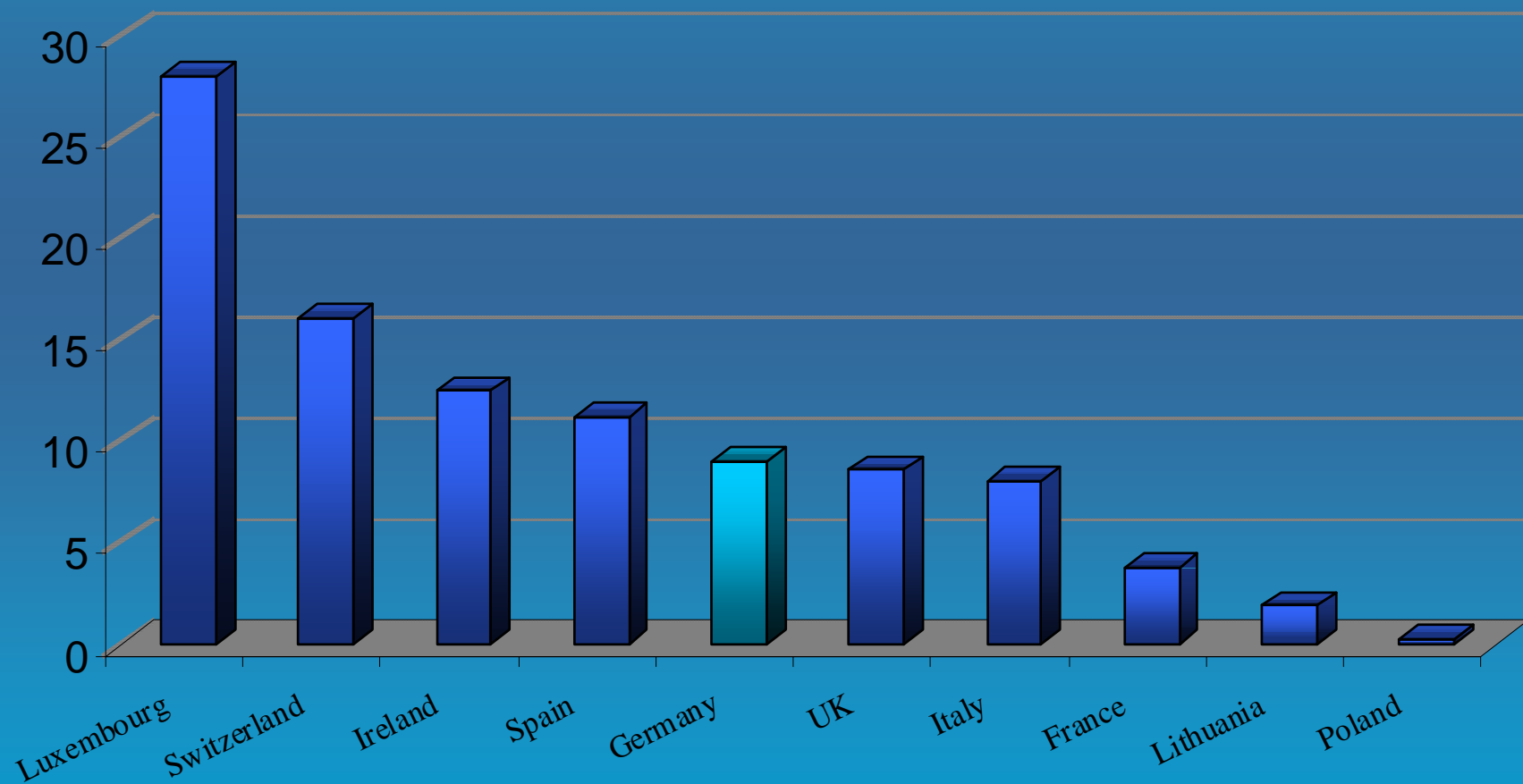
Inflows to selected European countries, 2003,
per 1.000 of total population



Source: Bundesamt für Migration und Flüchtlinge, Migrationsbericht 2005

Immigration to Germany VIII

Inflows to selected European countries, 2003,
per 1.000 of total population



Source: Bundesamt für Migration und Flüchtlinge, Migrationsbericht 2005

Structure of Presentation

1. Overview: Immigration to Germany.
2. **Major political challenges:
Globalisation, Labour Market,
Demography, Integration)**
3. New Law: Main Regulations and Shortages.
4. Conclusion: What Makes Immigration Reform in Germany so Difficult?

