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IMMIGRATION POLICY IN GERMANY

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SUMMARY

This document analyses the evolution of German migration policy since 1945, with a particular focus on the principal movements characterising this process. From the time immediately following the Second World War up until the construction of the Berlin Wall, the registered population flows show a direct relation to the political situation and separation of Germany into two different states. However, regardless of the economic factors, this immigration movement facilitated the reconstruction process in the country and the economic revival.

After 1961, Germany introduced a model of labour importation which was directly related to the tensions in the labour market. This model was characterised, if not by a high turnover, then by very important fluctuations in foreign labour, which was comprised mostly of young men. However, the official halting on labour immigration in 1973 changed the nature of the flows. They gained a much greater autonomy which modified the charateristics of the foreign population that settled. There was an increase in the number of females and the population tended to be younger. However, the activity rate dropped and unemployment rose.

Since then, the aim of Germany's immigration policy has been to control the number of entries; stabilise the number of foreign workers; limit family reunification to close relatives and to integrate the present foreign population into a context of permanent migration. The last phase shows a build up in the flows. This is due in part to the extremely liberal policy surrounding the right to asylum in Germany and also to the political and economic upheavel in the East that permitted, in particular, the entry of migrants of German origin ("Aussiedler") who easily could obtain German nationality. The heavy social and economic consequences posed by the sudden upsurge of people placed the question concerning the right of asylum at the heart of the debate on migration policy. In this crisis situation, the priority is to reduce the entry of migrants and to arrive at a better control of the flows. In the medium term, it would be necessary to implement a policy of co-operation with sending countries in the South and East aimed at reducing the incentives to emigrate.

IMMIGRATION POLICY IN GERMANY

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Since the historic turning-point marked by the end of the Second World War, the economic, social and political situation of Germany has been influenced by a continual influx of population. This factor has been one of the constants in the historical development of Germany from 1945 to the present day.

Four main phases in this process can be distinguished:

-- Migration caused by the political situation

- This form of migration was one of the consequences of the division of Germany after 1945. As the developing East-West conflict consolidated the division between the Western zones and the Eastern zone, making them evolve into two distinct states, it also intensified the flow of refugees from Eastern to Western Germany.

-- Migration caused by the economic situation

- During the sixties, economic expansion generated an acute demand for labour. The Federal Government met it by calling increasingly on foreign workers, primarily Italians and Turks. This was the "guest worker" model.

-- Migratory flows become autonomous

- Whereas the demand for foreign workers stagnated, migratory flows that until then had been managed and tailored to the economic situation in Germany tended to become independent of these requirements and to develop their own dynamism in the seventies and eighties.

-- Acceleration of the pace of migration: loss of control and failure of the German model

- The acceleration of migration in connection with applications for asylum and especially after the fall of the Berlin Wall and the re-opening of borders with the East tended to shift the migration problem from the economic to the political sphere owing to the public rejection it engendered. It appeared to be extremely difficult to reach consensus among the political parties, because the economic, social and political demands they expressed were partly irreconcilable.

Migration caused by the political situation in Germany after 1945

The factors that determined migration during this period were the collapse of the Reich, its territorial disintegration and the division of Germany. In view of the political situation, several million people left the Eastern territories of the former Reich, later to become the German Democratic Republic, to take refuge in the West. The building of the Berlin Wall in 1961 put an end to the exodus.

The influx of German refugees provided an enormous pool of manpower and made it possible to speed up the reconstruction of the country and the revival of its economy. It was to be an engine of growth in an economy increasingly oriented towards exports in an economic situation where rising domestic demand was also creating an almost continual demand for labour. During this period there was certainly a close match between economic imperatives and the social capacity to absorb the influx of labour. Refugees from the East had little difficulty integrating; they were German, they spoke the same language, had the same religion and culture and a similar level of qualification and often had family links with the West German population. Despite some inevitable tensions, this refugee population integrated very quickly into the local population. The awareness of having a common fate (political catastrophe, collapse of the political system, loss of the territories in the East, division of the country) as well as the perception of a common threat in the context of the East-West conflict were undoubtedly additional factors that favoured assimilation. In these circumstances, the social costs of integration were relatively easy to bear, as they were underwritten by the population's high capacity to absorb the refugees. Social cohesion also reduced to a minimum the political problems such population flows might have caused.

Migration caused by the economic situation of Germany in the sixties

The flow of refugees from the East was cut off abruptly by the building of the Berlin Wall in 1961, which in political terms finalised the division of the country into two. The tension in the labour market caused by the vigorous growth of the economy led the Federal authorities to devise a model for the importation of foreign manpower.

This consisted of an organised and controlled system for recruiting workers in certain countries (all situated around the Mediterranean) on the basis of governmental recruitment agreements (signed in 1955 with Italy, 1961 with Spain, Greece and Turkey, 1963 and 1966 with Morocco, 1964 with Portugal, 1965 with Tunisia and 1968 with Yugoslavia). Recruitment was controlled and co-ordinated by the Federal Institution for Labour (Bundesanstalt für Arbeit) via recruitment centres it established in each country; working in close collaboration with the local authorities, the centres organised the recruitment of workers and their transport to Germany, and put them in touch with German employers. The basis of the system was the close co-operation between the State and business circles, with economic interests enjoying absolute priority. The volume and composition of the migratory flows therefore corresponded to the demand for labour. There was still a balance between the satisfaction of

economic interests and the social costs due to this inflow of foreign labour, but it was clear that even in this situation of equilibrium economic interests took priority.

Immigrant workers tended to find themselves reduced solely to their economic function; some expressions of the time, such as "manpower goods", "importation of labour" or Max Frisch's famous saying that "we asked for labour, and it is men who arrived", demonstrate to what an extent this reduction to the sole economic function tended to limit the social costs of immigration. The absence of families -- in the vast majority of cases -- minimised the need to build accommodation (and had very little effect on the housing market) and meant that the impact on the educational and occupational training system was minimal. Immigrant workers, who for the most part were young and active, contributed to the social security systems (sickness and old-age insurance) in the same way as German workers, but rarely had to claim benefits, so that the balance sheet showed a substantial surplus in favour of the insurance funds. At the cultural (and religious) level too, the demands of these workers remained very marginal.

