

## **Germany: A Changing Country of Immigration**

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*Despite being one of Europe's most significant destinations for migration, Germany has long wrestled with the notion that it may or may not be a 'country of immigration'. Approaching this question from a positive rather than a normative perspective, this article explores how Germany is changing in this respect, by examining changes over the past two decades in terms of migration flows, the policy framework and the degree of societal and institutional adaptation to migration. It argues that Germany has become much more diverse and also notes the major policy developments that have taken place after the change of government in 1998. While the dominant theme of migration policy has moved on from prevention to integration, Germany's impending demographic transformation poses a major new challenge, which will require governments to look once again to more active recruitment of labour migration.*

### **Introduction: Germany as a 'Country of Immigration'**

One of the most significant meta-trends of post-1945 Europe has been the way in which immigration has progressively changed nation-states across the continent.<sup>1</sup> Northwestern European countries such as the UK, Netherlands, Belgium and France were among the first to

experience this in the 1950s and 1960s, followed by Mediterranean countries such as Spain and Italy after 1990; more recently, the accession of ten central and east European countries to the European Union (EU) in 2004/7 has in turn led to countries such as Poland, Hungary and Slovakia experiencing much greater levels of immigration. This gradual transformation over time is all the more significant for the fact that most countries in Europe have histories as countries of emigration, not immigration.

Yet of all the countries of immigration in Europe, it is in Germany that the transformation has been most striking. From a country which was a principal source of emigration to the United States during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries,<sup>2</sup> Germany has since 1945 experienced immigration on a large scale, over time and of considerable diversity. In the immediate aftermath of the Second World War, some 12 million refugees arrived from Germany's former eastern territories. After 1950, over 4 million ethnic Germans, primarily from Poland, Romania and the countries of the former Soviet Union immigrated to (West) Germany. From 1955 onwards, non-ethnic German migration began with, first, the recruitment of labour migrants (guestworkers - *Gastarbeiter*) until 1973, when this was suspended by the SPD-FDP government under Willy Brandt (the so-called *Anwerbestopp*).<sup>3</sup> After 1973, a large rump of these (formerly temporary, now increasingly permanent) migrants remained in the country, which in turn prompted new influxes in the form of dependant migration. After 1979, asylum too emerged as a new and significant source of immigration, with almost 2.6 million applications lodged in Germany in the following twenty years.

All told, Germany after 1945 has become one of the most significant destinations for immigration in the developed world. Yet over decades and infamously, (West) Germany conducted a long and anguished debate over whether it could or should be considered a

‘country of immigration’. Indeed, until the late 1990s, the notion that it was not (*Deutschland ist kein Einwanderungsland*) underpinned official government policy of preventing new permanent immigration. It only fell out of use after 1998, when the CDU/CSU-FDP federal government under Helmut Kohl gave way to an SPD-Green coalition under Gerhard Schröder, which then proceeded to prioritise integration alongside prevention as a policy goal. Unsurprisingly, therefore, the notion of Germany as a country of immigration has featured prominently in the academic literature in this area.<sup>4</sup>

Back in the 1970s and 1980s, and when taken on its own terms, this policy even made a certain amount of sense. For the CDU/CSU, the rejection (as opposed to denial) of Germany as an immigration country was based on the (factually correct) assertion that immigrants were not being actively sought in order to increase the country’s population in the way that, for instance, was the case in the United States or Australia during the first half of the twentieth century. Even when large-scale labour immigration did take place, especially during the 1960s, it was never considered anything more than a temporary, stop-gap solution to labour shortages - as indeed the term ‘guestworkers’ implied. Furthermore, as Christian Joppke and Rogers Brubaker rightly note, the notion that (West) Germany was not a ‘country of immigration’ has to be understood as a normative goal, reflecting the fact that immigration played no part in the process of building the German nation-state. This notion moreover has to be seen in the context that no western European country at that time would have claimed otherwise.<sup>5</sup>

All the same, the political debate over whether or not this moniker was accurate bore little resemblance to the reality of migration in (West) Germany.<sup>6</sup> As Figure 1 shows, by the time of unification in 1990, West Germany had around 4.5 million non-national residents (i.e.

excluding ethnic Germans), principally from Turkey, former Yugoslavia and Italy, representing over 7.5 per cent of the total population. In major cities such as Frankfurt, Munich, Stuttgart and Cologne, non-nationals accounted for upwards of 20 per cent of the population.

- Figure 1 about here -

Figure 1 also shows that unification in 1990 led to a further sharp increase in the number of non-nationals.<sup>7</sup> By 2010, their number stood at 6.7 million, including 1.6 million Turkish citizens.<sup>8</sup> Germany therefore has the largest foreign population in absolute terms in Europe, and one of the highest in relative terms too. It is also increasingly diverse: whereas, during the 1980s, the non-national population was dominated by the eight countries with which Germany had signed recruitment treaties in the 1950s and 1960s, there were 30 nationalities with more than 50,000 citizens residing in Germany in 2010. Perhaps more importantly, with over 4.3 million resident Third Country Nationals (TCNs) in 2010, accounting for around one-fifth of the total number resident in the EU, Germany also has by far the highest number of nationals who are most affected by immigration regulations in the EU. In short, and from a positive as opposed to normative perspective, there can be little residual doubt that contemporary Germany is, in fact, a country of immigration.

Even so, the idea that Germany now may be considered a 'country of immigration' cannot be a static one, as both the sources and level of immigration to Germany, as well as the political and social responses to it, are subject to constant change. What is more, new endogenous pressures have emerged over time. In recent years, large-scale and persistent skills shortages have become apparent in the German economy.<sup>9</sup> In parallel, and in common with many other

western European countries, Germany's Total Fertility Rate (TFR) of around 1.4 has been far below the necessary replacement level of 2.2 for around four decades now. When combined with steady increases in life expectancy to currently around 80 at birth, Germany is facing a major change in the demographic composition of its population. Indeed, in 2009, the Federal Statistical Office projected Germany's population to fall rapidly after 2020 to about 65 million by 2060, a third of which will moreover be aged 65 or more.<sup>10</sup> This reality profoundly alters the context within which Germany formulates its approach to immigration: whereas prevention could be the dominant maxim before 1998 and integration thereafter, the need to shift towards the active recruitment of especially high-skilled migration has become clear and pressing, as acknowledged by the Federal Government in its recent 2012 demographic strategy.<sup>11</sup>

The change in perspective brought about by demographic transformation provides a useful opportunity to take stock of Germany's situation as a country of immigration. In order to do so, the article adopts a birds-eye perspective of migration and migration policy over the past two decades. What trends can be identified in migration over this time? How has Germany's policy framework, whose paucity had been the subject of extensive criticism during the 1980s and 1990s, fared? And how well has Germany institutionally and culturally adapted towards migration? The central argument of this article is that, over this period, a much more complex, multi-dimensional and differentiated picture of migration has emerged in Germany, which broadly speaking reflects its growing maturity as a country of immigration. As part of this, the article shows that there has been a process of 'catch-up' in terms its policy framework, as a result of which Germany is now broadly in line with other European countries. But this picture of the changing nature of migration in Germany will also provide indications as to whether Germany is prepared for the challenges that lie ahead in this area.

## **Migration Flows to Germany**

The starting point of the empirical discussion, then, is to examine the level and composition of recent migration flows to Germany. These are illustrated for Germans and non-Germans between 1991 and 2010 in Figure 2.

- Figure 2 about here -

Figure 2 shows clearly the impact of the end of the Cold War on migration flows, which reached unprecedented levels, both by ethnic Germans and by asylum seekers, during the early 1990s. Since the turn of the Millennium, though, a number of other interesting trends can be picked out. First, the absolute level of immigration, despite dropping noticeably from its peak in 1992, when over 438,000 asylum applications were lodged in Germany, has remained high. Over this twenty-year period, the average level of immigration stands at 900,000 persons per annum, of which almost 80 per cent are non-Germans.<sup>12</sup>

But Figure 2 also shows that emigration has also been consistently high, averaging 686,000 persons annually over this period. In recent years, the gap between immigration and emigration has narrowed to produce a clear downward trend in net migration to Germany: between 2004 and 2007, this fell below +100,000 persons per annum and in 2008 and 2009, there was even net emigration. This trend appears to be closely linked to the indifferent state of the German economy for most of the 2000s, including relatively high levels of unemployment. By the same token, the increase in net migration to +128,000 in 2010 reflects the recent economic boom the country has enjoyed, combined with the relative weakness of

other EU economies.<sup>13</sup> In the long term, though, this trend of low net immigration has significant implications for Germany's population development. For the 2009 projection that Germany's population will fall to about 65 million in 2060 depends on an average net migration of +100,000 persons to Germany over this period.<sup>14</sup> Yet from 2004-10, average net migration has been just +41,000 persons, which means that if the recent upturn cannot be sustained over time, then Germany's population decline will actually be amplified.