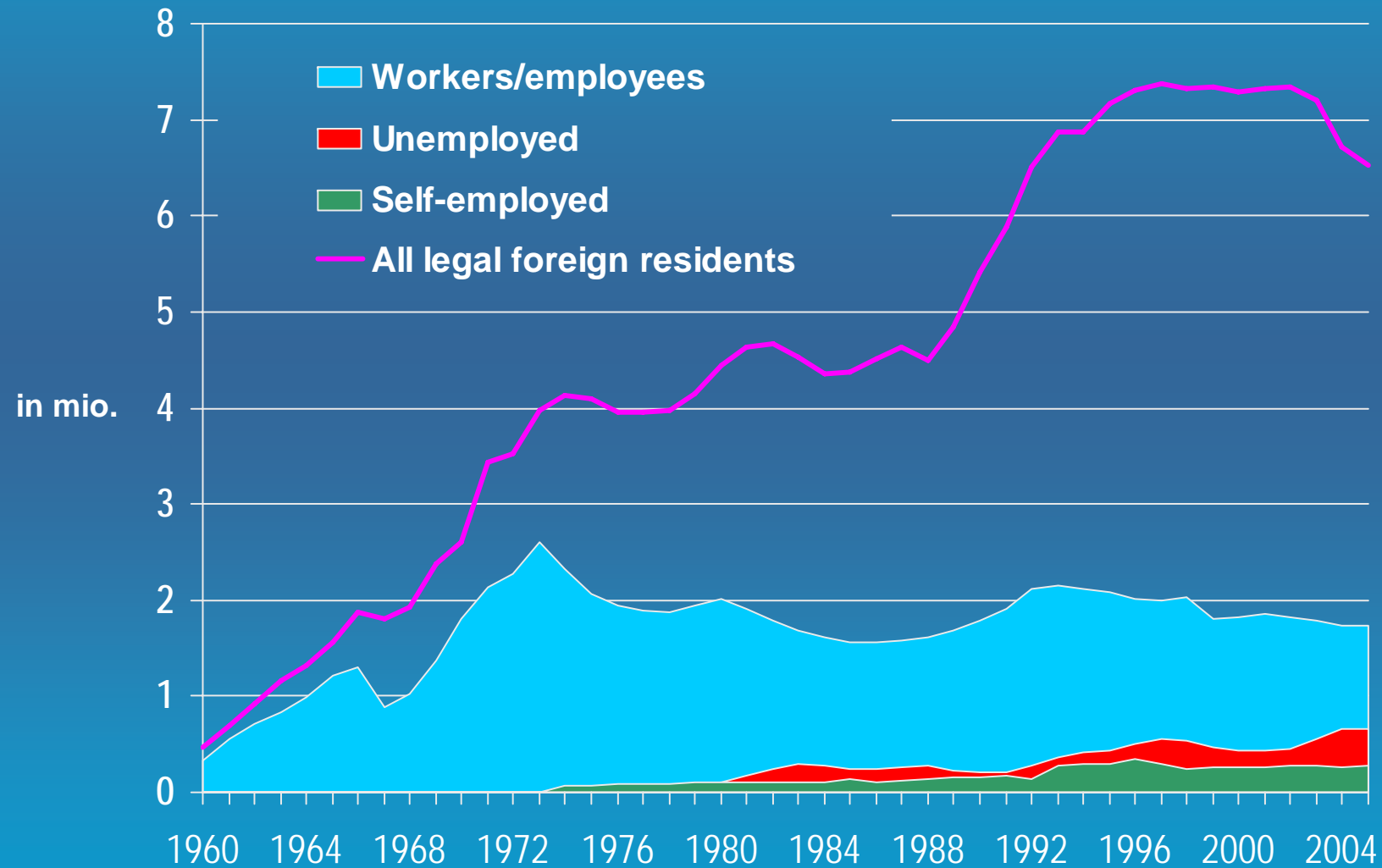
Challenge 1: Globalisation

- Global competition requires constant research and innovation.
- Domestic programs to advance research and innovation cannot substitute international exchange of knowledge.
- German population spatially, occupationally immobile.