Even in relation to their economic function, the social costs remained negligible; as the jobs occupied by immigrant workers generally required only a low level of qualification, the cost of occupational training was also low. Measures to foster integration (language courses, for example) were generally considered superfluous. Although such measures would undoubtedly have helped to promote social integration (ease of communication, reduction of social tensions) and would therefore have seemed desirable both for those involved and for their social environment, short-term economic interests prevailed in view of the costs involved. Over the long term, the resulting lack of social integration was certainly a contributory factor, albeit not a decisive one, in increasing the potential for conflict linked to immigration.

The social infrastructure for receiving foreigners and meeting their specific cultural needs already existed, but was not highly developed. It was generally provided by charitable organisations. Nor were administrative, judicial and other authorities much affected by the presence of the first generation of immigrants. The social costs due to the immigration of foreign labour were therefore minimal. Even intangible social costs, caused for example by social conflicts and the resolution of such conflicts, were not very high. Of course, there was some potential for conflict between immigrant workers and the indigenous population. The presence of foreigners was sometimes regarded as a burden, especially as most of the immigrants were young men without families, which contributed to some types of tension. Moreover, the foreigners felt they were the victims of social discrimination, which led to sporadic conflicts. As immigrant workers did not have political rights, industrial disputes (strikes) were infrequent and conflict at the political level was practically non-existent1.

At that time, it was the immigrant workers who bore almost all the consequences of the situation (inferior social status, marginalisation, separation from families, social distance, discrimination), while the local population was practically unaffected. It is true that the emergence of marginal groups gradually tended to lead to conflicts owing to tensions between them and the host population and potential rivalry between local workers and immigrant workers, who were more willing to accept poorer working conditions or

wages below those demanded by local workers. Moreover, this led the German unions to take a very active interest in the policy of recruiting foreign labour. While acquiescing in the practice, at the same time they aimed to restrict it.

Initially, the recruitment of foreign labour had been designed as a temporary measure for a limited period, not as a permanent arrangement. As a consequence, immigrant workers were to be employed for only a short period to prevent their stay extending indefinitely. This was the concept of "rotation". It soon became clear, however, that "rotation" was in fact against the interests of industry, which wanted manpower that would be present over the long term, so that the concept was rapidly abandoned and in practice was never applied. Nevertheless, in other countries "rotation" continued to be regarded as the characteristic feature of the German model long after it had been abandoned in Germany.

This phase was characterised, however, by very wide fluctuations in the foreign labour force, partly because residence permits were closely linked to employment but also because a large proportion of foreign workers intended to stay in Germany for only a limited period, during which they could accumulate some capital that would give them the prospect of social enhancement later in their own country.

In 1973, the year in which it was decided to halt direct recruitment, there were 3 966 000 foreigners in Germany (894 000 Turks, 673 000 Yugoslavs, 622 000 Italians, 399 000 Greeks and 286 000 Spaniards), of whom 2 595 000 were recruited workers.

From the point of view of the countries of recruitment, the results of this system were ambivalent. The positive aspects were the reduction in unemployment and the improvement in the balance of payments thanks to foreign currency remittances from migrant workers. In 1973 foreign workers transferred DM 8.2 billion back to their country of origin (1990: DM 7.45 billion). The emigration of qualified workers and the depopulation of entire regions, by contrast, were among the adverse effects. Moreover, in order to maximise the transfer of foreign currency, the recruitment countries wanted workers to stay for a relatively short period and without their families. Some countries that experienced large-scale emigration and had poor economic prospects, such as Turkey, sometimes became heavily dependent on the economic cycle in Germany.

It must also be emphasised that emigration had practically no tangible effect on the development prospects of the recruitment countries. The often repeated argument that qualifications acquired in Germany would benefit the economic development of the country does not withstand scrutiny, nor were the hopes that workers returning with a certain capital would be able to found small enterprises (Arbeitnehmergesellschaften) fully realised.

Migratory flows become autonomous: the seventies and eighties

This period was characterised by growing divergence between the economic imperatives and the social cost of immigration.

In purely formal terms, the starting point of this phase was the decision taken in November 1973 to halt the recruitment of foreign workers as a consequence of the first oil crisis. However, it also coincided with the moment at which the number of family reunions began to rise, after the economic crisis of 1966-67 had temporarily slowed down the recruitment of foreign labour and accelerated and amplified return flows, followed by a new period of intensive recruitment at the end of the sixties.

The official halt to recruitment in 1973 was a decisive break that was to completely change the composition of the immigrant population. Whereas the number of foreign workers fell sharply, in that recruitment ceased and a certain number began to return home2, the total number of foreigners remained stable and even began to increase3.

Given the uncertain prospects of work in their own country and the impossibility of returning to Germany once they had left, many foreign workers preferred to remain in Germany, to keep their job as long as possible and to bring their families to join them. Family reunion therefore became the preferred means of entering the German labour market. There were significant differences between the various nationalities, however; whereas the number of Greeks and Spaniards fell, partly because the fall of dictatorships in their countries opened up better economic prospects4, the number of Turks rose considerably, from 894 000 in 1973 to 1 165 000 in 1978 and 1 268 000 in 1979. This growth was due entirely to family reunions; by contrast, the number of Turkish workers fell from 605 000 in 1973 to 515 000 in 19785.

The participation rate of the immigrant population, which had been extremely high in 1972 (67 per cent), began to fall during the seventies, and was no more than 49 per cent in 1978.

In the course of the seventies the Turks became by far the largest immigrant group in the Federal Republic of Germany. At their peak in 1988, Turks represented 33.9 per cent of the immigrant population, although this percentage fell slightly in later years. As a result of a large number of family reunions during the seventies, the demographic curve of the Turkish population rose proportionately. The Turkish population increased from 1 524 000 in 1988 to 1 613 000 in 1989, 1 695 000 in 1990, 1 780 000 in 1991 and 1 829 000 in mid-1992.

