



## Germany's Transformation to a Modern Immigration Country. SVR 2014 Annual Report with Migration Barometer

### Nine core messages

The two central aspects of the 2014 SVR annual report are a review of the past five years and a look at the migration and integration policy challenges of the future. The core messages first take stock of the current situation before identifying migration and integration policy issues where, in some cases, there continues to be a pressing need for political action.

#### Core message 1:

##### **Progress made: the legal framework for labour migration**

Germany has started to actively manage immigration – following decades of self-reassurance that it is not an immigration country contrary to statistical evidence. After the 2005 Immigration Act laid important groundwork as the first step in an active immigration policy, legislators and policymakers have taken other steps, some even rather bold, in the last five years.

Germany's immigration policy has undergone a rapid change from a policy of protection to a policy of recruitment with the implementation of EU Blue Card Directive, the introduction of a small-scale point-based system and its decision to open up the job market even to skilled workers without academic degrees. After many years with an attitude to labour migration that can be described at best as reluctant, since August 2012, Germany has created many possibilities for immigration at a legal level that are liberal and open when compared internationally.

This is one reason that demands for further, fundamental expansion or reorganisation of labour migration laws are not convincing. Another new channel, in addition to the Blue Card prescribed by European law, would again complicate the apparatus for which the red tape has been painstakingly reduced over the last few years. The call for a point-based system 'like the one in Canada' also fails to recognise that Canada itself is currently discussing the disadvantages of an immigration system not sufficiently connected to the national job market. This connection to the labour market (again) plays a key role in the reformed Canadian point-based system.

Labour migration laws do not need to be fundamentally overhauled or restructured: they have the right content, they just need attractive packaging. Germany lacks an immigration marketing strategy that presents attractive migration opportunities as such and does not keep them hidden from view. The crucial issue is not whether the name of a newly created system for the different immigration options is called the Black-Red-Gold Card – similar to the Red-White-Red Card in Austria – or something else. It is



much more important that the packaging makes a noticeable and effective contribution to increasing Germany's appeal to immigrants. Moreover, embassies, consulates and chambers of foreign commerce do not yet adequately see themselves as advertising vehicles for Germany in the competition for highly skilled nationals of third countries. The SVR thus calls on the German federal government to draft and implement an immigration policy communication concept based on existing and successful approaches (such as the platform [www.make-it-in-germany.com](http://www.make-it-in-germany.com)).

However, one fundamental fact needs to be kept in mind: immigration, particularly the immigration of skilled workers, can only be successful over the long run if the paradigm shift from a policy of protection to a policy of recruitment is credibly communicated in policy. Germany must assume its role as an immigration country both confidently and assertively. To achieve this goal, it needs more than just a website, new packaging for the legal apparatus and occasional public statements. The image of Germany as a friendly country can be quickly destroyed by bureaucratic obstacles imposed by German foreigners registration offices, impulsive calls for isolation when cross-border mobility leads to social problems and xenophobic attitudes when relatively trivial events occur.

*(For more information and recommendations for action, see A.1.1, A.2.2)*

## Core message 2:

### **European migration zone and national social systems: clarify discrepancies**

As it has expanded, the European Union has always promised its citizens two kinds of mobility: unimpeded geographic mobility beyond national borders and social mobility within the member states by increasing income and prosperity. Geographic mobility is also expected to improve the allocative efficiency of the interlinked national labour markets and to increase prosperity for all market participants. When people who are unemployed leave their national labour markets and move somewhere they are needed, either temporarily or for a longer period, everyone benefits: the job markets in the regions of origin benefit because the supply of workers is smaller, the labour markets in the destination regions benefit because the supply of workers increases and the European internal migrants themselves benefit from earning non-subsidised income.

The blueprint of the EU, however, never envisaged domestic mobility as a way to improve individual social benefits. Market-based employment was always at the core of the European pledge of mobility. EU accession of countries with far below-average economic performance, however, has intensified social and economic discrepancies within the EU. This reinforces asymmetries in European migration patterns that could lead to 'welfare migration'. Even if 'migration to social systems' is an overhyped phenomenon in the media, and Germany benefits, especially more recently, by EU mobility, this kind of trend, particularly if it gets stronger, still conflicts with the original idea of freedom of movement. It is pointless to want to identify the individuals who are causing this phenomenon and possibly hand over responsibility for this development to the national courts or the European Court of Justice. The fact is, however, that mobility within the EU that is not primarily driven by employment but mainly structured by



the different levels of the social security systems in the individual member states pushes the limits of acceptance because the contributions made and benefits received are independent of one another. The population in the member states is less and less accepting when people come to their country and receive social benefits without having previously paid into the system. European solidarity cannot be compared with national solidarity, and what is accepted as social compensation between the German *Länder* no longer applies between the member states. Anyone who fails to see this is carelessly disregarding the general mood and thus jeopardising the acceptance and the future of the overall European project.