Third, migration trends within individual citizenships have become more diverse. Thus, whereas the vast majority of foreign citizenships displayed net immigration up until the mid-1990s, the picture has become more nuanced since then. This is illustrated in Figure 3 for Turkish, Polish and also German citizens, three nationalities with high overall volumes of migration. For Polish nationals, the net migration pattern has remained positive throughout these 20 years (although in some years only just). This reflects the general migration pattern to Germany from the new eastern European member-states of the EU.

- Figure 3 about here -

By contrast, the substantial level of net immigration by German citizens in the early 1990s has been replaced by net *emigration* for this group after 2005, a trend which follows that of citizens of the 'old' EU-14 countries, who also experienced net emigration between 2002 and 2009.<sup>15</sup> In part, this can be put down to the sharp reduction in immigration by ethnic Germans and their dependants, who are formally German citizens: this fell from over 200,000 p.a. in the early 1990s to under 5,000 p.a. since 2008. In fact, once ethnic Germans are filtered out of these figures, the net emigration of German nationals stretches back to 1993.<sup>16</sup> Here too, the relatively weak performance of the German economy over this period is likely to be a factor.

Interestingly, Figure 3 also reveals that a similar pattern of net emigration is emerging for Turkish citizens. Crucially, among both German and Turkish nationals, those leaving the country are often the highly-skilled who are seeking new opportunities abroad, thereby further exacerbating Germany's skills shortages.<sup>17</sup>

Overall and over the course of several decades, Germany has received a very large number of immigrants from a wide range of countries and for a wide range of reasons. These immigrants (where they are non-Germans) now have very long periods of residence in country. By 2010, the average residence period had risen to 18.9 years, a figure which has more than doubled since 1980. 39 per cent of all non-nationals in Germany in 2010 had at least 20 years' residence, a figure which rose to 58 per cent and 68.6 per cent respectively for the two largest foreign nationalities, Turkey and Italy.<sup>18</sup>

Germany's non-national population is therefore large, well-settled and diverse. That said, the picture has become more complex and nuanced in recent years: the level of immigration has gradually been balanced by increasing emigration, which moreover affects certain nationalities, including Germans, more than others. While the resulting relatively low levels of net immigration will have a significant bearing upon the accuracy of population projections, it is arguably not appropriate to discard the label 'country of immigration', as Volker Ronge suggested just over a decade ago.<sup>19</sup> Rather, the increasing diversity of migration to and from Germany and by different nationalities may rather be viewed as an indication of the extent to which Germany has matured as an immigration country.

### **The Development of Germany's Policy Framework**

After migration flows, the second dimension of change to be considered here is the legal and policy framework to govern immigration and integration. This discussion is particularly germane to the notion of Germany as a changing ‘country of immigration’, as for decades, it was notorious for regulating such a central area of public policy through only a patchwork catalogue of individual laws and regulations, which were moreover managed separately by different ministries.

However, since 2000, the rate of change in policy has been noticeably higher, to the extent that Germany has to a large extent ‘caught up’, both with other European countries and with itself. This can be illustrated by assessing changes in four key areas: labour migration, humanitarian migration, residence / integration and, lastly, citizenship. Post-unification changes in policy towards ethnic German immigration will also be considered briefly.

First, as noted above, the dominant theme in labour migration since the *Anwerbestopp* of 1973 has been prevention, reflecting the situation of the post-oil shock economic slowdown across Europe. As a result, an immigration law was considered superfluous, as CDU Interior Minister Manfred Kanther argued as late as 1995.<sup>20</sup> Nor was this position unique to the CDU/CSU: in 1998, the response of the new SPD Interior Minister Otto Schily to the Greens’ argument for such legislation was that ‘there is no need for an immigration law because, if we had one, the quotas would be zero’.<sup>21</sup> In fact, there was to be no legal avenue for new non-European Economic Area (EEA) labour migration to Germany until 2000.<sup>22</sup> By then, the structure and needs of the German economy had changed considerably, as skills and demographic shortages started to bite. The introduction of the so-called ‘Green Card’ programme that year, which granted temporary immigration rights to a limited number of

high-skilled migrants in the IT sector marked a first tentative shift away from this position. However, the fact that only two-thirds of the available permits were awarded severely limited the impact of the scheme.<sup>23</sup> This ambivalence towards the risks and opportunities afforded by new labour migration was reflected in Germany's decision to insist on the full seven-year transition period for the opening up of its labour market to the new EU member-states in 2004. In particular, this decision was a concession to the unions by Chancellor Schröder, whose government was reeling from the controversy unleashed by the Agenda 2010 programme and associated Hartz IV welfare reforms.<sup>24</sup>

It was only with the 2005 Immigration Law that the general possibility of new (and high-skilled) migration from outside the EEA was introduced, albeit under strict conditions, including a very high minimum salary; what is more, the government declined to consider a general points-based migration system of the kind employed by Australia or Canada. Subsequently, in 2009, the pre-requisites for this route (for instance in terms of starting salary) were eased, but the take-up of such opportunities remains indifferent. For instance, over the five-year period between 2006 and 2010, the average annual number of permits issued to ICT specialists, graduates and highly-skilled workers was just 2,995, 2,505 and 155 respectively. In short, Germany has a poor record of attracting skilled migrants and it remains to be seen whether the introduction of EU-wide permits for labour migrants (the so-called 'Blue Card') in 2009 can improve on what is a modest level. If not, it seems unlikely that significant long-term inroads can be made into either Germany's demographic or skills shortages.

Although the management of migration for humanitarian purposes, to comprise asylum and dependant migration, has fallen under different areas of legislation, the dominant theme here

too has been prevention.<sup>25</sup> For twenty years between 1980 and 1999, (West) Germany was by far the largest destination for asylum seekers in the EU, a dynamic which peaked between 1989 and 1993, when a total of over 1.3 million new applications were lodged. Following a cross-party compromise in late 1992 to restrict of the constitutional right to asylum after 1993, including the introduction of the ‘safe third country’ and the ‘safe country of origin’ principles, numbers dropped sharply to between 20-30,000 applications per annum; meanwhile, other countries, notably the UK and France, have become more important destinations in their own right.

However, what is noteworthy in this context is the narrow way in which asylum has been interpreted. For decades, and in contrast to other countries, Germany refused to recognise non-state agents of persecution (such as local militias), as well as gender-based persecution – issues which were only resolved in the 2005 Immigration Law. Consequently, initial recognition rates have long been very low in Germany and stood below 10 per cent in all but one year between 1997 and 2006.<sup>26</sup> Since 2007, initial recognition rates have risen sharply, reflecting this new practice. At the same time, in around 20 to 30 per cent of cases, the application is rejected on ‘other’ grounds, including for procedural or formal reasons.<sup>27</sup>

The domain of dependant migration has a similarly long history and today constitutes the principal form of non-EEA immigration to Germany.<sup>28</sup> Yet it was only in 1981 that the Federal Government issued the first guidelines for dependant migration, and only in 1990 that this element was formalised in legislation in the revised Foreigners’ Law (*Ausländergesetz*) (see below). The issue of the immigration of dependant minors (*Kindernachzug*) has been particularly controversial, with the CDU/CSU long advocating an age limit of six for entry so that children would receive their full school education in Germany. The legislation ultimately

set the limit at sixteen years, but this is lower than in most EU countries, where eighteen years is typically the limit for dependants from non-EEA countries. Since 2007, Germany has also followed the lead of other European countries, notably the Netherlands, in introducing pre-entry integration requirements for dependants.<sup>29</sup> These have included language competence and self-sufficiency in terms of income, but controversially only apply to citizens of non-EU countries which are subject to visa entry requirements.<sup>30</sup>

In the third area, residence, the legislative provision was particularly parsimonious. Until 1965, the only legislation governing any immigration and residence by non-nationals (i.e. excluding ethnic Germans) was a police decree from 1938. Even when the first *Ausländergesetz* entered into effect in 1965, it was highly restrictive, in line with the notion that West Germany was not a country of immigration; for instance, the law made it virtually impossible for non-nationals to secure permanent residence.<sup>31</sup> While this situation ended as a result of a landmark ruling by the Federal Constitutional Court in 1978,<sup>32</sup> it was only the revised Foreigners' Law in 1990 which established clear rights to permanent residence status. But it took the 2005 Immigration Law to distil the bewildering catalogue of residence titles in the 1990 Law down from seven to two, thereby reflecting the 'permanent / non-permanent' dichotomy typical in other member-states of the EU.