The intensification of family reunions had the effect of reducing the close correlation that had existed until then between the labour market situation, in other words economic imperatives, and the number of resident foreigners. Social aspects (housing, education, training) increased in importance and contributed to the emergence of social problems and conflicts. Access to the labour market, which from then onwards would be one of the decisive criteria of social integration, began to depend increasingly on social and cultural factors (level of education, ability to obtain qualifications, language, desire to integrate). In this context, the marginal social situation of the first generation of "guest workers" prejudiced the chances of subsequent generations.

The growing momentum of family reunions facilitated the access of foreigners to jobs in the services sector. On the other hand, the energy crisis followed by the third industrial revolution led to modernisation, rationalisation and restructuring in many branches of activity, thus contributing to the elimination of jobs throughout the economy but especially in sectors with a high proportion of unqualified jobs occupied by foreign workers. From 1973 onwards full employment gave way to rising unemployment, and whereas unemployment rates among the immigrant population had been very low during the years of full employment (0.8 per cent in 1973), they began to rise during the seventies, increased very rapidly in the early eighties (14.7 per cent in 1983 and 14.0 per cent in 1984) and reached a level significantly above the rate for the working population as a whole (9.4 per cent in 1984)6.

The emergence of unemployment, and of a relatively higher rate among the immigrant population, is the characteristic feature of this phase in the increasingly autonomous growth in migratory flows in relation to the situation in the national labour market. Without a doubt, this situation was in danger of turning opinion against foreign workers. Although economic imperatives and tensions in the labour market had legitimised the need to recruit foreign labour to safeguard the growth in GNP and general standards of living as well as the competitiveness of businesses, these arguments were useless in the face of escalating unemployment among the immigrant population. The rising social costs associated with the presence of an immigrant population among whom unemployment was proportionally higher tended to undermine the claim that foreign labour was indispensable. The need for foreign labour was not really disputed, however. Even in the political debate about immigration, no link was made between the unemployment rate and the presence of the immigrant population, by contrast with other countries.

Despite high unemployment rates, economic forecasts continued to be based on the premise of a labour shortage in the years to come, even at the beginning of the nineties, when economic collapse in the new Eastern Länder caused unemployment to reach disturbingly high levels in that region. Such forecasts were based solely on economic data, without taking account of factors such as the ability of German society to assimilate a growing foreign population or its impact on the chances of finding housing.

The occupational integration of the second generation of foreign workers, and especially of the young people who arrived in Germany as a result of family reunions, was particularly difficult at the beginning. Linguistic difficulties, a wide range of assimilation problems and often the lack of support from families led to failure at school and hence to sketchy occupational qualifications or sometimes the lack of qualifications at all. During the seventies and eighties a large number of young foreigners left school without any certificate and only a small percentage (sometimes as low as 30 per cent) received a normal occupational training.

As foreigners settled in Germany permanently and an increasing number of children were born in Germany or arrived there at a very young age, and hence as linguistic difficulties and problems of adaptation became less severe, school education and occupational training also improved. Tremendous shortcomings remain, however. The percentage of foreign school children not going beyond primary education, and therefore obtaining no qualification,

remains particularly high7, and the proportion in occupational schools and secondary schools is minimal8. Among apprentices the percentage of young foreigners is less than their proportion of the corresponding age groups9. The persistence of a mediocre level of qualification among young foreigners is all the more serious, as over the long term the demand for labour will be directed increasingly towards qualified workers and the discrepancy between the qualifications demanded (and hence defining the social norm) and the lack of qualification of young foreigners may contribute to the emergence of a new form of social segregation. Indeed, some forms of marginalisation (delinquency, the formation of gangs, youth unemployment) appear to be connected with the emergence of a new generation of young foreigners even if the majority of these young people appear to be on the road to social assimilation.

The relatively low level of education and occupational training of young foreigners is another characteristic feature of the period of autonomous growth in migratory flows. It is undeniable that any improvement on this front would help reduce the rejection of foreigners by the German population.

The steady growth in the number of young foreigners owing to the high birth rate among the foreign population and, as a consequence, the continual decrease in the age of this population10, as well as the rising percentage of young foreigners in their age groups, constitute the third characteristic feature of this phase. It is true, however, that the birth rate among the foreign population, and especially among the Turks, tends to decrease the longer the period of residence11. There is a tendency for convergence with the behaviour of the German population. Nevertheless, birth rates are still significantly higher than that of the German population, so that the foreign population is continually increasing as a percentage of the German population and the average age of the foreign population is steadily declining.

This dynamic growth in the immigrant population (and especially in the Turkish population) creates a certain ambivalence in that it contrasts with the stable or even falling demographic curve of the German population. The growth in the immigrant population is seen as a threat insofar as the immigrant population maintains a degree of autonomy and has difficulties integrating, which leads to problems of co-existence. The fears caused by the rapid growth of the immigrant population tend to dissipate, however, if the population successfully integrates.

In the eighties, the fall in the birth rate of the German population rekindled the debate about population shortages. This regressive tendency went hand in hand with increasing life expectancy, which some people have branded as the "aging" of society or even the eventual "extinction of the German people". The financing of pensions and the regeneration of the working population with a view to continued economic growth have become permanent aspects of the debate in this context. The rapid growth of the immigrant population appears sufficient to compensate for the demographic deficiencies of the German population. The debate remains subject to controversy, however. The advocates of immigration include both economic decision-makers, who favour strong demographic growth to underpin economic growth, and the political parties that advocate an officially recognised immigration policy in which Germany is defined as an "immigration country" (Einwanderungsland). On the other side of the fence are those who express reservations about the ability of Germany, one of the most densely populated countries of Europe, to accommodate an ever

increasing immigrant population; who emphasise the environmental impact of strong population growth; and who, finally, question the realism of projecting past rates of growth into the future, in light of the considerations of the Club of Rome. German reunification introduced new elements into the debate, in that a large part of the working population in the new Länder lost their jobs. Moreover, birth rates in the Eastern part of the country have also declined since reunification. It is difficult to predict how these factors will evolve over the long term. Economic recovery in the Eastern part of Germany may, in several years' time, create a new requirement for labour that the local population may be unable to meet. On the other hand, it is clear that economic take-off in the new Länder will only happen if there is sweeping modernisation of industry, which will inevitably be accompanied by rationalisation and hence the destruction of jobs.

