



1 Tendencies of immigration

In the political discussion in Germany about immigration there is sometimes mentioned the difference between (“voluntary”) migration because of a job and (“forced”) migration because of flight. The reason for doing this differentiation is to distinguish between permitted and not permitted immigration. But in the reality both motives of migration are mixed. Therefore in the following text there is made no difference between the motives of migration. Moreover, migration shall be understood in the following text as a (planned) permanent change of single persons or more people into another society (or region) - independent of specific ethnic contexts. Although most statistical information about immigration in Germany are ascertained on the base of the foreigner law – that means nationality as a criteria of difference. It is important to mention that the characteristic “foreigner” is only one part of the immigration.

With a long term view the immigration in Germany has changed in two important aspects: On the one hand the immigration has changed in the 1990s from a south-north migration into a east-west migration. On the other hand the predominated permanent immigration because of a job has changed into a seasonal immigration.

In a detailed way immigration in Germany can be described within the following phases: After the second World War about 12 million of refugees and displaced persons immigrated into Germany.

The employment of foreign workers was the consequence of the lack of labour in the 1950s. The first recruitment agreement with Italy (1955) was the beginning of the immigration of “guestworkers”¹ and their family members (between 1960 and 1990 were registered about 16 million arrivals in Germany). Because of the expected economic and energy crisis the government of the Federal Republic ordered in 1973 a “recruitment ban”. But the recruitment ban didn’t change the number of foreign residents a lot because family members of the “guestworkers” arrived later.

Already in the 1980s but much more since 1989 the number of resettlers of German origin² (from East European countries and the Soviet Union) increased considerably. This group has historically a special role because they become naturalised Germans. The resettlers of German origins are treated as equals with Germans.

In the 90s the spectrum of immigration got wider again:

Because of asylum seekers and civil war-refugees: The warlike conflicts in the area of the former Yugoslavia until 1999 and especially the familiar connections of this groups of refugees (because of the former recruitment of “guestworkers”) caused a big immigration. Moreover the unsolved crisis of human rights in the main countries of origin (Turkey, Iraq, Iran, Sri Lanka, Afghanistan) causes a continuous migration of refugees to Germany.

¹ The term „guestworker“ was coined in the early sixties to describe foreigners who came to the Federal Republic of Germany to work. The implicit underlying assumption was that the worker stayed only for a limited period of time and then returned to his/her homecountry. The term is nowadays only used in this historical context.

² Resettlers of German origin are immigrants with German origin, who were resettled within Eastern European states as a consequence of the breakdown of the National Socialism.



In reality the recruitment ban from 1973 has been abolished at the beginning of the 1990s because with contracts for services, seasonal employment and employment of international commuters were introduced new forms of employment for Eastern and Middle European workers and employees. Many times this kinds of employment are based on bilateral agreements about contingents.

Since the change of the asylum law in 1993 illegal and irregular immigrants are a new group, which nearly can't be quantified.

2 Immigration: groups and countries of origin during the 1990s

Between 1991 and 1999 about 9.6 millions of persons moved from foreign countries to Germany. 75% of them had a foreign nationality, and 25% the German nationality (resettlers of German origin). The result of the migration balance in the same period was a surplus of 3.2 million persons.

Since the 1990s the structure of the origin countries is constant. In 1999 there was the following structure: 19% migrants from countries of the European Union, 13% from countries of ex- Yugoslavia, 10% from Poland, 8% from Russia, 6% from Kazakhstan and 38% from other countries. With the exception of resettlers of German origin (in 1999: 200,150 immigrants) the three most important countries of origin are Yugoslavia (1999: 90,508 immigrants), Poland (1999: 72,402 immigrants) and Turkey (1999: 48,129 immigrants).

The average age of the immigrants is lower than average age of the German population. In 1999 more than 77% of the immigrants were younger than 40 years old (in the whole population this age-group contributes to 50.3%).