In integration too, a legislative and policy framework was virtually absent for decades.<sup>33</sup> Until 2005, the government's formal position on integration was derived from the recommendations of a joint Federal Government – *Länder* Commission from 1977, which identified integration – perhaps a little incongruously - as a policy goal to operate alongside preventing new immigration and promoting repatriation.<sup>34</sup> Moreover, the promotion of integration itself was overlaid with significant historically-based concerns about avoiding cultural assimilation,

which prevented a more assertive expression of expectations in this area.<sup>35</sup> Once again, it fell to the 2005 Immigration Law to begin to rectify this deficit, by introducing formal integration courses for both non-nationals and ethnic Germans of the kind which are now common across Europe.<sup>36</sup> This was followed up by new anti-discrimination legislation in 2006, as well as a law to ease the recognition of foreign professional qualifications in 2012.

Since 2005, there has also been a much greater emphasis on creating a joined-up policy framework on integration at municipal, state (*Land*), federal and supranational levels and moreover to do so in dialogue with migrants themselves. Hitherto, the only input migrants had into policy was through (mainly municipal) consultative committees (*Ausländerbeiräte*). However, in 2006, the first-ever ‘Integration Summit’ (*Integrationsgipfel*) brought together federal-level migrant organisations and relevant ministries to generate a National Integration Plan the following year.<sup>37</sup> 2006 also saw the establishment of an annual dialogue with Islamic groups in Germany (*Deutsche Islam Konferenz*). While neither body has been without controversy, for instance in the selection of migrant groups to be represented and in their published outcomes, their very existence marks significant progress in achieving integrated policy responses.<sup>38</sup>

The last area to be considered here, citizenship, is probably the most notorious for its failure to evolve. Until 2000, the legal basis for acquiring German citizenship remained the old, ethnically-focused Imperial Citizenship Law of 1913 (*Reichs- und Staatsangehörigkeitsgesetz*). The law’s longevity was partially accidental and partially grounded in the exigencies of Germany’s post-Second World War situation: in 1949, the Western Allies needed to incorporate the 8 million refugees who had arrived in the new Federal Republic, while the new West German government sought to delegitimise East

Germany through an expansive definition of its citizenship. Both purposes were served admirably by the 1913 law.<sup>39</sup>

At the same time, the limitation of access to German citizenship was a corollary of Germany's status as a 'non-immigration country', as stipulated in the 1977 Guidelines on Naturalisation which put flesh on the bones of the otherwise rather opaque 1913 law.<sup>40</sup> This included a reliance solely on the principle of descent in ascription (*jus sanguinis*), as well as long qualifying residence periods, high fees and a requirement for applicants to be released from their existing nationality in order to avoid the creation of dual citizenships. The result was that, on average, only 13,500 non-nationals annually became German citizens between 1972 and 1989; furthermore, children born in Germany to non-national parents remained foreigners rather than becoming Germans automatically. This stood in stark contrast to ethnic Germans, who gained citizenship by virtue of their status alone. Although some modifications were introduced in 1990 and again in 1993,<sup>41</sup> it was only in 2000 that a new citizenship law came into force. This not only greatly liberalised access to citizenship by naturalisation, but also introduced the territorial principle (*jus soli*) for the first time in German history.<sup>42</sup> However, its quantitative impact has been lower than was initially expected, largely due to the new law's maintenance in principle of Germany's long-standing rejection of dual citizenships.<sup>43</sup> This is particularly evident in the so-called *Optionspflicht*, under which children who gained dual nationality via *jus soli* need to obtain release from their second citizenship by the age of 23, or else face losing their German citizenship. Such cases will begin to arise in increasing numbers from 2013.<sup>44</sup>

One final aspect of Germany's policy framework must be mentioned briefly: the ending of privileged immigration rights for ethnic Germans and their dependants.<sup>45</sup> The end of the Cold

War led to a significant influx of ethnic Germans (*Aussiedler*), first from Poland and Romania and later from the former Soviet Union, with almost 1 million arriving between 1990 and 1992. In consequence, the 1992 cross-party asylum compromise included a change of status for this group: henceforth, only those born before 1993 could qualify for recognition as an ethnic German (now called *Spätaussiedler*) and a de-facto quota of 225,000 arrivals per annum imposed. After 1997, language tests were introduced as a precondition for recognition and until 2009, ethnic Germans arriving in Germany were not allowed to choose their place of residence freely. When combined with the sluggish economy during most of the past decade, such measures contributed to the sharp fall in numbers to almost negligible levels by 2010 (see above).

When these five dimensions are considered together, it is clear just how far Germany has travelled since unification in terms of its policy framework. In the late 1980s, the principal legislation, other than the constitutional provision for asylum and its subordinate legislation governing procedures,<sup>46</sup> was the 1965 Foreigners' Law and the 1913 Citizenship Law. After 1990, a new Foreigners' Law, combined with the ending of the preferential immigration rights for ethnic Germans and the constitutional reform of asylum started to bring the framework more up-to-date. By contrast, since 1998, Germany has seen a veritable flurry of wholly new laws and policy changes which may, to use Peter Hall's well-known taxonomy, be described as 'third order':<sup>47</sup> it has gained a dedicated Immigration Law, to include a simplified residence framework, family reunification and the possibility, however tentative, of high-skilled labour migration, as well as a rejuvenated and liberalised Citizenship Law and its first Anti-Discrimination Law. That said, the largely undifferentiated focus on restriction in labour migration, asylum and family reunification is unlikely to serve Germany's broader demographic interests well. After all, high-skilled labour migrants may well have families

whom they wish to bring with them to Germany; likewise, the indications are that many asylum seekers to European countries are actually as well or better qualified than the indigenous population.

Nonetheless, the extent to which Germany's policy framework has evolved over the past fifteen years is nothing short of remarkable. This does raise an important question of why there should have been so much legislation after 1998 and three key reasons can be identified for this. First, and very obviously, the defeat of the CDU/CSU-FDP government at the 1998 Bundestag election led to a new SPD-Green coalition at federal level with a progressive agenda in this area. While the Greens had long been at the liberal vanguard of the immigration debate, the SPD's traditional hesitance in this area had been tempered by the 1990s by the recognition that several aspects of immigration law required urgent attention and modernisation.<sup>48</sup> In particular, the reform of citizenship in Germany became one of the coalition's top legislative priorities, although this was soon followed up by the start of the long process which ultimately culminated in the 2005 *Zuwanderungsgesetz*.<sup>49</sup>

The second reason is simply the passage of time. By the mid-1990s, the task of integrating the very large number of post-1945 war refugees was well and truly complete and with the GDR also defunct, the formal reason for maintaining the 1913 Citizenship Law no longer existed. What is more, the 1998 election marked a major generational caesura in German politics, with the retirement of the last politicians who had seen regular military service during the Second World War.<sup>50</sup> The new Chancellor, Gerhard Schröder, was the first incumbent not to have experienced the Second World War at first hand. When combined with the physical relocation of the capital from Bonn to Berlin in 1999, together with a concomitant change in the composition of the advisors who orbit the political world, this brought to the fore a new

generation of political class whose worldview had been shaped less acutely by the trauma of 1945 and the subsequent division of Germany. This of course affected the CDU too, whose position on migration also began to change in opposition and especially under Angela Merkel's leadership.<sup>51</sup> Indeed, when the CDU returned to office in 2005, it did not seek to reverse the reforms undertaken by the SPD-Green government, but instead took them forward in the context of the Grand Coalition.<sup>52</sup>

A third factor is the role of external institutions, including the Federal Constitutional Court and especially the EU. The importance of Courts in shaping policy is well established in the scholarly literature on migration, and Germany is no exception to this dynamic.<sup>53</sup> Thus, the Federal Constitutional Court not only made it possible in 1978 for non-nationals to secure a permanent residence status, but also in 1990 struck down attempts to grant local voting rights to non-nationals and, in 1996, legitimised the 1993 restriction of asylum.