The official halt to the recruitment of foreign labour in 1973 was in response to two concerns against the background of the rise in unemployment:

-- to stabilise and, if possible, reduce the number of foreign workers, and in any event to prevent it from increasing;

-- to integrate socially the foreigners living in the country.

These objectives were partly compatible, but also partly contradictory, since integration implied de facto the arrival of families and hence demographic growth, which ran counter to the objective of limiting the number of foreigners. The authorities subsequently moved towards a series of measures aimed at reducing the number of immigrants or at least containing the rise. These measures were partly legitimised by the need to improve the foreigners' chances of social integration. The catalogue of measures, which were sometimes taken simultaneously and sometimes spread over time, included:

-- limitation of the right of foreigners to settle in many large cities during the seventies. This restriction applied both to the families arriving in the context of family reunions as to foreigners already residing in other regions of Germany, when the foreign population reached a certain percentage in relation to the German population12.

•- in the event of marriage, requirement for the husband or wife living in the country of origin to wait a certain time before being able to come to Germany under the family reunion scheme. The Länder applied different criteria; in Bavaria and Baden-Württemberg, for example, the waiting period was 3 years.

•- a waiting period before young people, who had arrived as a result of family reunion, could enter the labour market.

•- the need to have sufficiently large accommodation for the family before bringing them to Germany.

•- the restriction of family reunion to close relatives.

For a time it was also debated whether to set an age limit of 6 years for children eligible to come to Germany under the family reunion scheme in order to enable them to receive all their schooling in Germany, which was

considered a prerequisite for successful integration. This was intended to make parents face a choice: family reunion in the sense of integration into German society or return to their country of origin.

At the beginning of the eighties (1983-84) a vast repatriation aid programme was set up. It consisted of a series of financial measures, such as the early reimbursement of pension contributions, state repatriation aid, lump-sum compensation paid by employers and resettlement assistance for concrete projects in the workers' country of origin. The programme was aimed primarily at Turkish workers. It came at a time when the first adverse reactions to the continual inflow of immigrants and the first signs of hostility towards immigration were beginning to surface in public opinion, and was also designed to prove the ability of the Federal Government to bring about a significant reduction in the number of foreigners. Compared with repatriation aid programmes implemented by other European countries during the same period, the German programme was certainly one of the most effective, primarily on account of the substantial material assistance it offered. Around 300 000 Turks left the Federal Republic at that time. The number of Turks therefore fell between 1982 and 1985 (from 1 581 000 to 1 402 000), but it began to increase again in 1986.

It was for this reason that at the time Germany appeared to be the only country that had succeeded where others had failed, namely in sending a certain number of foreigners home. However, one may question whether in the overall view, the programme was quite the success it was claimed to be.

This decisive phase in what may appear to be a "German model" of immigration13 was marked by contradictory developments that were to give rise to social and political controversy.

The inflow of foreigners appeared on the one hand to be a permanent and irreversible phenomenon. From the perspective of long-term economic needs, immigration at a level above the immediate requirements of the labour market is accepted on the hypothesis that the surplus will eventually be absorbed by the growth in demand. Higher relative unemployment among the immigrant population and the social burden associated with the integration problems of families and young people are also accepted on the same premises. Indeed, even at a time of high unemployment economic forecasts continue to assume a growing demand for labour in the future and hence a continued need for foreign manpower14. Seen from the standpoint of these forecasts, the present problems and the tensions to which they give rise are only temporary. Calls for tolerance and understanding and the spread of ideas such as that of a "multi-cultural society", "cultural enrichment", and so forth (ideas that are propagated by numerous political and social groups) tend to maximise the social acceptance of immigration in the interests of economic needs.

In parallel, attempts are clearly being made to bring immigration under control, limit its scale or even reduce it. At the political level, these tendencies find expression in rejection of the notion that Germany is destined to be an immigration country, as advocated by an alliance of economic interests and political groups expressing an ideological and ethical point of view. Where restrictive measures conflict with objectives of integration (e.g. waiting periods for family reunions), they have often been overturned by the consistent rulings of the German courts (and the European Court of Justice),

which are leaning increasingly towards consolidating and improving the social status of immigrant workers15. There can be no doubt that Turkey's entry to the European Community, which would give millions of Turks freedom of movement throughout the Community, would make immigration even more uncontrollable. This was the main argument behind Germany's reserved attitude towards Turkey's application, lodged in 1987, to become a full member of the Community16. At the end of 1989 the Commission decided to postpone a decision in order to conduct further negotiations. Events since then, such as the end of the East-West conflict, the disintegration of the Soviet Union (as a result of which the former Soviet republics in Central Asia could pass into the Turkish sphere of influence and Turkey become a dominant regional power), the conflicts in the Balkans and the instability of the region, could cast a different light on Turkey's candidacy. The 1963 Association Agreement between Turkey and the Community, which already gives Turkish workers a more favourable status in the Community than immigrant workers from third countries17, could appear to be a first step on the path to freedom of movement and tends to limit the European governments' scope for controlling immigration.

The acceleration of migratory flows

As regards both its relative operational capacity and its inherent contradictions, the model described above appears as the specifically German immigration model. This applies in particular to the ability to maintain control over migratory flows despite the growing tendency for these flows to become autonomous and to the methods of control. One might think that in the long run such a model would have proved feasible, given the inevitable growing integration. The social costs and the particularities of integrated minorities would perhaps appear as the inevitable consequences of modernisation, and be accepted as such, although it would naturally be necessary to take account of the imponderable factors represented by the chances of integrating a population attached to its cultural and religious characteristics, the growing inability of the State to control migratory flows (for example, as a result of European integration or Turkey's possible accession to the Community) and finally the model's ability to withstand economic crises.

The model was completely overwhelmed, however, by the sudden flood of asylum seekers. The right to asylum, which had been conceived as one of the most liberal in the world in reaction to the country's experiences during the National Socialist era, proved to be the main obstacle to a coherent immigration policy. In conjunction with the Geneva Convention, it gives asylum seekers practically unrestricted access to one of the most liberal social security systems, at least for the duration of the asylum procedure (which can be extremely long owing to the constitutional guarantees enshrined in Articles 16 and 19 of the Basic Law), and, moreover, excludes any possibility of deportation.