Challenge 2: Labour Market

Foreign Population and Labour Force in Germany, 1960-2004



Sources: Statistisches Bundesamt

Challenge 2: Labour Market

EU-Enlargement and Consequences

- long-term objective: opening of labour markets
- 2+3+2- model
- contrast to Sweden, Ireland and UK



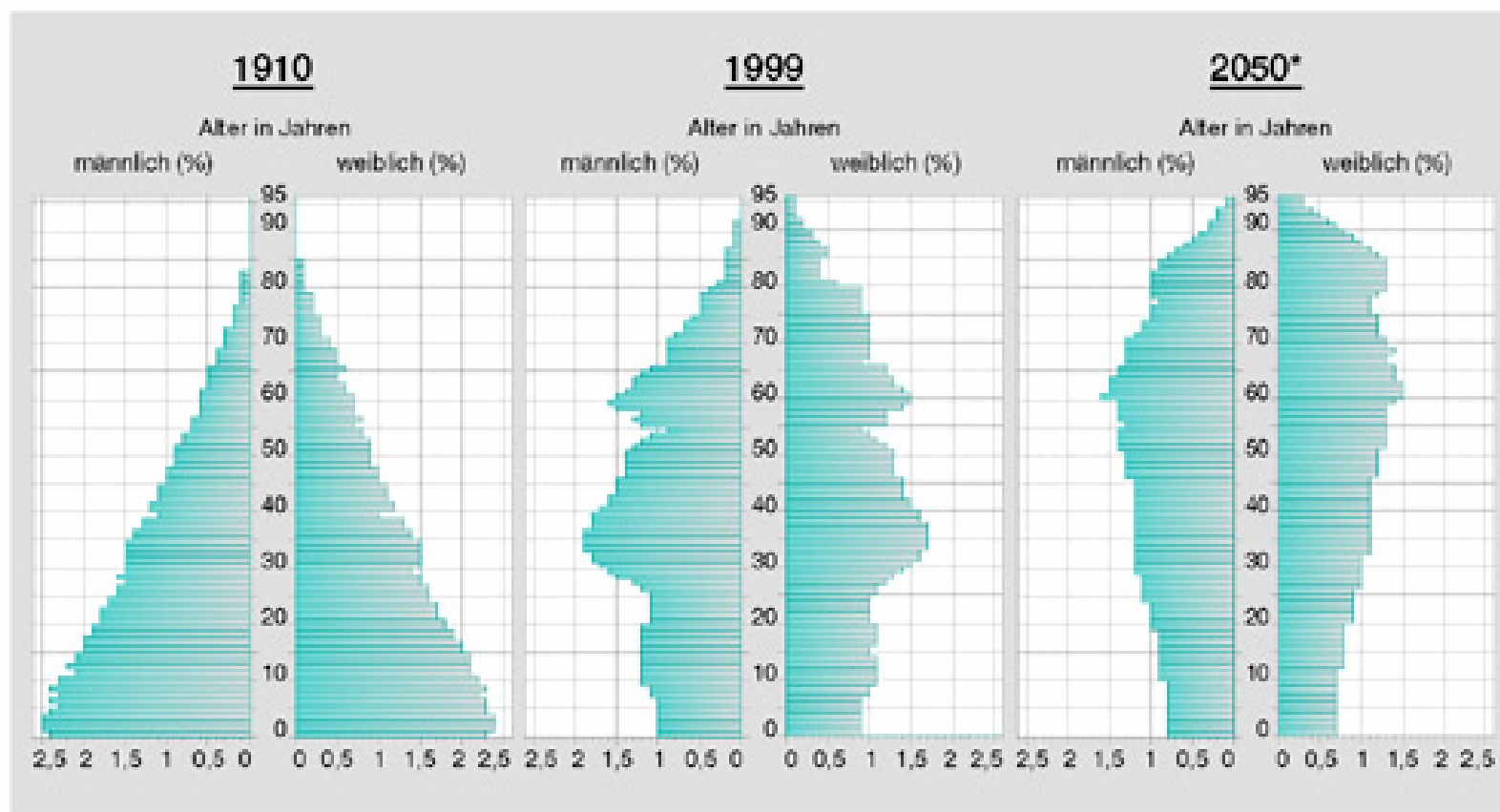
Challenge 3: Demography

- Lower birth-rates and longer life-spans mean that Germany's population is simultaneously ageing and shrinking.
- German economic system, welfare state depends on large number of gainfully employed young people.
- Short term measures cannot offset long term trend.