In parallel, the EU has also become a major driving force for Germany's policy framework in this domain ever since the Treaty of Amsterdam, which brought immigration into the EU's First Pillar of policy-making, came into force in 1999. Despite its formulation being delayed in 2002 while Germany conducted an internal discussion about the age limits for *Kindernachzug*, the 2003 Family Reunification Directive (2003/86/EC) opened the door for pre-entry integration requirements of the kind introduced in 2007.<sup>54</sup> Germany's acceptance of gender-based and non-persecution for asylum claims in the 2005 Immigration Law can be traced back to the Qualifications and Procedures Directive (2004/83/EC), while the introduction of anti-discrimination legislation had its origins in the Racial and Employment Equality Directives (2000/43/EC and 2000/78/EC respectively).<sup>55</sup> Similarly, the 2012 Professional Qualifications Law and the Blue Card both implemented EU Directives

(2005/36/EC and 2009/50/EC respectively). Through a process of ‘downloading’ the provisions agreed at intergovernmental level and ‘uploading’ its own preferred options, the EU has thereby also helped converge Germany’s policy framework with that of other countries.<sup>56</sup>

Overall, the last fifteen years have seen a remarkable process of legislative ‘catch-up’ in immigration, asylum and citizenship policy, to the extent that Germany’s policy portfolio now broadly mirrors that employed by other European countries in a comparable situation. It also indicates how Germany is now beginning to attempt to shape immigration and integration, rather than simply deny it. However, there are some key exceptions. First, the very low levels of highly-skilled migration suggest that Germany has a long way to go to become globally attractive as a destination for the ‘brightest and the best’. Second, Germany remains out of step on the issue of dual citizenship, which it continues to reject, in contrast to Belgium, Sweden and Switzerland, all of whom have opted to tolerate multiple nationalities since the turn of the Millennium.<sup>57</sup> A final point to note here is the fact having legislation in place does not *ipso facto* guarantee that it is implemented in a generous and positive way. This has been a perennial problem in Germany stretching back to the 1970s and 1980s, and is one of the key reasons why the uptake of naturalisation and the Green Card have been so low.<sup>58</sup>

### **Institutional and Societal Adaptation to Migration**

The preceding two sections of this article have captured the level of change which Germany has experienced in this domain in recent years. They paint a picture of increasingly diverse patterns of migration as well as of a more complete, if not always effective, policy framework. But in order fully to understand the extent and nature of change, the question of

the relationship between immigration and immigrants and their new home society must be considered to be equally important, albeit rather more nebulous. In order to gain a handle on this question, this final section therefore centres on three particular dimensions: definitional, institutional, and societal.

In definitional terms, there has been something of a tectonic shift since the early 1990s.<sup>59</sup> First, the term used for immigration has changed: whereas in the 1990s, it was common to use *Einwanderung* (viz. *Deutschland ist kein Einwanderungsland*), since 1998 the term *Zuwanderung* has become widely accepted across the political spectrum, with the formal difference being that *Einwanderung* is formally recruited immigration, whereas *Zuwanderung* refers to any form of immigration. While this might seem to be a rather sophistic distinction, the use of the new term has certainly helped to detoxify what had become a highly polarised political debate.

But of much greater significance has been the change in discourse away from the traditional practice of equating migration with nationality. By 2000, this definition had become increasingly outdated, due both to the growth in numbers of naturalisations (albeit from a very low base) after 1990 and to the large-scale migration of ethnic Germans over the same period, who (as Germans) were not captured in such statistics. In response, the Statistisches Bundesamt developed a new categorisation entitled ‘persons with migration background’ (*Personen mit Migrationshintergrund*), which is defined as having either a personal experience of migration, or one parent or one grandparent who has migrated to Germany. In its 2005 evaluation of the annual *Mikrozensus* of 1 per cent of households, this was applied for the first time, with the surprising result that around 1 person in 5, or almost 16 million persons, was found to have a *Migrationshintergrund*. Furthermore, subsequent data

evaluations in 2010 have revealed that there are more German citizens with a *Migrationshintergrund* than there are non-nationals in total, that a quarter of the entire population of the southern state of Baden-Württemberg falls into this category and that almost one-third of all children in Germany live in a family with a history of migration.<sup>60</sup>

The impact of what is ultimately a technical change in data calculation has been profound. Within this new term, the length and complexity of Germany's migration history is now reflected more fully and is moreover embedded widely in the population as a whole, not just among those without a German passport. What is more, the challenges in socio-economic integration which exist for non-nationals (notably, higher unemployment, lower educational qualifications and lower incomes) have been shown to be replicated amongst the wider population with *Migrationshintergrund*.<sup>61</sup> This recognition has had major political ramifications, as it has rendered the traditional binary division in immigration policy between 'Germans' and 'Foreigners' obsolete. All the main parties, therefore, have had to recognise the need to promote integration regardless of nationality, which is itself a progressive notion in the German context.

In turn, this has led to significant improvements in the second dimension, namely the institutional governance of integration. In the past, this had been limited in scope and uneven in its geographic coverage. Although the office of the Commissioner for Foreigners' Affairs (*Ausländerbeauftragte*) has existed at federal level since 1979, with intermittent equivalent positions at Land and municipal level, its function remained consultative until 2002, when its incumbent, Marieluise Beck, became a junior minister in the Family Ministry. But it was under Angela Merkel and the Grand Coalition in 2005 that the office attained a more central role, by being moved to the Federal Chancellery and focused more explicitly around

integration. This upgrading came in the wake of the appointment of Germany's first integration minister at Land level, in Northrhine-Westphalia, earlier that year. The fact both these institutional innovations occurred in CDU-led governments gives an indication of how much this party has evolved.

Since then, most Länder have incorporated integration among their ministerial portfolios, and since 2007, there has been a Standing Conference of Länder Integration Ministers (*Integrationsministerkonferenz*). In addition, the majority of Länder have Commissioners for Foreigners, who also network at federal level. In the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*), Germany has a new 'parapublic' agency to provide independent data on migration and integration.<sup>62</sup> A further federal agency monitors discrimination (the *Antidiskriminierungsstelle des Bundes*), although it does not have the power to bring prosecutions in the way the UK's Equality Commission does. Nonetheless, by 2010, Germany had established a reasonably comprehensive network of institutions in this field.<sup>63</sup>

Even so, Germany as a nation remains ambivalent about migration as an integral part of its society. On the one hand, the diversity of Germany's national football team at the 2010 World Cup in South Africa captured the public's imagination.<sup>64</sup> Public opinion is stable on immigration and, if anything, somewhat more liberal on economic migration than in countries such as the UK.<sup>65</sup> Extreme right-wing parties, although present at local and regional level, especially in the new Länder, have so far remained at the fringes of the political and party systems, in clear contrast to the much more central position they occupy in countries such as the Netherlands and France.

