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MAKING IMMIGRATION WORK

Germany and the EU address migration, integration and security concerns through immigration policies

German Federal Ministry of the Interior

ONE OF THE GREATEST CHALLENGES OF OUR TIME IS MANAGING GLOBAL MIGRATION ACROSS NATIONAL BORDERS. ALTHOUGH GERMANY HAS ALSO SEEN MAJOR INTERNAL MIGRATION FROM EAST TO WEST DURING THE PAST 20 YEARS, THIS ARTICLE LOOKS ONLY AT IN- AND OUT-MIGRATION ACROSS ITS NATIONAL BORDERS.

In the 1990s, the number of people migrating to Germany was significantly higher than the number of those leaving. In recent years, however, the difference between these two figures has shrunk – and was even negative in 2008 and 2009. Population mobility will continue to rise in the future due to increasing globalization. As a result, migration is likely to affect more and more people in the coming decades. In view of expected demographic changes, migration policy in Germany and Europe as a whole must set

the course for the future.

Migration movements must be viewed in a global context. European nations must be willing to help migrants' countries of origin, so that their citizens can hope for a better future at home. The only way we can meet the challenges migration brings is by working together. At both European and national levels, we must pay attention to policy interactions and closely coordinate the various policy fields – justice, the interior, economics, development cooperation and foreign relations.

The Global Approach to Migration adopted by the European Council in December 2005, and regularly updated and expanded since then, provides an important orientation.¹ This document contains a concrete action plan for priority measures that are now being gradually implemented by the European Union and its member states. It calls for expanding the dialogue with other countries and for developing joint measures along the relevant migration routes to bring migration under control.



EU immigration policy
increasingly stresses
integration of newcomers.
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Migration must be managed and controlled because there are interests at stake: the interests of new arrivals and of those already here; personal, humanitarian, economic and national interests; and European and international security and integration interests. The ability to control and manage immigration depends to a significant degree on whether uncontrolled, illegal immigration can be successfully contained and reduced. Germany, Europe and the international community therefore face these four tasks:

- limiting illegal immigration;
- carefully and responsibly weighing the prospects for legal immigration;
- making integration the prerequisite and limit for further migration so that it contributes to peaceful coexistence; and
- ensuring the security of people living in Germany and Europe.

INTEGRATION IN GERMANY

Germany has always attracted immigrants and will continue to do so in the future – perhaps to an even greater extent. With increasing globalization, immigrants today come from a wide variety of cultures, for many different reasons and with a broad range of educational and occupational qualifications and language skills.

This makes it all the more important to clearly define the requirements for long-term residence in Germany. The aim of integration should not be merely to organize the coexistence of people from different cultures. A society cannot long endure an internal divide based on cultural differences. Speaking the same language and accepting the basic values of the receiving society are fundamental for maintaining societal cohesion. At the same time, immigrants must have the chance to take part in all aspects of social, political and economic life on equal terms, thereby gaining a realistic hope of becoming part of German society.

Between 1997 and 2002, roughly 850,000 ethnic Germans and foreigners moved to Germany from other countries each year. By 2006, that number had fallen to 660,000, its lowest level since 1987, but by 2010 it had again climbed to 798,000. By contrast, the number of people moving out of the country remained fairly constant, ranging from 600,000 to 750,000 annually from 1997 to 2010. In 2010, about 671,000 people emigrated from Germany, resulting in net migration of about 125,000.

The German government's integration policy is based on the principles of offering more support for integration efforts while making requirements stricter. Immigrants are required to learn German, through their own efforts and with government help, and to know and respect the basic values of German society. And German society is called on to recognize and remove existing barriers to provide immigrants equal treatment and equal access to all important areas of society, politics and the economy.

The Residence Act allows for and manages immigration with an eye to the country's capacity for receiving and integrating foreigners. Integration is no longer simply social work, as in the past, but also migration management. The government offers basic integration measures – open to all new immigrants, long-term foreign residents of Germany, ethnic German resettlers and their families and EU citizens – to support their own efforts to become a part of our society. The most important federal measure for the integration of migrants is the integration course, which foreigners are obligated to take under the conditions listed in the Residence Act. Another federal measure to promote integration is migration advising.

DIALOGUE ON INTEGRATION

In July 2006, Chancellor Angela Merkel hosted the first National Integration Summit, initiating a dialogue among all levels of government – federal, state and local – representatives of civil society and immigrants. At the summit, it was agreed to draw up a National Integration Plan. It was drafted by 10 working groups made up of government and civil society representatives and was presented at the second summit in July 2007; it included 400 voluntary obligations by government and nongovernment actors. At the third summit, in November 2008, the first progress report was presented. The Ministry of the Interior led the working groups on improving the integration courses and on integration through sport.

The topic of immigrants in the public administration is the subject of dialogue for the first time. The aim is to increase the share of federal administration staff with an immigrant background, not by setting a quota, but by using suitable measures to expand the pool of applicants with an immigrant background and to take adequate account of foreign language and intercultural skills during the recruitment process. Concrete targets and measures to promote integration are to be used to ensure that all

THE RESIDENCE ACT ALLOWS FOR AND MANAGES
IMMIGRATION WITH AN EYE TO THE COUNTRY'S CAPACITY
FOR RECEIVING AND INTEGRATING FOREIGNERS.

applicants to every level of the federal administration start with the same chances.