The differentiation between single groups shows the following structure for the year 2000:

- **Late arrival of (married) partners and family members** (members of third states): increasing tendency with lately 75,888 immigrants (with visa); the most important country is Turkey;
- **Resettlers with German origin**: The peak was in the first half of the 1990s with yearly more than 200,000 immigrants; after the introduction of a contingent the immigration has reduced about 50% (lately: 95,615 immigrants);
- **Asylum seekers**: between 1990 and the end of 2000 nearly 2 Million persons applied for asylum; the change of the law and the (relative) political stabilisation in some countries of origin (e.g. in the Ex-Yugoslavia) reported a continuing fall of asylum seekers (lately: 78,564). The main countries of origin in 2000 were Iraq (15%), Federal Republic of Yugoslavia (14%), Turkey (11%, mainly Kurds), Afghanistan (7%) and Iran (6%);
- **Refugees because of war, civil war and others** (outside the procedure to get asylum): about 370,000 persons with a limited residence permit, who can't expected to go back to the origin country because of political or human reasons;
- **Contract workers and seasonal workers**: In 2000 about 50,000 contract workers and 200,000 seasonal workers (mainly from Poland and Hungary) worked with a limited contract.
- **Illegal immigration**: In the 1990s the illegal immigration – e.g. human smuggling or with forged documents – got more importance. The Federal Office for the recognition of foreign refugees estimates a yearly rate of 50,000 illegal immigrants. Since the middle of

the 1990s about 30,000 illegal immigrants are picked up at the German frontiers. An important support for the illegal stay is the shadow economy: the construction sector, the sector of building and industry cleaning, the sector of agriculture and forestry and the entertainment industry have high rates of illegal employment.

3 Legal context

The "ius sanguinis" (principle of origin) is the most important principle in Germany for the decision about nationality: Children normally get the German nationality when they are born, if their parents have the German nationality. But this principle is criticised in Germany, especially with the background of the immigration law in most of the other continental European countries.

The legal form of immigration and naturalisation of foreigners is still controversial discussed between different political sides in Germany. This can be seen in the change of law in the 1990s (see text below) and the currently prepared immigration law by the Federal Government, which is supposed to be an important theme in the election campaign (national elections will be in September 2002 in Germany).

A special regulation is aimed at the group of resettlers with German origin: Article 116 of the German constitution facilitates the naturalisation for displaced persons and refugees (and their family members) with German origin. This article is only applied to expulsion, which can be interpreted as a consequence of the breakdown of the National Socialism. The article is important as well for the immigration from Eastern Europe countries. Since 1992 quotas of immigration are fixed (maximum 225,000 persons/year). In 1994 an exam of language knowledge was additionally introduced.

- The asylum law was restricted in 1993 after strong social conflicts, which were accompanied among others by an increasing number of racial acts of violence. The new Article 16a of the German constitution intends that refugees can be send back into so called "sure third states", which have been the bridge between their origin country and Germany. The article allows as well a quicker expulsion. In reality this article reduces the legal immigration of asylum seekers.
- A political controversial reform was agreed with the new citizenship law (since 1st of January 2000), which is based on elements of the "ius soli" (the principle of birthplace): Children of parents, who are living at least eight years in Germany can get a double nationality, but they have to decide for one until they are 23 years old. Another reform offers the possibility to get the naturalisation after eight years of legal residence in Germany. The applicant has to declare himself/ herself to the German Constitution, has to be economically independent, mustn't have a previous conviction and has to have knowledge's of the German language. But until now it is not clear how the new law can be realised on the level of administration of the states.

Following the contract of Maastricht, which mentions the introduction of a so called "Union citizenship", the right to vote for EU-citizens on the local level is introduced within the German constitution.

For specialist in the information technology was agreed a Greencard-regulation: specialists outside of the European economic area can get the residence and work permit for a maximum of five years. The limit is 20,000 persons.

4 Social integration

The German foreigner law contents a very differentiated and therefore confused categories of residence and work permits. Essentially the legal status of immigrants depends on the legality of immigration and the duration of the stay. Therefore the social integration shows group-specific differences. Additionally the judging of social integration must be differed in the formal situation and the reality.

In the last decades the social rights of immigrants with unlimited residence permit (immigrants which are living since many years in Germany because of recruitment agreements) are widely adapted to the rights of German citizens. Formally they have the same possibilities of access to educational establishments, to the health system and to social security benefits (including social welfare).

While the position of resettlers with German origin and immigrants because of a job (??) of EU countries are relatively privileged, the status of new immigration groups is precarious. Their access to the labour market is strongly limited. The so called "home primacy" contents, that employment offices can offer job vacancies only to immigrants if there can't be find German job-seekers or job seekers from EU member states.