Challenge 3: Demography

Age Distribution Past, Present, & Future

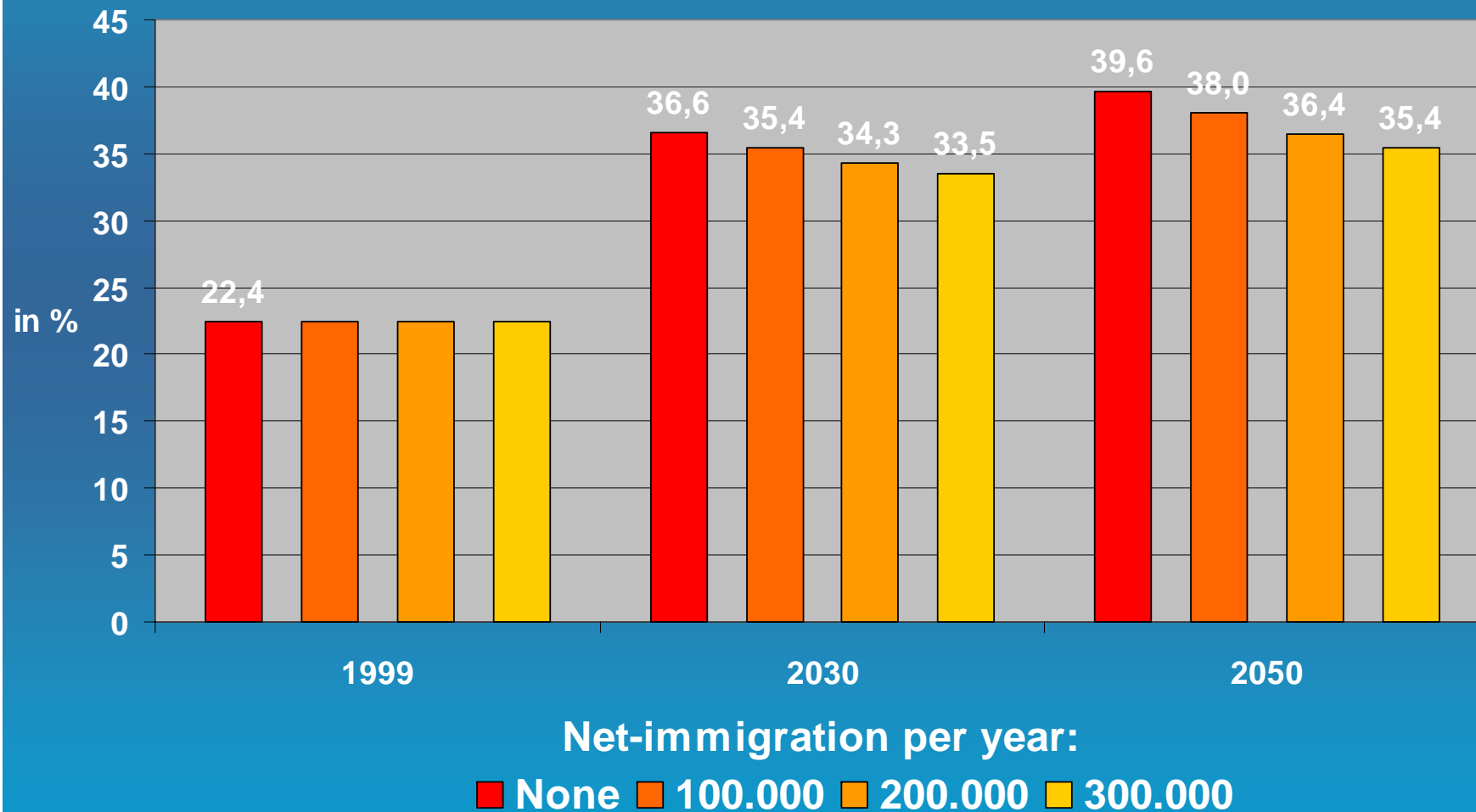
Abb. II.2: Altersaufbau der deutschen Bevölkerung 1910, 1999 und 2050*