Since all legal means of entering the labour market have been closed since 1973, applications for asylum have become the preferred method of entering Germany. This is true both of immigrants from traditional recruitment countries (Turkey) and of those arriving from the Third World (Iran, Afghanistan, Lebanon, Sri Lanka, Ghana, Zaire, etc.). At the same time, the political conflicts that flared up in many regions of the Third World during this period swelled the flow of genuine political refugees. The number of

asylum seekers increased sharply at the end of the seventies and exceeded 100 000 for the first time in 1980 (108 000). Half of the total came from Turkey18. A number of restrictive measures (visa requirements, restrictions on reception conditions, limitations on opportunities to work, impossibility of applying for asylum while in air transit, etc.) and changes in procedures aimed at reducing the time they took made it possible to reduce the number of applications temporarily towards the mid-eighties19. In the long run, however, all of these measures proved ineffective, and the number of applications again began to rise sharply at the end of the decade. The process of reform and liberalisation in Central Europe and in the Soviet Union generated a new flood of applicants from these countries (e.g. Poland). The end of the East-West conflict, the opening-up of frontiers and German reunification made 1989 a dramatic watershed. Since then, the number of applications for asylum has increased in previously unimaginable proportions. The growing use of the right of asylum as an "entrance ticket" is evident in the correlation between the rise in the number of applications for asylum and the steady fall in the number of applications accepted (16.2 per cent in 1986, 9.9 per cent in 1987, 6.9 per cent in 1991 and 4.3 per cent in 1992). This situation was bound to influence public opinion, which did not question the right to asylum, which it continues to uphold fully, but vehemently denounced abuses. It is undoubtedly the proliferation of such abuses that sparked and continues to fuel the phenomena of rejection.

The situation has been changed radically by the end of the East-West conflict and German reunification, to the extent that the Eastern border has been reopened after a break of forty years. With the disappearance of what had come to be called the "iron curtain" and the return to a semblance of normality in exchanges between Western and Eastern Europe, Germany's geographic position made it the first "stopping place" for a growing flow of immigrants from Central and Eastern Europe. Whereas until then the migratory flow had been concentrated mainly on a South-North axis, there was now an East-West axis as well; it is interesting to note that this new axis is tending to some extent to "absorb" part of the South-North axis, in that part of the immigration from the South is tending to make a "detour" via the East owing to the permeability of the East German frontier. The migratory flow has changed in nature as well as in direction. Whereas hitherto job-seekers and family members joining workers in Germany had made up the bulk of the flow, the main factors are now economic upheaval and political instability, as well as the attraction of the social assistance Germany guarantees under the asylum application procedure. This is contributing not only to a rise in clandestine immigration but also to rejection on the part of the German population owing to the growing perception of insecurity and delinquency.

The number of asylum seekers has risen steeply since 1989: 193 000 in 1990, 256 000 in 1991 and 438 000 in 1992. The largest numbers came from the former Yugoslavia (75 000 in 1991, 123 000 in 1992), Romania (41 000 and 104 000), Turkey (24 000 and 32 000) and Bulgaria (12 000 and 28 000). Around two-thirds of all applicants came from Eastern Europe. It is estimated that in 1992 asylum seekers, those already recognised as political refugees and those not recognised but not deported came to a total of 1.1 million persons living in Germany. The financial burden on the State (including local authorities) has been put at DM 7 billion20. The total number of foreigners in Germany stood at 6.2 million in 1992.

The arrival of certain ethnic groups has created special problems. The arrival of a massive number of gypsies from Romania (and a smaller number from Yugoslavia and Bulgaria) from 1989 onwards has exacerbated tensions with the local population, which has sometimes been confronted with anti-social behaviour, and generated violent and xenophobic reactions. Moreover, this was the problem on which the debate was to focus, as the advocates of a generous immigration policy pointed to the Nazi policy with regard to gypsies and drew the conclusion that Germany had special responsibility towards this group. Although the problem is being solved by the German-Romanian repatriation agreement of 1 November 1992, it certainly acted as a catalyst of an attitude of rejection that degenerated into violence and later engulfed other groups as well.

Germany, which took in around 300 000 persons from the former Yugoslavia (80 per cent of the total number of refugees from this area), pleaded in vain for a "European solution" aimed at achieving a fairer distribution among the European countries21.

Another consequence of the collapse of communist regimes should also be noted, namely the arrival in Germany of ethnic Germans (Aussiedler) from Eastern European countries (377 000 in 1989, 397 000 in 1990). They belong to German minorities that have been spread across numerous Central and Eastern European countries, sometimes for centuries. This "homecoming" has in fact been going on since the end of the Second World War (the border changes after 1945 gave rise to new German minorities in Central Europe); during the fifties a substantial number left Poland, which had been granted the former German territory East of the Oder-Neisse, but the flows rapidly dried up under the influence of the East-West conflict. The reform policy of Mr. Gorbatchev allowed them to resume in the mid-eighties (39 000 persons in 1985, 43 000 in 1986) and then to grow rapidly to 86 000 in 1987 and 203 000 in 1988. Here too, 1989 was a watershed in qualitative and quantitative terms. A massive inflow from Poland (246 000 in 1989) and Romania subsequently abated, but the arrivals from the Soviet Union -- then the CIS -- steadily expanded (98 000 in 1989, 148 000 in 1990, 147 000 in 1991 and 196 000 in 1992). The Federal authorities were obliged to refine the entry procedures (by introducing a requirement for a prior candidacy formality in 1990) in view of the sheer number of returning ethnic Germans; this, combined with the normalisation of the political situation in some Central European countries and signs of economic recovery, (in Poland, for example), has led to some slowdown in the flow, except from the former Soviet Union, where the problem of the Germans of the Volga continues to simmer. In all, 222 000 persons arrived from the former Eastern European countries in 1991 and 231 000 in 1992.