Especially asylum seekers are in a marginal position. Since 1993 they are excluded from the law of social welfare; under the asylum law they get only reduced or limited welfare benefits and since 2000 they get after a waiting period of one year a limited work permit. This discriminatory practice is expressly used to motivate persons to leave the country "voluntary" if the legal possibilities for an expulsion don't work.

In reality immigrants don't have the same social possibilities like German citizens. This is very obvious in the employment system: Immigrants have less attractive and less paid jobs in comparison with Germans. At the same time the risk to be unemployed is bigger (unemployment rate in 2000/ old states = 7.8%; foreign employees = 16.4%). A lacking educational qualification is an important barrier for the access to a job because of a strong regulation of the German labour market.

The worse "equipment" with human capital of migrants depends on the inequality within the educational system: Most of the immigrant groups have a lower school education and leave the school earlier than Germans. Though there are sometimes big differences between the single groups of immigrants: Long time residents succeeded in the building up of a network of ethnic economies. But the same goes not for the group of resettlers with German origin, which has many times not enough knowledge about the German language (although they have the German nationality). In this context it is necessary to mention that a relatively successful economic integration is not identical with a cultural integration. The example of "ethnic economies" is discussed in Germany in connection with the construction of so called "countersocieties", the development of homogeneous social milieus, with own ethnical norms and outside the norms of the majority.

5 Foreign population (Federal territory/Hamburg)

| Date: 31.12.2000 | Federal territory | | | Hamburg | | |
|----------------------------|-------------------|--------------|--------------------|----------|--------------|--------------------|
| Nationality | Absolut | Per cent (%) | Foreigner rate (%) | Absolute | Per cent (%) | Foreigner rate (%) |
| Total number of foreigners | 7.296.817 | 100,0 | 8,9 | 272.604 | 100,0 | 15,4 |
| Under them: | | | | | | |
| Turkey | 1.998.534 | 27,4 | | 65.599 | 24,1 | |
| Federal Rep. of Yugoslavia | 662.495 | 9,1 | | 24.424 | 9,0 | |
| Italy | 619.060 | 8,5 | | 7.106 | 2,6 | |
| Greece | 365.438 | 5,0 | | 8.331 | 3,1 | |
| Poland | 301.366 | 4,1 | | 19.313 | 7,1 | |
| Croatia | 216.827 | 3,0 | | 4.859 | 1,8 | |
| Austria | 187.742 | 2,6 | | 4.111 | 1,5 | |
| Bosnia | 156.294 | 2,1 | | 3.929 | 1,4 | |
| Portugal | 133.726 | 1,8 | | 10.259 | 3,8 | |
| Spain | 129.471 | 1,8 | | 3.786 | 1,4 | |
| | | | | | | |
| EU-States | 1.872.655 | 25,7 | 2,3 | 51.143 | 18,8 | 2,9 |

6 Foreigners: Employment and unemployment

| Employment Federal Territory in 1999 | Employment status | |
|---|-------------------|---------------|
| | absolut | Per cent (%): |
| Gainfully employed | 2.920.000 | 100,0 |
| under them: | | |
| Self-employed | 263.000 | 9,0 |
| employees | 2.622.000 | 89,8 |
| | | |
| Employment by sectors | | |
| Federal Territory (West) in 1999 | | |
| Only employees | absolut | Quote |
| Agriculture, forestry, fishing industry | 27.421 | 13,2 |
| Energy industry, mining | 15.925 | 5,0 |
| Manufacturing | 736.229 | 10,6 |
| Construction sector | 154.141 | 11,0 |
| Commerce | 216.574 | 6,7 |
| Transport, communications | 106.370 | 9,3 |
| Banks, insurances | 23.670 | 2,5 |

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| | | |
|---|-----------|------|
| Service sector | 652.588 | 10,1 |
| Under it | | |
| Catering trade | 166.707 | 26,4 |
| Cleaning | 127.739 | 26,5 |
| Non-profit-organisations and private households | 40.146 | 5,9 |
| Regional administrative bodies, social security | 44.619 | 3,4 |
| Total | 2.017.770 | 8,9 |

| Unemployment | In per cent (%) | |
|-----------------------------|-----------------|---------|
| | Foreigners | Germans |
| Federal territory | | |
| Men | 61,7 | 52,4 |
| Women | 38,3 | 47,6 |
| Without vocational training | 78,3 | 39,7 |
| With vocational training | 21,7 | 60,3 |

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