As a result, ways have to be found to prevent potential migration to the social systems, to link the receipt of social benefits to a previous contribution or to apply the principle of country of origin to eligibility for social benefits. The SVR urges clarifying the immanent discrepancies brought about as a result of the Europeanisation of an increasingly asymmetrical migration zone and the simultaneous retention of national social systems. This has to happen as a matter of principle (e.g. also under the scope of the National Migration Action Plan proposed under core message 4). The responsibility for this cannot be left to the municipalities or the courts.

*(For more information and recommendations for action, see A.2.2)*

### **Core message 3:**

#### **Forgotten on the outer borders: passing on responsibility for refugees and asylum-seekers**

The deaths of several hundred refugees off the Italian island of Lampedusa in autumn 2013 thrust the European asylum and refugee policy back into the public eye. A few weeks before this tragic event, the last steps were taken toward a Common European Asylum System (CEAS) at European level which had been in the works for quite some time. The package passed by the European Parliament is comprised of three directives (Asylum Procedures Directive, Qualification Directive, Reception Conditions Directive) and two reworked regulations. The Asylum Procedures Directive governs various stages of the asylum procedure and the rights and obligations of asylum applicants, the Qualification Directive stipulates the grounds for recognising the claim to international protection and the Reception Conditions Directive lays down minimum standards for the reception of asylum seekers, particularly their access to the job market and grounds for detaining asylum-seekers. Especially because the EU is a community of values, compliance with these standards must be monitored and enforced by the Commission and other European institutions more closely than before.

But major issues are still not being addressed: how should Europe deal with refugees from the crisis and poverty regions of Africa and Asia? Where is the inner-European solidarity when it comes to sharing the burden with countries that are confronted with particularly high numbers of refugees and are frequently overwhelmed by protection processes and refugee housing? The EU may not reduce its role to focus solely on reinforcing its borders. It must be ensured that refugees are not sent back to countries where



refugee and human rights standards are not met. This is the EU's responsibility: it has to do everything in its power to ensure that people seeking protection find the refuge they need.

Within the EU, there also has to be a willingness to assume partial responsibility for successfully handling the influx of refugees. So far, however, there has not been a lot of inner-European solidarity in evidence. No country wants to hear about burden sharing as long as they themselves are not directly affected, the others have to assume the burden instead. Consequently, a binding burden-sharing mechanism has to be developed that not only helps countries that are financially and logistically overwhelmed, but also requires less affected countries to take in refugees. The European asylum system also needs to introduce a temporary protected status that spares refugees from crisis areas from the asylum process and offers them non-bureaucratic protection. In addition, resettlement programmes have to be expanded and mobility partnerships forged, particularly with the emerging economies, to link migration and development policy interests.

*(For more information and recommendations for action, see A.1.2, A.2.3)*

#### **Core message 4:**

#### **Migration policy as an important future socio-political task: the National Migration Action Plan**

Despite a generally positive overall assessment, particularly of labour migration, German policy still has a migration policy flaw: no dialogue about an overall migration policy strategy has taken place to date. Until now, immigration has still been addressed separately under the aspects of the labour market, academic training and education, the right of families to live together or protection from persecution. Migration patterns have become more diverse and include an increasingly greater percentage of immigration that cannot be controlled (e.g. immigration within the EU). In addition, immigration in a country with a shrinking and demographically ageing population is one of the challenges of the future to guarantee Germany's continued ability to compete and provide a stable cushion for the social state. A comprehensive policy is needed to harmonise the different immigration goals and bring the actors from different realms to the table. A National Migration Action Plan should be formulated that brings together the established (Federal Ministry of Labour and Social Affairs, Federal Ministry of the Interior and Federal Office for Migration and Refugees) and new migration policy actors (universities, large companies, etc.) and develops an overall migration policy strategy for Germany. In addition to high-profile political discussions about the issue of skilled workers, other, less prominent migration aspects (migration of low-skilled workers, seasonal worker mobility, student mobility, migration within the EU) should be discussed and correlations drawn. This also applies to the problems of 'poverty migration' associated with EU expansion that creates new challenges for the nationally organised welfare state and selected municipalities in Germany. Social problems that have already existed for quite some time in today's EU (e.g. the marginalisation and discrimination of the Roma), are now also visible in Germany – however, on a much smaller scale. It is important that the two kinds of mobility pledged by the EU are highlighted



in a National Migration Action Plan: freedom of geographic mobility and more prosperity for everyone as core elements of the European project.