And yet, Germany has not found it easy to accept its growing ethnic and cultural diversity.<sup>66</sup> Historically, its conceptualisation of integration has focused much more on an active choice by non-nationals to embrace German culture than elsewhere, a perspective which underpinned the debates both about dual citizenship in 1999 and Germany's 'guiding culture' (*Leitkultur*) in 2000.<sup>67</sup> A central element of this has been an impassioned debate over how much diversity German society should tolerate in the name of integration: several highly publicised contributions have argued strongly that Germany should demand more of its migrant population, while in 2010 Chancellor Merkel herself declared multiculturalism to have 'failed utterly'.<sup>68</sup> But increasingly, this debate has crystallised around perceptions of the ability or inability of Christianity and Islam to coexist in Germany. The paradigmatic example of this was Thilo Sarrazin's notorious critique of immigration to Germany, published in 2010, which generated the most polarised and intense public debate on any immigration-related question for a generation.<sup>69</sup> In his book, Sarrazin presented a genetic and racially-based explanation to account for what he saw as the inability of Muslims to integrate into German society.<sup>70</sup>

Since then, the debate has rumbled on: the then Federal President, Christian Wulff, used his speech marking the twentieth anniversary of unification in 2010 to respond to Sarrazin by declaring that Islam was a part of Germany alongside Christianity and Judaism, while the newly appointed Federal Interior Minister, Hans-Peter Friedrich, chose the annual meeting of the *Deutsche Islam Konferenz* in 2012 to assert exactly the opposite. In parallel, issues such as honour killings, forced marriages, the wearing of headscarves by Muslim female teachers, but also terrorist incidents (such as the failed suitcase attacks on the rail network in 2006) have all shaped the perception of integration in Germany.<sup>71</sup>

Meanwhile, the relationship between law-enforcement agencies and the migrant population has also not always been harmonious. In late 2011, it emerged that a neo-Nazi terrorist cell operated in Germany under the noses of police and intelligence services for over ten years. During this time, they conducted a concerted murder campaign against people with immigrant background, which claimed no fewer than ten victims. On an everyday level, the police routinely used racial profiling in performing identity checks until prevented from doing so by the Courts in late 2012.<sup>72</sup> Both examples suggest that ‘institutional racism’, as identified in the UK in the 1999 Macpherson report into the killing of Stephen Lawrence, is prevalent in Germany too.

Politically too, the position of migrants remains in flux. Despite their very long periods of residence, and despite the liberalisations in citizenship law after 1990 with the ensuing increase in naturalisations, over 6 million persons remain non-nationals and thereby formally excluded from the democratic process in Germany. Even when migrants have German citizenship, their voting patterns are highly polarised, with ethnic Germans and naturalised Turks voting overwhelmingly for the CDU/CSU and SPD-Greens respectively.<sup>73</sup> Despite some recent improvements, particularly at Land level, the presence of migrants among elected politicians nationally remains low.<sup>74</sup>

Even so, there can be little doubt that the acceptance of migrants and the structures and outcomes of integration have improved over the past decade. Admittedly, this has not always been a process which Germany as a nation has embraced, as the intense political battles over immigration and citizenship during the 1980s and 1990s, but also public debates over *Leitkultur* and Sarrazin’s hypotheses testify. Moreover, the fact that a number of policy innovations and amendments in Germany have occurred as a result of developments at EU

level or because of the intervention of the Courts also indicate a certain degree of reluctance to address the challenges of migration proactively. What this means is that Germany continues to wrestle with many aspects of its migration legacy. However, it would be difficult to find any developed country for which this would *not* be the case – apart from the fact that few countries enthusiastically embrace their new-found diversity as a result of immigration, this process inherently and constantly creates new challenges and new opportunities for countries to respond to.

### **Conclusions**

This purpose of this article has been to take stock of recent trends in migration to Germany, in order to gauge the country's position as a country of immigration as it enters a phase where demographic change will make more recruitment of migration inevitable. It has found that, migration flows to Germany have become more heterogeneous in their origin and volume. In addition, they often reflect the prevailing state of the economy and they remain significant in absolute terms, irrespective of their net level. The article has also shown that the migration policy framework has evolved considerably, from what was a patchy framework in the 1980s (with moreover a palpable ethnic bias) to a quite comprehensive arsenal of legislation in 2010. Lastly, the third section has shown how Germany has adapted, both terminologically and institutionally, to its new migration reality.

Inevitably, the breadth of issues this article has addressed means that the direction of the developments is by no means coherent. Emigration, particularly by high-skilled Germans (and non-Germans!) has now become a major factor and so far, Germany's attempts to attract

labour migrants have borne little fruit. Many of the legislative innovations passed in recent years, such as the anti-discrimination legislation, need more time to prove themselves; meanwhile, access to citizenship remains harder in Germany than elsewhere. The conditions for and process of integration, and especially the role of Islam, continues to be strongly contested in German society.

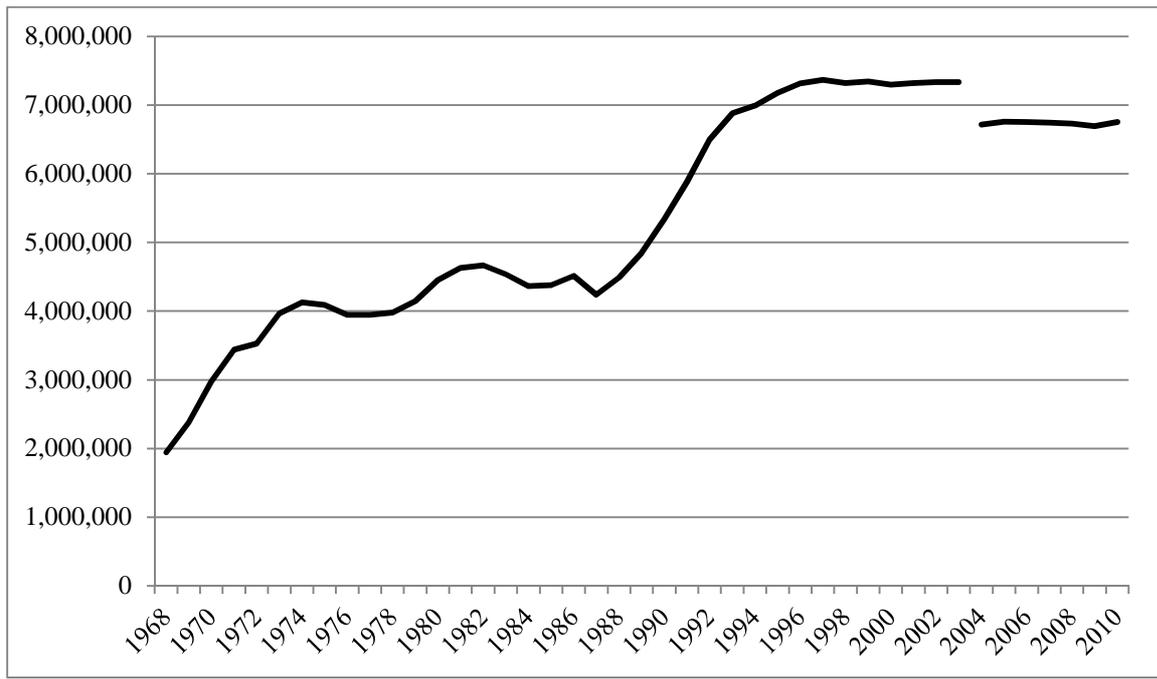
But the benefit of taking such a grandstand view of immigration to Germany has been to reveal the cumulative impact of a range of otherwise relatively discrete changes to individual areas. In particular, this has shown how the dominant policy theme, for both main parties, has changed from prevention (from the *Anwerbestopp* in 1973 to the change of government in 1998) to integration and, very gradually, back towards recruitment. In this process, two critical junctures stand out. First, the decision in 1998 by the new SPD-Green government to reform of the 1913 Citizenship Law, as the most egregious example of policy stasis, created several knock-on effects: it is inconceivable that the subsequent expansion of the policy framework to include the 2005 Immigration Law but also the 2006 anti-discrimination legislation could have proceeded without this. In other words, the 2000 Citizenship Law was the prerequisite for both main parties moving on from the immigration dogma of the Bonn Republic.

Second, the technocratic decision to focus official statistics towards migration history after 2005 has helped to re-define the way migration is viewed in Germany. By effectively decoupling migration from nationality, this change has injected a degree of maturity into political, if not always popular, debates which hitherto was rare in Germany. It also helped ensure that the step-change in the policy agenda initiated by the SPD-Green government was

not reversed by the CDU/CSU-led government; on the contrary, this was continued and expanded.

