

Who is German? Immigration and Citizenship in the Berlin Republic

Unified Germany in Perspective

Outline

Citizenship and Immigration in Germany before 2000

- The legal basis

- Foreigners in Germany

The Red/Green reforms

- Citizenship

- Immigration

Class questions



The core questions



1. Who may live in Germany (residence/immigration)
2. Who is/may become a full citizen (citizenship)



Who is German?

- ▶ Historically, no German citizenship even after 1871
 - ▶ Established in 1913 as an *addition* to existing Land-citizenships (“Reichs- und Staatsangehörigkeitsgesetz”)
 - ▶ Modified in 1934, unified German citizenship *replaces* Land-citizenships
 - ▶ Several later modifications, but in force until 2000
- ▶ Basic Law, Article 116

Who is German?

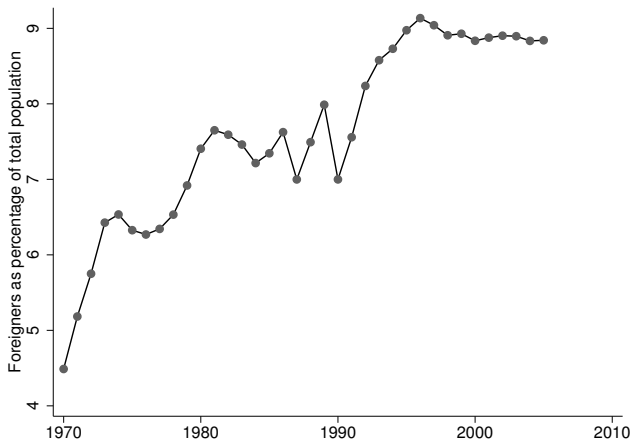
(1) Deutscher im Sinne dieses Grundgesetzes ist vorbehaltlich anderweitiger gesetzlicher Regelung, wer die deutsche Staatsangehörigkeit besitzt oder als Flüchtling oder Vertriebener deutscher Volkszugehörigkeit oder als dessen Ehegatte oder Abkömmling in dem Gebiete des Deutschen Reiches nach dem Stande vom 31. Dezember 1937 Aufnahme gefunden hat.

(2) Frühere deutsche Staatsangehörige, denen zwischen dem 30. Januar 1933 und dem 8. Mai 1945 die Staatsangehörigkeit aus politischen, rassistischen oder religiösen Gründen entzogen worden ist, und ihre Abkömmlinge sind auf Antrag wieder einzubürgern. Sie gelten als nicht ausgebürgert. . .

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 - ▶ Several later modifications, but in force until 2000
- ▶ Basic Law, Article 116
 - ▶ Based on *ius sanguinis*
 - ▶ No right to naturalisation
 - ▶ Next to impossible to *become* German – one *is* German (or not)
 - ▶ Large group of (potential) German citizens outside West Germany

Foreigners living in Germany



Where do all the foreigners come from?

- ▶ Enormous post-war (im)migration of ethnic Germans from CEE & GDR (12-14m) → not counted
- ▶ *Shortage* of labour from the mid-/late 1950s → Italy, Spain, Greece, Portugal, Morocco, Tunisia, Yugoslavia (young, single men)
 - ▶ 1 million foreign workers in 1964, “rotation” ends, secondary migration begins
 - ▶ 4 million foreign workers in 1973, recruitment ends
- ▶ Due to *ius sanguinis*, considerable numbers of *foreigners* born in Germany from 1970s on (“second/third generation”)

Asylum seekers and immigration

- ▶ Until 1993, extremely liberal asylum rule in the constitution: “Persons persecuted on political grounds shall have the right of asylum”
- ▶ Before late 1970s, number of asylum seekers negligible most of the time
- ▶ Massive increase from 1980s; protracted procedures
- ▶ Enormous rise during early 1990s; asylum as a *de facto* substitute for proper immigration regime

Asylum Applications 1980-2001



Asylum seekers and immigration II

- ▶ Asylum seekers/foreigners “most important political issue” for years
- ▶ Rise of Republikaner and DVU since mid-1980s
- ▶ Constitution modified in 1992/93 (“Asylkompromiß”)
 - ▶ List of countries safe by definition
 - ▶ Automatic refusal if immigration via “safe” transit country → immigration via airports
 - ▶ “Airport procedure” → immigrants stopped before they step on German territory; reduced protection
- ▶ Following the wars in Yugoslavia (and other wars), tens of thousands of refugees (temporarily) accepted under international agreements
- ▶ Other people “tolerated” (ca. 180,000)

Ethnic Germans (“Spätaussiedler”)