It is time to demand a consistent migration policy (SVR 2013) that is based on qualified analyses of future demographic, economic and social trends. A National Migration Action Plan should and can make a contribution to developing this kind of comprehensive migration policy. It would thus also be Germany's calling card for migration and integration policy.

*(For more information and recommendations for action, see A.2.2)*

### Core message 5:

#### **The last five years: an ambivalent assessment of integration policy**

The assessment of integration policy over the last five years remains ambivalent. Even though some improvements called for by many for a long time have been made, such as in the recognition of qualifications acquired abroad (see Section C in SVR 2013) and the equal institutional treatment of Islam (see also core message 9), many integration policy opportunities have also been missed over the last five years – and the agreements reached by the new government coalition do not suggest that this will change during this legislative period.

This is evident for the area of institutional anchoring of integration policy; the SVR's call for a shift in integration policy powers from the Federal Ministry of the Interior to a different ministry less affected by security interests has not been taken up by the German federal government. The SVR had recommended moving integration policy to another department with strong authority (for example, the Federal Ministry of Labour and Social Affairs – BMAS) and, at the same time, advised against creating a separate integration ministry. This is intended to ensure that integration policy issues have the force they deserve to ensure that their significance as an interdisciplinary socio-political task is pushed to the forefront. Integration policy will be negatively impacted over the long run by the fact that the opportunity for institutional reorganisation as well as the opportunity to strengthen the federal government in the area of education policy - for example, by ending the ban on cooperation between the federal government and *Länder* in the educational realm - are not being seized.

Conceptually, the definition of integration selected by the SVR and described in detail and clearly defined in its first annual report in 2010 has proven fitting. According to this definition, integration is about striving to achieve "equal participation to the furthest extent possible in the key areas of social life". This places the economic (employment, income, training, etc.), the cultural (language, education, religion, traditions, etc.), the social (community, living, circle of friends, identification, etc.) and the political (civil participation, parties, associations, etc.) aspects of life at the centre of the analysis. These four dimensions of social participation are closely related: they can mutually reinforce or exclude one another. But even if equal opportunity for participation becomes a reality, this is no guarantee that everyone will actually take advantage of these opportunities. Ensuring integration based on this definition of equal



participation is not only a government task but a challenge that involves society as a whole and every single individual – it thus affects people with and without a migration background.<sup>1</sup>

(For more information and recommendations for action, see B.1, B.2.1, B.2.2)

### Core message 6:

#### **Education as a work in progress: few accomplishments**

Education is a prerequisite for the broadest possible participation in all key areas of society. The SVR's 2014 annual report sees an urgent need for educational reforms in the immigration society based on current studies on the performance of the education system; these mainly involve opportunities to transition more easily between levels in the school system which have hardly increased in the last five years, individual pupil support and better teacher training for dealing with a diverse student body. Schools have to focus more on compensating for social differences in the prerequisites needed for learning and not on exacerbating them. Admittedly, some success has been achieved. The differences in the skills acquired by pupils with and without a migration background have become slightly smaller in recent years. The improved performance of pupils in Germany measured in international comparison studies was even primarily a result of the increased performance of students with a migration background. The attendance rates of day care, secondary schools and universities by children and young people with a migration background have also increased in the last five years. Still, there continue to be alarming trends that can only be seen as failures:

It is cause for concern that too many young people still end their school careers without a degree. It is also worrying that, according to OECD data, more than 10 per cent of all young people and young adults in Germany between the ages of 16 and 29 are not in vocational training, are not employed and do not pursue work-related training (*Not in Education, Employment or Training*; NEET). Subsequent unemployment, a life of dependency on social benefits and a subjective feeling of uselessness and not being integrated are highly likely to be pre-programmed.