Of German stock, these migrants have immediate access to German nationality (Article 116 of the Constitution) and entitlement to substantial resettlement assistance; they integrate much more easily into German society, as to some extent they have maintained their German cultural heritage (language, religion, etc.). It is important to emphasise that immigrants and ethnic Germans are not comparable in any way, as a lively campaign has been waged, especially as regards the acquisition of nationality22, contrasting the status of immigrants with that of ethnic Germans and denouncing the policy that gave the latter priority over second and third-generation immigrants born in Germany. The problem of the ethnic Germans is one of the consequences of the

Second World War, which (like the "German question", the Eastern border) were put on ice for forty years during the East-West conflict; it is the final act in the refugee problem that arose after 1945 with the redrawing of frontiers and the loss of the territories in the East. It is undeniable that Germany has a special responsibility towards German minorities who were often oppressed under the Stalinist regime, sometimes deported, and whose prospects in countries whose nationality they were often forced to adopt will be heavily dependent on political stability in these countries as well as on the definition of the status of national minorities in Europe within the framework of the CSCE, for example. (The bilateral agreements with Poland regarding German minorities are a step in this direction).

Since the watershed year of 1989, the (West) German population has grown by one million persons a year on account of all these factors (family reunions, ethnic Germans, natural growth of the immigrant population, refugees from the former Yugoslavia, asylum seekers), not including East Germans seeking a new life in the West. No other European country has faced a comparable situation. The question of the right of asylum has become the main element in this problem.

The continual rise in the number of applications for asylum is necessitating the creation of ever more extensive administrative machinery owing to the constitutional guarantees associated with the right of asylum, and the legal safeguards are placing an increasing workload on the courts owing to the cases generated by administrative decisions. The question of the right of asylum -- or rather, of the abuses to which it is open -- has therefore become one of the burning issues on the German political scene. In an economic situation exacerbated by the need to resurrect the East German economy, the social costs associated with the system of aid underlying the constitutional guarantees are tending to heighten tensions among a public that is increasingly sensitive to such abuses. The emergence of the problems associated with the right to asylum as a political issue has concentrated minds on the possibility of revising the Constitution. In view of the antagonism this has caused, the intensity of the debate, the passions that have been aroused and the irreconcilable positions that have been adopted, there is a danger that the controversy will greatly reduce the capacity for political action, as with the nuclear missiles issue in 1981. If an inability to overcome these differences were to paralyse the political establishment for more than a short period, it is to be feared that antagonism would begin to emerge in violent confrontation rather than finding political expression.

With the political turning-point of 1989, which led to a sudden swelling of the migratory flows, Germany found itself out of step with the rest of Europe, whereas previously there had been increasing convergence. The sudden influx created problems enough in the Western part of the country, which was more used to co-existing with an immigrant population, but it was a completely new situation for the Eastern Länder, which after reunification witnessed massive immigration, some of it illegal, owing to the quotas for asylum seekers and the opening of the Eastern border23. The phenomena of rejection and even the explosions of violence cannot be dissociated from this situation, in which a sudden wave of largely uncontrolled immigration came on top of the daily problems of a desperate situation characterised by economic and social collapse.

The emergence of extremist cells invoking more or less fascist ideology is not a specifically German phenomenon; it is part of a current of rejection that is tending to appear in all European countries. The inability to control migratory flows, the political shortcomings underlying the antagonism expressed, the impatience of a population in which tensions are in danger of worsening are nevertheless factors which in all European countries may favour this "rise of the extremes", the vector of which is the paralysis of the democratic parties and their inability to reach and implement a compromise. It is this failure at political level that contains the real danger for democracy. Without the shadow of a doubt, the problem of migration is set to become the main challenge facing liberal democracies in the near future. It may well prove more destabilising than all the social conflicts we have experienced hitherto. If the conflict appears more violent in Germany than in the other European countries at present, this is not so much because of the resurgence of a spectre from the past as because tensions in Germany are more acute owing to the scale of the migratory problem since 1989. In this sense, it is possible that the situation in Germany is no more than the harbinger of a future that is in danger of becoming common to all the European countries. In this sense, too, it appears that the challenge must be tackled on a European scale.

Conclusion

In this critical situation, the priority for German immigration policy must be to reduce the number of immigrants significantly and to regain the control that was lost as a result of the massive influx of asylum seekers. In particular, the State must not continue to give the impression that it must resign itself to excessive and uncontrolled immigration, the social cost of which would have to be borne by the population, or rather certain sections of the population. This situation very rapidly causes the political class to lose credibility and is in danger of undermining the stability of the political system. Effective control of the borders (especially with Poland and the Czech Republic) to curb illegal immigration appears inescapable, even if the supporters of a generous, non-restrictive asylum policy condemn the "building of a 'new wall'" or the advent of "fortress Europe"24. The conclusion of intergovernmental agreements on the repatriation of asylum seekers whose applications are not approved, along the lines of the agreement with Romania that came into force on 1 November 1992, appears equally inevitable.

The compromise on reform of the right to asylum reached between the main political groups after years of fruitless controversy opens up some prospect of bringing the crisis under control. The compromise foresees the amendment of Article 16 of the Basic Law guaranteeing the right to asylum in order to allow the authorities to turn away asylum seekers arriving from third countries that are considered safe, in other words countries which it is believed assess applications for asylum according to the same criteria as the Federal Republic. As Poland and the Czech Republic are among these countries, they would probably have to bear a large part of the burden associated with the migratory flows heading towards Germany, and it seems almost inevitable that intergovernmental agreements will be concluded to share the cost by means of specific German assistance. However, there is still no guarantee that this compromise will be realised, or that implementation would lead to a significant reduction in migration. Contrary to what some commentators believe25, a minimal reduction

in the flows would certainly not restore consensus in public opinion and defuse the internal political crisis.

Not until this crisis has been overcome will it be possible to reflect on a future strategy for immigration. It is already clear that whatever the immigration policy defined it will not only have to fit the economic, demographic and social parameters but also take greater account of the psychological and cultural imperatives (of the German population as well as those of the foreign population) and of the need for some consensus that this was not the case in the past. It is not at all certain that migratory flows on a scale calculated solely in terms of the labour market's ability to absorb the immigrants and on demographic imperatives would be accepted by the public if they led to an increase in social security charges, exacerbated social problems (youth unemployment, delinquency) and altered the social environment (identity problems). In view of the experiences of 1991 and 1992, it appears that social compatibility and the maintenance of political stability must have higher priority, at least for a time, than the desire of the business community, however legitimate it may be, to ease tension in the labour market by ensuring that there is sufficient, or even excess labour available.