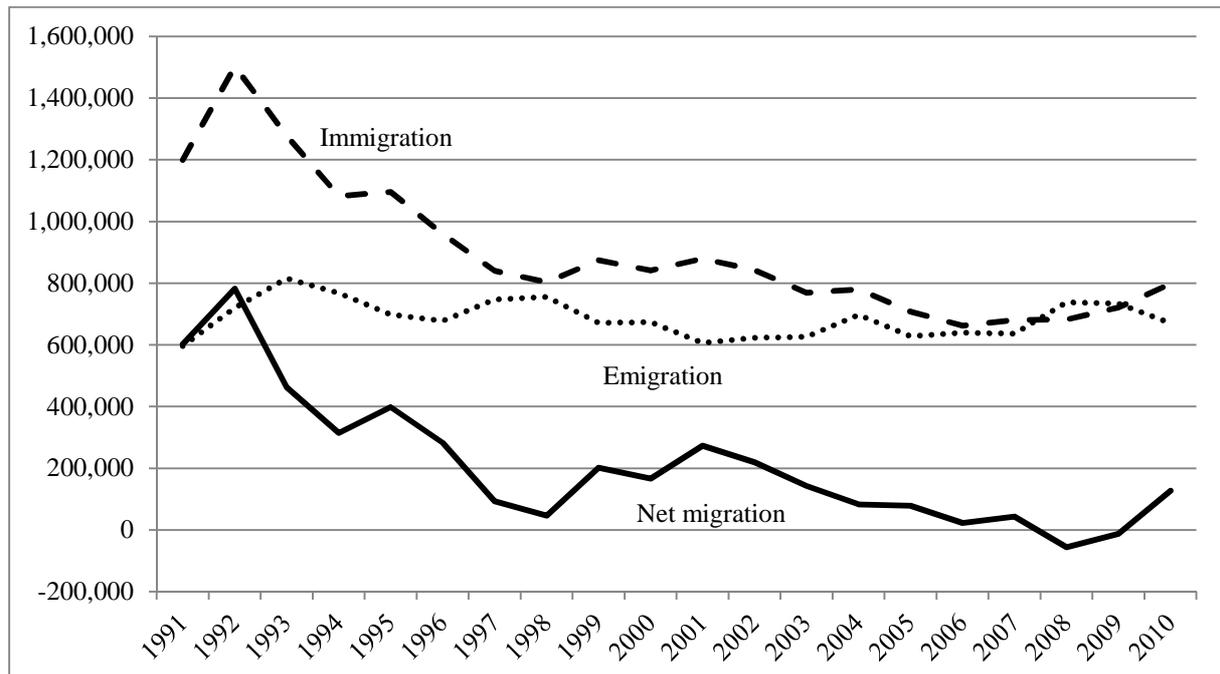
In short, Germany has matured as an immigration country. Even so, it faces a considerable challenge if it is to withstand the deleterious impact of the far-reaching demographic change it will experience within the next decade. Most of all, and like most other European countries, Germany has failed to view migration as a joined-up policy area: immigration, residence, integration and naturalisation are at best only loosely linked to each other. And yet potential high-skilled labour migrants will look carefully at the provisions for their dependants, the prospects for their settlement and the degree to which Germany as a nation is welcoming to them. In light of Germany's impending need for such skilled workers in much greater quantities than was the case previously, this will be the next major cognitive shift to be tackled.

Figure 1: Non-national population of Germany, 1968-2010



Note: Excludes ethnic Germans. Figures pre-1991 are for West Germany only. From 2004, a different statistical base was employed; as a result numbers after this year are not comparable with previous years  
 Source: Statistisches Bundesamt; Ausländerzentralregister.

Figure 2: Migration Flows to Germany, 1991-2010

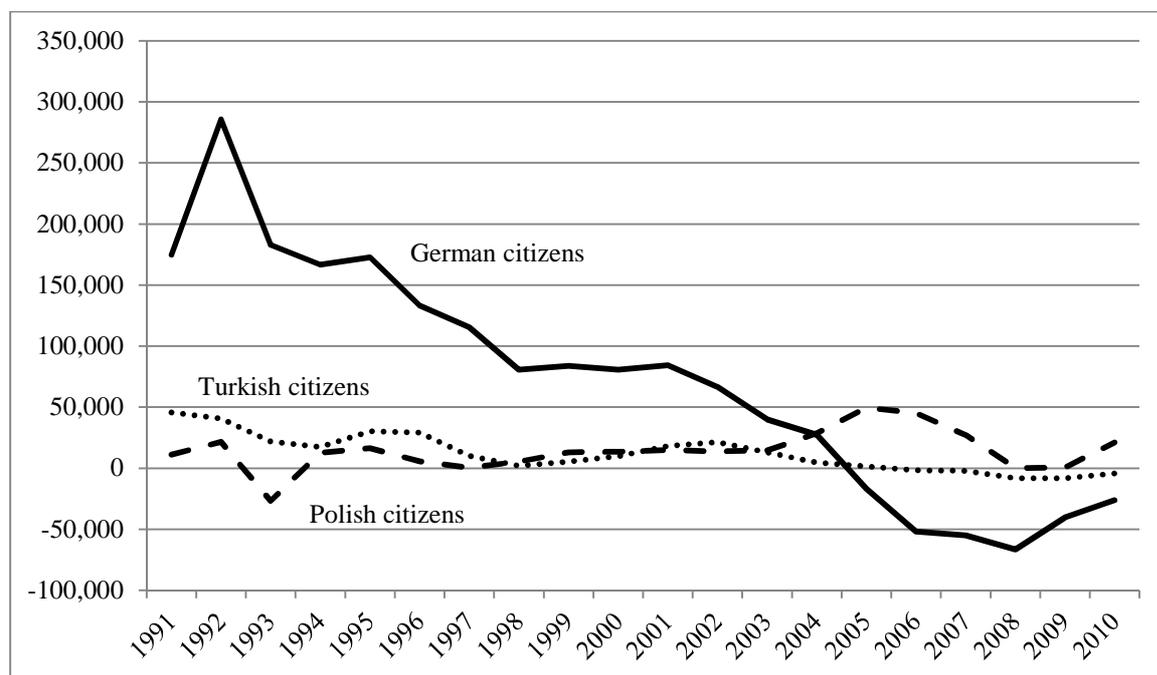


Note: Figures are for migration flows of Germans and non-Germans

Source: Statistisches Bundesamt, cited in Bundesamt für Migration und Flüchtlinge, *Migrationsbericht 2010*

(Nürnberg: BAMF, 2012), pp. 206-7

Figure 3: Net Migration to Germany by German, Turkish and Polish citizens, 1991-2010



Source: Statistisches Bundesamt, cited in Bundesamt für Migration und Flüchtlinge, *Migrationsbericht 2010* (Nürnberg: BAMF, 2012), pp. 218-20

<sup>1</sup> C. Crouch, 'Change in European Societies since the 1970s', *West European Politics* 31/1-2 (2008), pp. 14-39

<sup>2</sup> For instance B. Brunner, *Nach Amerika: Die Geschichte der deutschen Auswanderung* (München: C.H.Beck, 2009); J. Raab and J. Wirrer (eds.), *The German Presence in the U.S.A.* (Münster: Lit, 2009)

<sup>3</sup> Treaties were signed with Italy (1955), Spain (1960), Greece (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968). During the 1970s and 1980s, the GDR also recruited labour from socialist countries, albeit on a much smaller scale than West Germany.

<sup>4</sup> See notably C. Joppke, *Immigration and the Nation State* (Oxford: Oxford University Press, 1999), pp. 62-99; S. Green, *The Politics of Exclusion: Institutions and Immigration Policy in Contemporary Germany* (Manchester: Manchester University Press, 2004); D. Thränhardt, 'Die Bundesrepublik Deutschland - ein unerklärtes Einwanderungsland', *Aus Politik und Zeitgeschichte* B24 (1988), pp. 3-13; S. Goodman, 'The Politics and Policies of Immigration in Germany: A Rearview Look at the Makings of a "Country of

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Immigration””, *German Politics and Society* 25/4 (2007), pp. 99-110; P. Martin, ‘Germany: Managing Migration in the Twenty-First Century’, in W. Cornelius *et al* (eds.), *Controlling Immigration: A Global Perspective* (Stanford, CA: Stanford University Press, 2004); A. Messina, *The Logics and Politics of Post-WWII Migration to Western Europe* (Cambridge: Cambridge University Press, 2007), esp. pp. 124-34; D. Klusmeyer and D. Papademetriou, *Immigration Policy in the Federal Republic of Germany: Negotiating Membership and Remaking the Nation* (Oxford: Berghahn, 2009)

<sup>5</sup> Joppke, *Immigration and the Nation State*, p. 62; R. Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge MA: Harvard University Press, 1992), p. 174

<sup>6</sup> For a good overview of migration in a historical perspective, see U. Herbert, *Geschichte der Ausländerpolitik in Deutschland* (München: C.H. Beck, 2001).