- ▶ Between 1950 and 1984 on average 36,000 per year
- ▶ Enormous increase in late 1980s
 - ▶ 203,000 in 1987
 - ▶ 400,000 in 1990
 - ▶ 2.7 million between 1987-1999 (mostly from Russia)
 - ▶ Changing profile, tougher rules
 - ▶ Numbers now down to early 1980's level
- ▶ Politically sensitive issue. No change after unification



Summary: The situation in the late 1990's

- ▶ Public very concerned about immigration from outside EU
- ▶ Elite consensus of making immigration a non-issue most of the time still in place
- ▶ Denial – “Germany not a country of immigration”
- ▶ Large, growing, and unskilled population of people who do not enjoy full citizenship rights (but social rights)
 - ▶ Status of Turkish minority (about 50% of all foreigners) uneasy
 - ▶ Language & school problems, ethnic segregation (third generation)
 - ▶ Integration policies not properly funded

Attempts to change citizenship laws



- ▶ Unlimited right to citizenship for long-time residents introduced in 1993, but little impact on naturalisation
- ▶ Traditionally, German governments very sceptical about dual citizenship
- ▶ Previous reforms 'quiet and elite-led'
- ▶ Citizenship and immigration *not* on the new governments agenda in 1998 ("coalition treaty")
- ▶ But Schröder publicly announced new citizenship code in November 1998 (Green project)
 - ▶ Full citizenship for all (legal) long-term residents and their children
 - ▶ Dual citizenship as the rule

Attempts to change citizenship laws II



- ▶ Triggered unparalleled campaign by CDU/CSU
- ▶ Signatures collected during Hessian Land election campaign in spring 1999 → SPD lost majority in Hessen *and* majority in the Federal Council
- ▶ Government came up with a compromise that was acceptable for Rheinland-Pfalz (SPD-FDP): “Optionsmodell”
 - ▶ Children of (legal) foreign residents automatically have German citizenship; things made easier for residents
 - ▶ But must *normally* give up one of their citizenships before they turn 23

Naturalisation over time 2003-05



“Greencards” and “Computer-Indians”

- ▶ In February 2000, Schröder announced long-term visa for IT professionals
- ▶ Basically a publicity-stunt but sparked political conflict (“Kinder statt Inder”)
- ▶ Government never managed to attract the intended number of professionals (20,000)
- ▶ Many returned after the bubble but paradigm-shift
- ▶ Drafting of a comprehensive immigration law (the first ever) started in summer 2000

The immigration law – a never-ending story I



- ▶ Multi-partisan (but liberal) expert commission suggested that Germany needs much more (educated) immigrants in July 2001
- ▶ Met resistance from CDU/CSU and from Home Affairs (Schily (SPD))
- ▶ Parliamentary procedures began in August 2001 but were stopped after 9/11

The immigration law – a never-ending story II

- ▶ After conflict in cabinet, bill re-introduced early in 2002 (gender-related and non-state persecution)
- ▶ Support from the coalition and some CDU MPs, PDS and FDP abstained, most CDU/CSU members voted against bill
- ▶ Brandenburg's (SPD/CDU) four votes needed in the Federal Council → staged conflict in March 2002
- ▶ Law promulgated in summer, but declared unconstitutional on procedural grounds in autumn



The immigration law – a never-ending story III

- ▶ Identical bill re-introduced in 2003; (largely symbolic) conflict over a number of issues
 1. Labour market immigration
 2. Family re-unification
 3. Non-state and Gender-Related persecution
 4. Asylum procedures
- ▶ Compromise achieved after lengthy consultations in 2004, law promulgated in summer and effective from January 2005

The immigration law – a never-ending story IV

- ▶ A (very brief) evaluation:
 - ▶ Finally, official recognition of immigration
 - ▶ A new federal office in charge of immigration
 - ▶ Simplifies the legal framework and legal status of immigrants
 - ▶ Federal government pays for language & integration courses
 - ▶ In sum, relatively little deviation from the old, rather restrictive yet pragmatic approach
 - ▶ Restrictions for citizens from new EU-member states
- ▶ Many experts agree that Germany needs (much) more immigration
- ▶ Recent developments
 - ▶ Limited access for non-EU professionals
 - ▶ Influx from Spain, Portugal, Greece
 - ▶ Coalition committed to generally allow dual citizenship for kids born in Germany

Facts & Figures

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- ▶ But about 84 per cent rejected
- ▶ Naturalisation rate still very low: just under 2 per cent per year
- ▶ Influx of highly-skilled migrants from Bulgaria and Romania
- ▶ 1,226,000 new immigrants in 2013 – highest since 1990s
- ▶ But only 437,000 net - roughly 0.5 per cent of population stock

Class questions

1. Why has Germany such a peculiar notion of *citizenship*?
2. Why are immigration and dual citizenship such hot issues?
3. Why did it take ages to draft and implement an immigration law? Will the Grand Coalition move things forward?