It is difficult to predict at this stage what will come of the notion of legal immigration on the basis of national quotas proposed in certain quarters, and further developments must be awaited. However, it is already clear that such legislation would lead to conflicts of interest between the different groups with quotas, and to the appearance of competing "lobbies" in favour of new immigration either from traditional recruitment countries or from Eastern Europe. It is fairly clear that in the long run Germany cannot avoid accepting a certain number of immigrants -- especially skilled labour -- from Eastern Europe. Moreover, to a certain extent such immigration may foster economic co-operation with the Eastern European countries.

Even if the "new mass invasions" ("neue Völkerwanderung") predicted since 1989 have not yet happened, the migratory potential generated by the economic difficulties of the Eastern European countries is likely to remain considerable26. For economic and social as well as geographic reasons, it is Germany that is the pole of attraction for such migratory flows. The intergovernmental agreements on seasonal work, work in the border regions and employment contracts with Hungary, Poland, Czechoslovakia and the CIS, which provide for a quota of around 78 000 persons a year, undoubtedly help to control migration from the East, but they would still be inadequate if the flows increased. The employment contracts at present appear to be the way in which illegal work is developing on a grand scale27. As moonlighting is considered particularly unacceptable in Germany and causes reactions of rejection among the public, it could prove useful, for example, to replace the employment contracts with various forms of long-term seasonal work.

The "campaign against the causes and origins of migratory movements" occupies a central place in the consideration of ways to overcome the political crisis caused by uncontrolled immigration. There can be no doubt that this is a priority of German immigration policy. It seems rather absurd that Germany spends almost as much on housing asylum seekers and setting up the procedures for handling applications for asylum as it does on aid to developing countries28. Moreover, past experience shows that projects carried out as part of development aid and modernisation programmes tend to eliminate

many redundant jobs and thus contribute to migration. Programmes to help migrants return home and resettle have not contributed more to reducing migratory flows. The benefits of specific resettlement programmes for asylum seekers whose applications have been refused (such as those for gypsy families from Macedonia) seem equally hypothetical. Even where Germany is prepared to invest substantial sums to assist projects of regional importance and to contribute to political solutions to improve local living conditions, such as for Germans in Eastern European countries (especially in the former USSR) and thus to persuade them not to move to Germany, the chances of success appear to be very limited.

The campaign against the causes and origins of migratory movements differs, depending on whether one is dealing with the East-West axis or the South-North axis.

East-West

The chances of reducing migratory flows are closely linked with the success of a strategy of political stabilisation and economic development. There can be no doubt that latent or overt political or ethnic conflicts between the new States that have emerged from the Soviet Union may be a constant source of migratory flows to Western Europe, and especially Germany. Political stability and economic consolidation as components of a strategy for the prevention and peaceful solution of conflicts in Eastern Europe therefore appear to be fundamental interests that are sometimes perceived much more acutely in Germany than in the other Western countries, which up to now have been much less affected by these migratory flows. Moreover, it is hardly conceivable that if these flows intensified Germany would bear the brunt of the burden, as in the case of the Yugoslav conflict, without its other European partners contributing. Bilateral relations between Germany and the countries of Central and Eastern Europe have undeniably taken on an entirely new significance since the ending of the division of Europe and German reunification, and Germany has given these countries considerable assistance in the context of co-operation. Nevertheless, it is equally clear that the scale of aid required exceeds Germany’s long-term capacity. The economic and, hence, political consolidation of Eastern Europe is ultimately conceivable only in a multilateral context with the participation of Western partners, including the United States and Japan. The establishment of minority rights -- in the context of CSCE, for example -- is an essential ingredient of stabilisation capable of preventing fresh migratory flows. Until now, Germany’s Western partners have been lukewarm in their commitment to provide economic assistance to Eastern Europe. Germany’s role in the future will therefore probably be to promote more intensive aid and co-operation within a multilateral framework29.

South-North

The new pattern of the East-West problem has to some extent pushed the South-North dimension into the background, although here too the campaign against the causes of migratory movements is becoming urgent. Here, there is an overlap between the problems associated with the difference in the level of development between the North and the South and the political conflicts typical of the Third World. It should be stressed that Germany has no possibility of

preventing conflicts and hence of reducing migratory flows on a bilateral basis with any of the countries from which asylum seekers come. In contrast to the situation in Eastern Europe, the Federal Republic cannot act as a promoter and initiator of political solutions in the South-North dimension.

On the other hand, in the context of multilateral agencies and international organisations, it can contribute to the definition of strategies in the dual campaign against underdevelopment (the population explosion and the destruction of the environment) and political instability, the interaction between which appears to be one of the underlying reasons for the increase in migration.

Turkey is a special case in this context, not only because Turkey is one of the most important countries of origin of South-North migration as far as Germany is concerned. Relations between Germany and Turkey have traditionally been good, although they have been affected recently by the repercussions of potential conflicts, one of the causes of which is linked to the problem of the migration of Turks of Kurdish origin.

This situation creates conditions that encourage politically-motivated migration, onto which are grafted flows of economic migrants (asylum seekers) wanting to gain access to the German labour market.

In general, although a "European" solution is often advocated as the way of resolving the political crisis caused by massive immigration, it is to be feared that such a solution -- in other words, the harmonisation of asylum and immigration policies within the Community -- would be insufficient to ease the burden on Germany as long as the bulk of the migratory flows continued to head mainly towards Germany. It seems that an equitable solution in the European context will have no real chance of success until Germany's partners acknowledge the need for burden sharing, either under the pressure of a surge of East-West migration reaching the other Western countries as well or as a result of massive migration from the South, such as North Africa.