<sup>7</sup> S. Green, ‘Immigration, Asylum and Citizenship in Germany: The Impact of Unification and the Berlin Republic’, *West European Politics* 24/4 (2001), pp. 82-104

<sup>8</sup> In fact, this figure has had to be revised downwards as a result of the 2011 Census, which revealed that the number of non-nationals in Germany on 9 May 2011, at 6.2 million, was around half a million lower than had previously been assumed. See ‘Ausländische Bevölkerung laut Zensus deutlich geringer als bislang angenommen’, available at: [https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/MigrationIntegration/AuslaendischeBevoelkerung/Aktuell\\_Zensus.html](https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/MigrationIntegration/AuslaendischeBevoelkerung/Aktuell_Zensus.html) (accessed 2 August 2013)

<sup>9</sup> ‘Deutschland: Konzept zur Fachkräftesicherung beschlossen’, *Migration und Bevölkerung* 6/2011, available at: [http://www.migration-info.de/mub\\_artikel.php?Id=110603](http://www.migration-info.de/mub_artikel.php?Id=110603) (accessed 25 September 2012)

<sup>10</sup> Statistisches Bundesamt, *Bevölkerung Deutschlands bis 2060. 12. koordinierte Bevölkerungsvorausberechnung* (Wiesbaden: Statistisches Bundesamt, 2009)

<sup>11</sup> Bundesministerium des Innern, *Jedes Alter zählt. Demografiestrategie der Bundesregierung* (Berlin: Bundesministerium des Innern, 2012), available via: [http://www.demografiestrategie.de/DGS/DE/Materialien/Downloads/downloads\\_node.html](http://www.demografiestrategie.de/DGS/DE/Materialien/Downloads/downloads_node.html) (accessed 13 December 2012), pp. 41-2. The fact that demographic changes would require more immigration has of course been recognised for much longer, and featured prominently in both the Süßmuth and Müller Commissions of 2000-1.

<sup>12</sup> Calculated from figures in Bundesamt für Migration und Flüchtlinge, *Migrationsbericht 2010* (Nürnberg: BAMF, 2012), pp. 206-7.

<sup>13</sup> This trend continued in 2011, in which year net migration of +279,300 was recorded.

<sup>14</sup> Statistisches Bundesamt, *Bevölkerung Deutschlands bis 2060*

<sup>15</sup> BAMF, *Migrationsbericht 2010*, p. 46

<sup>16</sup> *Ibid.*, p. 130

<sup>17</sup> Y. Aydin, ‘Der Diskurs um die Abwanderung Hochqualifizierter türkischer Herkunft in die Türkei’, Paper 3-9, HWWI-Kompetenzbereich Migration Research Group (Hamburg: HWWI, 2010), available at: [http://www.hwwi.org/uploads/tx\\_wilpubdb/HWWI\\_Policy\\_Paper\\_3-9\\_01.pdf](http://www.hwwi.org/uploads/tx_wilpubdb/HWWI_Policy_Paper_3-9_01.pdf) (accessed 10 September 2012); A. Ette and L. Sauer, ‘Abschied vom Einwanderungsland Deutschland? Die Migration Hochqualifizierter im europäischen und internationalen Vergleich’ (Gütersloh: Bertelsmann Stiftung, 2010), available at: [http://www.bertelsmann-stiftung.de/bst/de/media/xcms\\_bst\\_dms\\_32641\\_32664\\_2.pdf](http://www.bertelsmann-stiftung.de/bst/de/media/xcms_bst_dms_32641_32664_2.pdf) (accessed 10 September 2012); ‘Kültürschock in Istanbul’, *Der Spiegel* (28 June 2010).

<sup>18</sup> BAMF, *Migrationsbericht 2010*, p. 182

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<sup>19</sup> V. Ronge, 'Auf dem Weg zum "Einwanderungsland"?' in R. Czada and H. Wollmann (eds.), *Von der Bonner zur Berliner Republik* (Opladen: Westdeutscher Verlag, 2000)

<sup>20</sup> Cited in Green, *The Politics of Exclusion*, p. 110

<sup>21</sup> Cited in P. Martin, 'Germany: Managing Migration in the Twenty-First Century', in W. Cornelius, T. Tsuda, P. Martin and J. Hollifield (eds.), *Controlling Immigration: A Global Perspective* (Stanford, CA: Stanford University Press, 2004)

<sup>22</sup> Exceptions were made for seasonal migration in the agricultural sector after 1990. A further exception is granted to citizens of Andorra, Australia, Israel, Japan, Canada, Monaco, New Zealand, San Marino and the United States, who have the general right to work if existing vacancies cannot be filled from within Germany.

<sup>23</sup> H. Kolb, 'Die Green Card: Inszenierung eines Politikwechsels', *Aus Politik und Zeitgeschichte* B27/2005, pp. 18-24

<sup>24</sup> On the process and interests underpinning this decision, see A. Wochnik, *Governance in Foreign Policy-Making in Germany and Poland and Polish-German Relations – the Role of Non-state Actors*, (PhD Thesis, Aston University, 2013).

<sup>25</sup> M. Gibney, *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (Cambridge: Cambridge University Press, 2004)

<sup>26</sup> Final recognition rates are generally higher as a result of judicial appeal.

<sup>27</sup> BAMF, *Migrationsbericht 2010*, p. 250

<sup>28</sup> *Ibid.*, p. 112

<sup>29</sup> S. Goodman, 'Controlling Immigration through Language and Country Knowledge Requirements', *West European Politics* 34/2 (2011), pp. 235-255

<sup>30</sup> 'Deutschland: Novellierung des Zuwanderungsrechts', *Migration und Bevölkerung* 6/2007, available at: <http://www.migration-info.de/artikel/2007-08-22/deutschland-novellierung-des-zuwanderungsrechts> (accessed 28 July 2013)

<sup>31</sup> Green, *The Politics of Exclusion*, pp. 34-6

<sup>32</sup> Joppke, *Immigration and the Nation-State*, pp. 66-7

<sup>33</sup> See U. Davy, 'Integration of immigrants in Germany: a slowly evolving concept', *European Journal of Migration and Law* 7 (2005), pp. 123-144; also K. Bade, 'Integration: versäumte Chancen und nachholende Politik', *Aus Politik und Zeitgeschichte* B22-23/2007, pp. 32-38. Traditionally, integration policy refers to non-national migrants, not ethnic Germans, for whom a comprehensive range of integration measures was in the past available. More recently, it is considered to apply to people of *Migrationshintergrund*, regardless of their nationality.

<sup>34</sup> Cited in P. Katzenstein, *Policy and Politics in Germany: The Growth of a Semisovereign State* (Philadelphia: Temple University Press, 1987), pp. 239-40

<sup>35</sup> P. O'Brien (1996), *Beyond the Swastika* (London: Routledge, 1996), p. 97

<sup>36</sup> C. Joppke, 'Beyond national models: civic integration policies for immigrants in Western Europe', *West European Politics* 30/1 (2007), pp. 1-22; S. Goodman (2012), 'Fortifying Citizenship: Civic Integration Policy Strategies in Western Europe', *World Politics* 64/4, pp. 659-98.