Another warning signal which is also seen as evidence of educational and integration policy failures is the fact that pupils whose parents were both born abroad are still on average around one school year behind their fellow students without a migration background despite a slow process of catching up at the end of primary school. Without ignoring the importance of the parents' socioeconomic background as an important indicator, it can be assumed that there are effects caused by migration that impede success which cannot be compensated for by the school system.

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<sup>1</sup> As a political and scientific concept, integration has come under pressure over the last few years in Germany. With its firm participation-oriented definition, the SVR distances itself from the definition of integration as a one-sided adaptation of a minority to meet a majority standard. The SVR abides by this general term in the sense of an integrated and dynamic participation concept; it does not consider either its replacement (e.g. through the inclusion term) nor its elimination (in favour of a general idea of democracy) consistent with goals.





In Germany, children are not currently appropriately prepared for school nor is there a conceptually aligned plan on how multilingualism can be handled and, at the same time, German proficiency improved. Quite the contrary: different responsibilities for pre-school and school qualifications give rise to political squabbling and reciprocal blockades. The SVR suggests aligning language acquisition programmes, particularly those that start in day care, more closely with language education in primary school. It also encourages standardising the procedures to determine the need for support in language acquisition and expanding the number of all-day schools with high-quality activities as well as education concepts adapted to pupil diversity. An ambitious educational policy is needed here more than ever before.

*(For more information and recommendations for action, see B.1.1, B.2.3)*

### Core message 7:

#### **Missed opportunity: prospects for a modern citizenship law**

The government parties agreed in the government program "Gemeinsam erfolgreich für Deutschland" (Successful Together for Germany) to eliminate the *Optionspflicht* (obligation to choose one citizenship). This obligation requires young people born in Germany to foreign parents to choose between German citizenship and the one of their parents by the age of 23. From now on, those children of foreign parents who are born *and* raised in Germany are granted German citizenship and thus dual (or multiple) citizenship is accepted. In the case of naturalisation, however, the government parties still uphold the principle of preventing a person from having multiple nationalities: people who want to become German citizens still have to give up citizenship in their country of origin.

One of the cardinal mistakes of this agreement is the asymmetry resulting from the compromise between the rules that apply to naturalisation as an adult and the acquisition of nationality by birth (*jus soli*). The planned reform therefore must be seen as unsuccessful because it is inherently contradictory: on the one hand, it upholds the principle of preventing multiple nationalities in the case of naturalisation (which imposes relatively strict requirements including proof of a secure income, German proficiency, i.e. 'successful integration', and a naturalisation test) but waives this principle for children of foreign parents born *and* raised in Germany if citizenship was granted *jus soli* on the other.

It also already became apparent when efforts to draft a concrete law began in January 2014 that the compromise found in the coalition agreement will be difficult to implement over the long run. The rule of accepting dual citizenship only for children born *and* raised in Germany will create definition problems and require more bureaucracy. The main problem is the question of how 'raised in Germany' can be proven.<sup>2</sup>

With this contradictory compromise, the government parties have missed their chance to develop a modern citizenship law that meets the needs of the immigration society and goes beyond the welcome

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<sup>2</sup> When this report went to press, a draft bill to amend the citizenship law had not yet been presented.



(almost complete) elimination of the *Optionspflicht*. With the model of dual citizenship with generational cut-off, the SVR had propagated a model in the run-up to the Bundestag elections that eliminated the *Optionspflicht*, allowed multiple citizenship even in the case of naturalisation and still would have prevented the citizenship of the country of origin from being 'inherited' for an unlimited period of time and the legally problematic accumulation of multiple citizenship. For the latter, bilateral treaties with the countries of origin would be necessary to prevent the citizenship of the country of origin from being automatically inherited by immigrants who already live in Germany in the fourth or fifth generation, in the form of a generational cut-off.

This model of dual citizenship with a generational cut-off is still a more fitting tool for the immigration society. It is the SVR's view that this model represents a compromise between the status quo and the general acceptance of dual citizenship. For the transitional generations, dual citizenship would be accepted. For subsequent generations, however, who often no longer have any ties to the country of origin of their grandparents and great-grandparents other than holidays and visiting relatives, citizenship laws take into account that they have already shifted the focal point of their lives to Germany. Compared to the existing compromise which, although it (largely) eliminates the *Optionspflicht*, also creates an illogical asymmetry between citizenship attained by naturalisation and jus soli citizenship, a dual passport model with a generational cut-off would have not only be a more elegant legal solution, it would also be more consistent with integration policy objectives.