*Annahme (mittlere Prognose): jährliche Nettozuwanderung von 200 000 Personen
Darstellung Humboldt-Universität Bevölkerungswissenschaft
Quelle: Statistisches Bundesamt

Challenge 3: Demography

Share of Persons over 60
as % of Total Population 1999-2050



Sources: Home Office: Modellrechnung zur Bevölkerungsentwicklung 2000

Challenge 3: Demography

Potential Demographic Outcomes

What would happen by 2050 if Germany...	...had no immigration?	...had moderate immigration?	...wanted to keep its population stable?	...wanted to keep the number of 15 to 64-year-olds stable?	...wanted to keep the old-age quotient stable?
Net immigration per year 1995-2050	None	200,000 to 240,000	324,000	458,000	3.4 Million
Population by 2050	58.8 Million	73.3 Million	81.7 Million	92 Million	299 Million
Increase/decrease compared to 1995	-28%	-10 %	None	+13%	+266%
Old-age quotient (15 to 64-year-olds compared to over 65-year-olds)	1.8	2.1	2.3	2,4	4.4

Source: United Nations Population Division

Challenge 4: Integration

- Germany has had some successes integrating immigrants in the past.
- More recent immigrants less integrated; barriers of language, ethnicity, religion, culture, etc.
- Integration burden needs to be shared by state and immigrants.
- Integration measures must be tailored for the specific needs of groups of immigrants.

Structure of Presentation

1. Overview: Immigration to Germany.
2. Major political challenges: Globalisation, Labour Market, Demography, Integration)
- 3. New Migration Law: Main Regulations and Shortages.**
4. Conclusion: What Makes Immigration Reform in Germany so Difficult?

New Immigration Law I

- Reform-oriented era of migration policy during Red-Green coalition 1998-2005.
- Main focus on migration matters: New Immigration Act, “Green card”.



- January 2005: Implementation of the New Immigration Act: immigrant population still described as “foreign nationals”
- Black-Red coalition: main focus on integration and harmonised EU-policies, tendency towards more restriction

New Immigration Law II

New structures:

- Reduction of number of residence titles to two.
- New Federal Office for Immigration and Refugees.

Labour migration:

- Permanent residence for highly qualified.
- Promotion of the settlement of self-employed.
- Possibility for students to stay in Germany for up to one year.
- One-stop government for residence / work permit.

New Immigration Law III

Refugees:

- Refugee status also in case of non-state and gender-specific persecution.
- Improved status for persons enjoying subsidiary protection.
- Hardship Commission.

Family reunification:

- Up to 18 years for children of recognised refugees, otherwise: 16 years.

Integration:

- Courses primarily for new immigrants, limited access for others; sanctions.

New Immigration Law IV

- Immigration management:
new channels for immigration to Germany
- Actions for integration:
“Integration courses”: 600h language class + 30h
citizenship course
- Immigration Act and EU-policy

New Immigration Law V

Main deficits:

- No paradigmatic change towards a positive perception of migration; policy is still centred more on risks than on opportunities of migration.
- No sufficient instrument for labour migration; ancient system of recruitment stop and exceptions is maintained; no point system to attract highly qualified labour migrants.
- No regularisation campaign for dealing with unsolved long-term humanitarian problems.

Structure of Presentation

1. Overview: Immigration to Germany.
2. Major political challenges: Globalisation, Labour Market, Demography, Integration)
3. New Law: Main Regulations and Shortages.
- 4. Conclusion: What Makes Immigration Reform in Germany so Difficult?**

Conclusion

Two explanations for the difficulty of comprehensive immigration reform in Germany:

- the permanent situation of election campaign in Germany's political system,
- a far-reaching political cleavage on German national identity.

Prognosis : Germany will also in future be a “reluctant country of immigration”.