With the launch of the German Islam Conference in September 2006, the Ministry of the Interior created a forum for long-term dialogue between the German state and Muslims in Germany. This dialogue aims to improve the institutional and social integration of Germany's roughly 4 million Muslims and to ensure peaceful coexistence among all people in Germany, regardless of faith.

The conference completed its first phase when the 16th legislative term ended. In its new phase, the conference is more practically oriented and concentrates on increasing the concrete participation of Muslims in Germany. The conference has already achieved significant results, such as the Muslim declaration of allegiance to German law and constitutional values. It provided important impetus to the process of introducing instruction in Islam at German schools, drafted

recommendations on the building of mosques and on school-related issues, drafted guidelines on language and provided regional and cultural training for imams at the local level. The conference also worked to establish Islamic theology courses at German universities, representing Muslims in the media in a more nuanced way and intensifying cooperation on security issues.

When the immigration act entered into force, the Ministry of the Interior assigned the Office for Migration and Refugees to develop a nationwide integration program identifying existing federal, state, local and private integration offerings for immigrants and to present recommendations for further developing these offerings (Section 45, Residence Act). This program was presented to the Federal Cabinet and the public in September 2010. It covers the fields of language, educational and societal integration. Its publication concluded the process of drawing up a nationwide integration program and fulfilled Section 45 of the Residence Act. The most important issues of the integration program will be incorporated into the process of the National Action Plan on Integration and implemented within this framework.



An official at the Sehittlik mosque in Berlin speaks to visitors to promote integration on German Unity Day in October 2011.

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EU POLICY ON ILLEGAL MIGRATION

For various reasons, many people from all over the world wish to live in the EU. But migration also creates difficulties that may impact other EU member states and can therefore be resolved only by working together. This is why a policy of coordinated and selected immigration, depending on the member states' labor market needs, is necessary to enable fair treatment of migrants and their integration into the receiving society whenever appropriate.

As in the past, combating illegal immigration remains a priority of European migration policy under the Stockholm Program. Council Directive 2004/81/EC of April 29, 2004, authorized residency permits to cooperative third-country nationals who are victims of human trafficking or have been the subject of action to facilitate illegal immigration. The directive's aim is to fight human trafficking by granting temporary residence to victims of trafficking who cooperate with the authorities.

The EU Global Approach to Migration has been regularly updated and expanded. The European Council has acknowledged that successful and ongoing management of migration can succeed only in cooperation with countries of origin and transit. The Global Approach constitutes the strategic framework for the EU's external migration policy. It rests on three pillars: preventing and

combating illegal migration, taking advantage of opportunities for legal migration, and strengthening the synergies between migration and development. Also addressed was protection of refugees.

In addition, in May 2011, the European Commission presented concrete proposals for a dialogue with southern Mediterranean states on migration, mobility and security based on the Global Approach to Migration. In response, the Council initiated discussions with Tunisia, Morocco and Egypt aimed at entering deeper cooperation with these North African states, following the recent political upheaval, to root out the causes of migration and promote mobility between the southern Mediterranean



Dr. Hans-Peter Friedrich,
German minister of the interior

GERMAN FEDERAL MINISTRY OF THE INTERIOR

Asylum seekers gather outside a
residential home in Eisenhüttenstadt,
Germany, in 2011.

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states and the EU. This dialogue is intended to lay the groundwork for concluding mobility partnerships with the EU's southern neighbors as well.

Directive 2009/52/EC of the European Parliament and of the Council entered into force

on July 20, 2009, and provides for minimum standards on sanctions and measures against employers of illegal residents. It includes a ban on employing third-country nationals residing illegally and requires all member states to take similar measures to implement this ban. The focus is on the employer rather than the illegal resident. The measures range from preventive, such as reporting and monitoring requirements, to administrative or penal sanctions.

EUROPEAN INTEGRATION POLICY

Community law on entry and residence rights of third-country nationals includes integration requirements. Before an EU permanent resident permit is issued, community law allows for optional requirements of language tests in the countries of origin for subsequently immigrating family members and demonstration of having met integration requirements.

However, integration policy for immigrants remains the responsibility of member states. Member state ministers responsible for integration meet informally to share experiences. So far four meetings have occurred under various Council presidencies: Groningen (2004), Potsdam (2007), Vichy (2008) and Saragossa (2010).

Article 79 (4) of the Treaty on the Functioning of the European Union (part of the Lisbon Treaty) for the first time explicitly provides for community measures while excluding harmonization. This provision allows incentives and support for member states to promote integration of third-country nationals residing legally in their territories,

“excluding any harmonization of the laws and regulations of the Member States.”

Enhancing national integration policies and measuring them at the EU level are priorities of European cooperation. European policies concerning language courses, inclusion of the host society and participation of migrants are designed to be practical instruments to assist decision-makers and practitioners. EU level measurement is intended, above all, to improve comparability among the member states. Lastly, a European integration website was created as a public portal for sharing information and to serve as a bridge between decision-makers and practitioners. The website aims in particular at promoting integration policy measures and procedures and strengthening cooperation between government and civil-society organizations in the EU.