In any case, it seems that any strategy to curb migratory flows will stand no chance at the European level either unless it tackles first and foremost the fundamental and intrinsic causes of these flows. A strategy that simply erected a "fortress Europe" and ignored the profound causes of migratory movements would be condemned to eventual failure. Poverty, underdevelopment, the destruction of natural resources and the environment, natural disasters and the increasing desertification of central Africa are undoubtedly foremost among these causes. Migratory flows are bound to increase if the gap between the industrialised countries and the Third World continues to widen. The catalogue of measures that could greatly reduce, if not halt such flows includes not only a critical redefinition of development aid -- (which is too often centred on ill-conceived large projects that are badly suited to the local economy, destroy traditional structures, serve the interests of the industrialised countries rather than those of the developing countries and often founder at tremendous cost) -- but also access for the developing countries to the markets of industrial countries. Furthermore, it consists of the removal of European protectionism that discriminates against manufactured products from the Third World; the raising of the world market prices of raw materials from Third World countries; and, last but not least, global protection of the environment that includes the responsibility of the industrialised countries.

NOTES

1. The most serious strikes by foreign workers occurred in the car industry in 1973.

2. The number of foreign workers was 2 595 000 in 1973, 1 864 000 in 1978, 2 013 000 in 1980, 1 536 000 in 1985 (the lowest level) and 1 967 000 in March 1992 (West Germany).

   The figures quoted in this report are taken from Statistisches Bundesamt: Statistisches Jahrbuch für die Bundesrepublik Deutschland, Verlag Metzler-Poeschel, Stuttgart, and Beauftragte der Bundesregierung für die Belange der Ausländer: Daten und Fakten zur Ausländersituation, 13th edition, Bonn 1992, and data published regularly by the Federal Institution for Labour (Bundesanstalt für Arbeit).

3. 4 127 000 in 1974, 3 948 000 in 1976 (the lowest level) and 4 453 000 in 1980.

   Between 1980 and 1988 the figure stabilised at around 4.5 million and began to rise again thereafter, to stand at 6.2 million in 1992.

4. The number of Spaniards fell from 286 000 in 1973 to 189 000 in 1978 (135 000 in 1991), while the number of Greeks fell from 399 000 to 279 000 in 1986 (the lowest level), and rose to 334 000 in 1991.

5. 567 000 in 1991, plus some 35 000 self-employed.

6. The rates for the immigrant and total working populations respectively in subsequent years were 14.2 per cent and 9.4 per cent in 1985, 15.1 per cent and 9.2 per cent in 1988, 11.7 per cent and 8.0 per cent in December 1989, and 10.7 per cent and 6 per cent in 1991.

7. In 1990 11.3 per cent of all pupils in schools of general education, which is slightly less than would be expected on the basis of their percentage of the corresponding age groups, but 18.5 per cent in primary education, 14.1 per cent in integrated schools (Gesamtschule) and 17.7 per cent in special schools (Sonderschule).

8. 5 per cent in secondary schools.

9. 6.7 per cent in 1990.

10. In 1992 there were 1.5 million young foreigners of less than 18 years of age in Germany, two-thirds of them born in the country. Since the mid-seventies births have totalled between 60 000 and 100 000 a year, with a maximum of 108 000 in 1974 and a minimum of 54 000 in 1985. The figure for 1990 was 86 000.

11. In 1992 half of the resident foreigners had lived in Germany for more than 15 years.

12. The proportion was generally 12 per cent, in some cases 6 per cent. At present the proportion of foreigners in the major urban centres is much higher: 25 per cent in Frankfurt am Main, 18.3 per cent in Stuttgart and 18.5 per cent in Munich. These are official figures.

13. The German terms "Einwanderung" and "Zuwanderung", for which there is only the one English term "immigration", have slightly different meanings. The term "immigration" will be used here, although it should be noted that the term "Zuwanderung" in the original has less permanent connotations.

14. At the beginning of the nineties it was said that 300 000 immigrants a year would be needed to make up for the demographic shortfall (the difference between death rate and birth rate). This figure enjoyed wide acceptance. Some politicians went so far as to predict that in the near future there would be 10 million foreigners living in Germany.

15. For example, the judgment delivered by the European Court of Justice on 16 December 1992 that, under the Association Agreement of 1963 between Turkey and the European Community, a Turkish worker has the right to renewal of his work permit and residence permit after one year of regular work in Germany.

16. Some political groups have nevertheless spoken in favour of Turkey's entry to the Community and for the concept of a "multi-cultural society" and an increase in immigration.

17. See note 15.

18. Even if many Turkish asylum seekers undeniably have political motives, the vast majority of them come to Germany for economic reasons. Even after this date, Turkey remained one of the main countries of origin of asylum seekers, around 20 000 a year.

19. 49 000 in 1981, 37 000 in 1982, 20 000 in 1983 and 35 000 in 1984.

20. Including health care, education, recourse to the administrative and judicial machinery, etc., the cost is put at DM 35 billion a year.

21. A small contingent of several thousand Jews from the former Soviet Union had been admitted by the de Maizière government in the GDR before reunification.

22. See: Allemagne, la gauche réaliste, in: Le Monde, 18 November 1992: "... Germany must now ask itself whether an ethnic conception of nationality is well founded ..."

23. The number of foreign workers in the GDR, mainly Vietnamese and Africans, was comparatively small.

The total number of foreigners in Eastern Germany was 119000 on 31 March 1992.

24. Among others, H. Däubler-Gmelin among the Social Democrats (SPD) and B. Hirsch among the Liberals (FDP). See Süddeutsche Zeitung, 5 June 1992 and 7 January 1993.

25. The Chairman of the Social Democratic group in the Bundestag, H.-Ulrich Klose, estimates that even after the implementation of the compromise on asylum the number of asylum seekers would remain between 250 000 and 300 000 a year. See the interview with him in: Der Spiegel, 28 December 1992. At the end of 1992 the quota for returning ethnic Germans was set at 220 000 a year.

26. According to the Ministry of Foreign Affairs, 500 000 persons a year will try to reach Western Europe during the nineties. See: Der Spiegel, 14 December 1992.

27. The results of an investigation by the Federal Institution for Labour (Bundesanstalt für Arbeit) at the end of 1992; see Frankfurter Allgemeine Zeitung, 16 December 1992.

28. The Federal development aid budget was DM 7.96 billion (0.35% of GNP) in 1991.

29. This priority, which has perhaps been less highly stated in the last few months, was recently recalled by Hans-Dieter Genscher, the former Minister of Foreign Affairs. See the interview with him in: Bild am Sonntag, 10 January 1993.

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