<sup>37</sup> See the evaluation in Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration, *Zweiter Integrationsindikatorenbericht* (Berlin: Beauftragte der Bundesregierung, 2011), available at : <http://www.bundesregierung.de/Content/DE/Anlagen/2012/01/2012-01-12-integrationsbericht.pdf?blob=publicationFile> (accessed 12 September 2012)

<sup>38</sup> See discussion both bodies in E. Musch, 'Consultation Structures in German Immigrant Integration Politics: The National Integration Summit and the German Islam Conference', *German Politics* 21/1 (2012), pp. 73-90. See also 'Deutschland: Islamkonferenz und Integrationsgipfel provozieren Kritik', *Migration und Bevölkerung* 5/2013, available at: <http://www.bpb.de/gesellschaft/migration/dossier-migration/163378/islamkonferenz-und-integrationsgipfel> (accessed 2 August 2013)

<sup>39</sup> Brubaker, *Citizenship and Nationhood in France and Germany*, pp. 165-71; also P. Hogwood, 'Citizenship controversies in Germany: the twin legacy of Völkisch nationalism and the Alleinvertretungsanspruch', *German Politics* 9/3 (2000), pp. 125-44

<sup>40</sup> Hogwood, 'Citizenship Controversies in Germany', p. 133; Green, *The Politics of Exclusion*, pp. 39-41

<sup>41</sup> These changes, which were first introduced in the 1990 *Ausländergesetz*, saw the introduction of a right to naturalisation under certain conditions (*Anspruchseinbürgerung*)

<sup>42</sup> M. Howard, 'The Causes and Consequences of Germany's New Citizenship Law', *German Politics* 17/1 (2008), pp. 41-62

<sup>43</sup> It should be noted that the rejection of dual citizenships is in principle, not in practice: around half of all naturalisations are with dual citizenship. Nonetheless, the a priori rejection means that most applicants for naturalisation have at least to try to be released from their original citizenship – a process which is often lengthy, cumbersome and expensive. See S. Green, 'Much ado about not-very-much? Assessing ten years of German citizenship reform', *Citizenship Studies* 16/2 (2012), pp. 173-188

<sup>44</sup> See 'Deutschland: Erneute Diskussion um Optionspflicht', *Migration und Bevölkerung* 1/2013, available at: <http://www.bpb.de/gesellschaft/migration/dossier-migration/154122/diskussion-um-optionspflicht> (accessed 10 January 2013)

<sup>45</sup> See C. Joppke, *Selecting by Origin. Ethnic Migration in the Liberal State* (Cambridge MA: Harvard University Press, 2005)

<sup>46</sup> U. Münch, *Asylpolitik in der Bundesrepublik Deutschland* (Opladen: Leske und Budrich, 1992)

<sup>47</sup> P. Hall, 'Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain', *Comparative Politics* 25/3 (1993), pp. 275-96.

<sup>48</sup> L. Murray, 'Einwanderungsland Bundesrepublik Deutschland? Explaining the evolving positions of German political parties on citizenship policy', *German Politics and Society* 33 (1994), pp. 23-56

<sup>49</sup> See A. Busch, 'Extensive Politik in den Klippen der Semisouveränität: Die Innen- und Rechtspolitik der rot-grünen Koalition', in C. Egle, T. Ostheim and R. Zohlnhöfer (eds.), *Das rot-grüne Projekt. Eine Bilanz der Regierung Schröder 1998-2002* (Wiesbaden: Westdeutscher Verlag, 2003); A. Busch, 'Von der Reformpolitik zur Restriktionspolitik? Die Innen- und Rechtspolitik der zweiten Regierung Schröder', in C. Egle and R. Zohlnhöfer (eds.), *Ende des rot-grünen Projektes. Eine Bilanz der Regierung Schröder 2002-2005* (Wiesbaden: Verlag für Sozialwissenschaften, 2007).

<sup>50</sup> This included the former Foreign Minister Hans-Dietrich Genscher and the conservative stalwart Alfred Dregger

<sup>51</sup> On Angela Merkel's impact on immigration and citizenship policy, see J. Mushaben, 'Citizenship and migration policies under Merkel's Grand Coalition', *German Politics* 20/3 (2011), pp. 376-91

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- <sup>52</sup> A. Busch, 'Kontinuität statt Wandel: Die Innen- und Rechtspolitik der Großen Koalition', in C. Egle and R. Zohlnhöfer (eds.), *Die zweite Große Koalition. Eine Bilanz der Regierung Merkel, 2005-2009* (Wiesbaden: Verlag für Sozialwissenschaften, 2010)
- <sup>53</sup> C. Joppke, 'Why Liberal States Accept Unwanted Immigration', *World Politics* 50/2 (1998), pp. 266-93; Joppke, *Immigration and the Nation-State*
- <sup>54</sup> Goodman, 'Controlling Immigration', p. 242
- <sup>55</sup> A. Geddes and V. Guiraudon, 'Britain, France and EU Anti-discrimination Policy: The Emergence of an EU Policy Paradigm', *West European Politics* 27/2 (2004), pp. 334-53
- <sup>56</sup> S. Green, 'Divergent Traditions, Convergent Responses: Immigration and Integration Policy in the UK and Germany', *German Politics* 16/1 (2007), pp. 95-115.
- <sup>57</sup> M. Howard, 'Variation in Dual Citizenship Policies in the Countries of the EU', *International Migration Review* 39 (2005), pp. 697-720.
- <sup>58</sup> F. Lämmermann, 'Einbürgerung - Aktuelle Entwicklungen und Perspektiven', *Zeitschrift für Ausländerrecht* 9/2009, pp. 289-296; "'Lasst uns hier abhauen'", *Der Spiegel* (2 September 2002)
- <sup>59</sup> T. Faist, 'How to define a foreigner? The symbolic politics of immigration in German partisan discourse, 1978-1992', *West European Politics* 17/2 (1994), pp. 50-71
- <sup>60</sup> Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration, *9. Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration über die Lage der Ausländerinnen und Ausländer in Deutschland* (Berlin: Beauftragte der Bundesregierung, 2012), pp. 26-38
- <sup>61</sup> Beauftragte der Bundesregierung, *9. Bericht*, pp. 38-43
- <sup>62</sup> Noted also by Musch, 'Consultation Structures in German Immigrant Integration Policies', p. 76; on the role and importance of parapublic institutions in German politics, see Katzenstein, *Policy and Politics in West Germany*, pp. 58-9
- <sup>63</sup> Beauftragte der Bundesregierung, *9. Bericht*, pp. 44-76
- <sup>64</sup> For instance, 'Germans celebrate the diversity of their "multiculti" World Cup team', *The Observer* (27 June 2010).
- <sup>65</sup> German Marshall Fund, *Transatlantic Trends: Immigration. Key Findings 2011* (Washington DC: German Marshall Fund, 2011), available at: [http://trends.gmfus.org/files/2011/12/TTImmigration\\_final\\_web1.pdf](http://trends.gmfus.org/files/2011/12/TTImmigration_final_web1.pdf) (accessed 12 September 2012)
- <sup>66</sup> Cf. J. Palmowski, 'In search of the German nation: citizenship and the challenge of integration', *Citizenship Studies* 12/6 (2008), pp. 547-63; see also C. Lacroix, *Immigrants, Literature and National Integration* (Basingstoke: Palgrave, 2010)
- <sup>67</sup> Green, *The Politics of Exclusion*, pp. 97-103, 116-20; Klusmeyer and Papademetriou, *Immigration Policy in the Federal Republic of Germany*, pp. 231-7
- <sup>68</sup> 'Angela Merkel declares death of German multiculturalism', *The Guardian* (17 October 2010); see also N. Kelek, *Die fremde Braut: Ein Bericht aus dem Inneren des türkischen Lebens in Deutschland* (Köln: Kiepenheuer und Witsch, 2005); H. Buschkowsky, *Neukölln ist überall* (Berlin: Ullstein, 2012); S. Luft, *Abschied von Multikulti: Wege aus der Integrationskrise* (Gräfeling: Resch, 2006)
- <sup>69</sup> T. Sarrazin, *Deutschland schafft sich ab* (München: Deutsche Verlags-Anstalt, 2010)

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<sup>70</sup> This argumentation echoes the notorious Heidelberg Manifesto of 1982. See Katzenstein, *Politics and Policy in West Germany*, pp. 243-5 for the text

<sup>71</sup> See K. Spenlen (ed.), *Gehört der Islam zu Deutschland? Fakten und Analysen zu einem Meinungsstreit* (Düsseldorf: Düsseldorf University Press, 2013); also C. Joppke, *Veil* (Cambridge: Polity, 2009), pp. 53-80

<sup>72</sup> 'Deutschland: Gericht stärkt Diskriminierungsverbot', *Migration und Bevölkerung* 9/2012, available at: <http://www.bpb.de/gesellschaft/migration/dossier-migration/148818/gericht-staerkt-diskriminierungsverbot> (accessed 10 January 2013)

<sup>73</sup> A. Wüst, *Wie wählen Neubürger? Politische Einstellungen und Wahlverhalten eingebürgerter Personen in Deutschland* (Wiesbaden: Leske + Budrich, 2002)

<sup>74</sup> See B. Donovan, 'Minority Representation in Germany', *German Politics* 16/4 (2007), pp. 455-80.