*(For more information and recommendations for action, see B.1.3, B.2.2)*

### **Core message 8:**

#### **Job market access, career advancement, making use of qualifications: integration through employment**

Another focus of a conceptually aligned integration policy must be on the integration of people both with and without a migration background to the labour market. The OECD (2013) calculated that the gross domestic product would increase by around 0.4 per cent if the population with a migration background had the same employment rate as the population without a migration background. Better labour market integration is thus important for society as a whole and also plays a considerable role in creating a subjective feeling of integration.

Progress has been made in this area not only through the major reform to labour market policy under Agenda 2010 which also improved opportunities for people with a migration background to participate in the labour market, but also as a result of the adoption of a long overdue Recognition Act repeatedly called for by the SVR. The SVR is critical of the slow pace of adoption of state-level recognition laws in individual *Länder* and the insufficient capacities for post-qualification. Post-qualification opportunities need to be expanded to prevent the potential that lies in the qualifications of third-country immigrants from going unused. For far too long, it was a reality that engineers worked as taxi drivers. This story, which can be seen by those affected as a failure, may not be repeated.





In addition, the SVR calls for measures that would improve the transition from school or a combined work/training scheme to the primary job market. This transition is a predetermined breaking point in the careers of many young people with and – less often – without a migration background. General assumptions and biases on the part of human resources managers are enough to ensure that young people with foreign sounding first and last names are asked to interviews less often. Awareness needs to be raised because discriminating behaviour is not only morally unacceptable because it violates human integrity, it also has economic consequences. Young people should also be encouraged by role models and integration ambassadors: successful careers and a successful transition from training to the primary job market are possible.

*(For more information and recommendations for action, see B.1.2, B.2.2, B.2.3)*

### **Core message 9:**

#### **Steps in the right direction: equal institutional treatment of Islam**

Unlike secular countries, German constitutional law makes it possible to integrate religion into the government realm of public life and thus acknowledges the public impact of religious communities. Germany shows that it is open-minded about the religious beliefs of its citizens. This openness applies equally to all religions.

In view of the fact that the third largest religious community in Germany is Islam, which has largely become established through immigration, German policymakers and lawmakers have an obligation to ensure that it is treated equally in institutions. Newly established religions also have to have the same possibilities for public impact as the religions that have always existed here such as the Christian churches or the Jewish community. This generally applies to all recognised religious communities but particularly to Islam due to the number of followers. With the establishment of Islamic theology at German universities and the introduction of Islamic religious education as a regular subject advanced by the *Länder* in various models, the first success stories have been achieved.

This means that important steps in the equal institutional treatment of Islam have already been taken but there is still a lot to do to ensure equal treatment across-the-board. Both sides have to do their part: the Islamic organisations (and other religious communities) must undertake their own efforts to form one or more Islamic religious communities with transparent structures and further strengthen their willingness to reflect on the role of religion in general and on Islam in particular in a secular world with a critical eye; politicians must play their part in supporting Muslims in all their diversity in this process. In addition to efforts in the institutional arena, however, resolute action must be taken to fight every type of animosity towards groups, be it Islamophobia or anti-Semitism as well as religious fundamentalism and political extremism. This is a challenge to be addressed by society as a whole that must be rigorously tackled at all levels by politicians and civil society.

*(For more information and recommendations for action, see B.1.4)*



### Closing remarks:

#### **Germany is on the right track**

In terms of migration and integration policy, Germany is heading in the right direction. Immigration consistent with the country's interests and integration that is increasingly understood as part of a comprehensive social policy that aims to create equal opportunities for participation will make a significant contribution to Germany's resilience in the future. As a result, migration and integration policy have moved from the periphery to the centre of the political agenda. And, this is where they should also stay. A realistic policy should emerge far removed from right-wing smear campaigns and naïve, idealistic left-wing denials of reality. A forward-looking migration and integration policy must be oriented around society's interests as a whole and not contra to the population, but developed and implemented together with it. This policy must recognise the changes brought about by immigration as part of reality, and proactively and confidently address the associated problems and challenges. It must be evidence-based, people must understand it and it may not be thrown off track by general public sentiment. Last but not least, the goal is to overcome party lines on migration and integration policy and view these policies primarily as a challenge that has to be solved by society as a whole.