In the framework of cooperation among the National Contact Points on Integration – and at German initiative – a forum for sharing information and experience on intercultural dialogue is taking place at the European level for the first time. This also entails creating structures to allow rapid coordination at short notice in case of urgent problems.

POLITICAL EXTREMISM AND ISLAMISM

The term “political extremism” covers a broad range of political attitudes and activities that, despite their sometimes significant differences, all reject the democratic state founded on constitutional values and rules. Based on notions of homogeneity and authoritarianism, political extremism is marked in particular by its opposition to pluralist politics and society.

For the authorities responsible for protecting the constitution, the working definition of political extremism covers all anti-constitutional activities regardless of their relevance for criminal prosecution. These authorities use the term “extremist activities” to define their core monitoring area.

Militant Islamists believe the use of force is legitimate to establish an “Islamic order” as they define it. They base their belief on the Quran's call to jihad (meaning effort, inner

struggle or “holy war”), which they, unlike other Muslims, interpret as a holy obligation to wage constant war on all “enemies” of Islam in Muslim and non-Muslim countries.

Other Islamist organizations want to change society and government in their home countries violently (terrorism or guerrilla war). Members of these organizations often arrive in Germany as political refugees. They try to provide logistical and propaganda support from Germany to aid the struggle in the crisis region, constituting a latent threat to their home countries’ facilities and to German interests.

Yet other organizations exploit democratic means to establish Islamist conditions in German society, or at least try to find openings for organized Islamist activity in Germany, thus working against state integration by trying to set up a parallel Islamist society.

COUNTERTERRORISM

International terrorism takes many forms, which must be dealt with primarily using law enforcement. Residence law is especially important for counterterrorism because Islamist terrorists often turn out to have immigrant backgrounds. They are also often highly mobile, traveling across international borders.

New legislation has provided a decisive response to this new kind of threat. Germany’s Counter-Terrorism Act, which went into effect January 2002, responded to new threats by tightening existing provisions in the Foreigners Act on the entry, expulsion and deportation of foreigners, on obligations to provide information, on security

organization,” the residence permit will be refused even if all other conditions for claiming one are fulfilled. This provision also applies to people who give financial support to international terrorism.

Relevant provisions are also contained in the Residence Act, which replaced the Foreigners Act when the Immigration Act entered into force. Some important amendments, which improve Germany’s security against terrorist attack, make the act consistent with the Counter-Terrorism Act. The Act to Implement Residence- and Asylum-Related Directives of the European Union created further security provisions intended above all to optimize cooperation between the security authorities and the agencies responsible for issuing residence titles.

The Residence Act stipulates that leaders of any organization banned because its purpose or activities oppose the constitutional order or the idea of international understanding will also, as a rule, be expelled (Section 54 no. 7 of the Residence Act). Under the Residence Act, people who incite hate and violence may also be expelled if they publicly endorse acts such as war crimes in a way that could disrupt public security and order (Section 55 no. 8 of the Residence Act). Further, expulsion is mandatory for foreigners sentenced to imprisonment on charges of human smuggling (Section 53 no. 3 of the Residence Act).

In addition to provisions introduced under the Counter-Terrorism Act, the Act to Implement Residence- and Asylum-Related Directives – in line with regulations

INTERNATIONAL TERRORISM TAKES MANY FORMS, WHICH MUST BE DEALT WITH PRIMARILY USING LAW ENFORCEMENT.

interrogations, and on measures to establish and document the identity of individuals. The Residence Act, which entered into force with the Immigration Act on January 1, 2005, persists in this direction. Lastly, the Act to Implement Residence- and Asylum-Related Directives of the European Union, which went into force August 28, 2007, has taken further steps to optimize the Residence Act. These steps are the result of security policy insights gained from attempted bombings in Germany.

To ensure that people who commit or support terrorist or violent activities are not allowed to remain in Germany, a new basis for refusing a residence permit was introduced in January 2002 (Section 5 (4) in conjunction with Section 54 nos. 5 and 5a of the Residence Act). Under the provisions, if a foreigner “endangers the free and democratic basic order or the security of the Federal Republic of Germany, participates in acts of violence or publicly incites violence in pursuit of political objectives or threatens the use of violence, or if there is reason to believe that the person belongs to or has belonged to an organization which supports terrorism or supports or has supported such an

at the European level for the Schengen area – allows the authorities to take and record fingerprints of all applicants for national (long-term) visas, regardless of their nationality, for the purpose of establishing and verifying their identity.

CONCLUSION

All in all, Germany has spent the past decade adjusting its migration policy to ensure not only that immigrants are welcomed and integrated into German society, but that violent extremists are excluded from the process. Ideally, coordination between EU members will ensure that best practices regarding migration are adopted across the continent and that one country’s problem doesn’t become a burden for all. □

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1. European Council, Brussels, 15–16 December 2005, Presidency Conclusions of 17 December 2005; Doc 15914/05 CONCL 3.