



Eventful times. A look back at integration and migration policy of recent years

Annual Report 2019

Nine Core Messages

In its 2019 Annual Report the Expert Council of German Foundations on Integration and Migration (SVR) takes stock of developments in relation to migration and integration over the past few years. These policy areas have undergone significant and rapid changes. Whether governmental action has always and everywhere been problem-oriented and problem-solving is certainly debatable. It was above all the large numbers of refugees who arrived in Germany from the autumn of 2015 onwards which posed a challenge which public institutions at federal, state and local government level were little prepared for dealing with at the outset. Nevertheless, it is not least thanks to the active support of civil society and business that the various actors at the various levels of government were able, in an unprecedented effort, to find solutions to migration policy issues and in terms of promoting integration. This indeed deserves recognition, including in the form of suggestions, criticism and recommendations.

1 Reforming Germany's asylum and refugee policy: Striking a balance between promoting integration and controlling immigration

A total of 890,000 refugees arrived in Germany in 2015 – more than twice as many as in 1992, the year in which the previous record in terms of the inflow of asylum seekers to Germany was set. This development was largely unforeseen and represented a stress test both at the administrative and regulatory level. The authorities and receiving bodies did not pass the test, however, at least not in the first few months, and they had to work well beyond capacity for many months. Inter-agency measures and structures were developed in order to be able to get through this phase, staffing levels in the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF) were increased and administrative workflows in the asylum procedure were modified.

Numerous legal changes were also made: the list of safe countries of origin was updated, obstacles to deportation removed, integration courses opened up to asylum seekers and prospects for residence improved



for those whose deportation has been temporarily suspended. Asylum and refugee policy thus combines elements which tighten existing regulations with others which relax them. The measures are the result of the attempt to strike a balance between various interests, that is the regulatory policy interest in controlling and effectively managing migration on the one hand and the interest in swiftly and successfully integrating refugees living in Germany on the other. This balancing act was the guiding principle of asylum and refugee policy over the past five years. One core feature of measures taken was greater differentiation according to prospects for residence in Germany. Refugees with good prospects for being allowed to stay in Germany can now already begin integration measures whilst their asylum application is being processed. Asylum seekers from countries with a lower recognition rate are, by contrast, not initially given priority treatment when it comes to integration measures, because they will have to return to their countries of origin if their asylum application is rejected.

The introduction of one-stop processing centres for asylum seekers, known as “anchor centres” (from the German “*AnKER*”, an acronym for “arrival, decision and return”), was a highly contentious domestic policy issue. The aim in launching these centres was to bring all the processing steps of the asylum procedure under one roof. The idea as such is not new, since other facilities such as arrival centres and transit centres already apply this concept. The SVR supports the objective of bringing the entire asylum application process under one roof and accelerating the procedure, that is as long as human rights standards can still be maintained. That is of benefit to both the receiving country and those seeking protection. And it enables integration measures and return operations to begin much earlier. However, accelerating the asylum process also entails risks. It must be ensured, for example, that asylum procedures do not become more error-prone and that those seeking protection are able to assert their rights. In particular, they must be able to prepare for their personal interview (the most important element in the asylum process) and to avail themselves of professional, independent advice. Germany’s federal states each apply their own models when it comes to receiving and housing refugees. That is not unusual for a country with a federal structure, and has the advantage that it allows various models and procedures to be tested. Nevertheless, the Federal Government and federal states should develop common standards based on best practice examples.

For more information and recommendations for action, see chapters A.1.4, A.4 and A.5.



2 EU migration policy: Not enough harmonisation

In contrast to the situation in Germany, EU lawmaking on refugees and asylum is practically at a standstill. It is not only the reform of the Dublin Regulation which is not making any progress. To be able to ensure greater harmonisation in regard to application of the rules of the Common European Asylum System (CEAS), the European Union also had plans to replace its directives on asylum policy with regulations. EU Regulations are directly applicable, meaning there is no need to implement them in domestic legislation. That step has also not yet been taken, even though negotiations at working level are advancing. The SVR regrets that no progress is currently being made on the Europeanisation of asylum policy. It reaffirms its call for a Europe of shared responsibility, as set out in detail in its 2017 Annual Report. Nevertheless, EU migration policy consists of more than legally binding rules which are applicable across the whole of Europe. Protective structures also need to be improved in the countries of origin, transit countries and in non-EU receiving countries. Cooperation with important third countries is gaining increasing importance. To be able to cooperate at this level, the EU needs to engage with these countries' various interests and prevailing conditions. It also needs to understand the either circular or regional dynamics of migration which have evolved over time in those countries. A one-size-fits-all approach is doomed to failure. The EU cannot simply attempt to push through its own ideas on how migration flows to Europe can be reduced. Instead, it needs to seek a form of cooperation which strikes a balance between the diverse interests of all involved parties – those of the EU member states and of the non-EU countries of origin, transit countries and receiving countries – and which effectively protects those seeking protection as well as other migrants.

For more information and recommendations for action, see chapter A.4.3.

3 Rethinking the “all or nothing” approach: Changes to family migration policy

For many years, family reunification, that is the subsequent immigration of dependants, was the most important entry channel to Germany. Legal changes were implemented in this area, too, in particular in regard to family reunification for those granted subsidiary protection. This was a highly contentious political issue. A two-stage procedure was introduced in 2018 and the number of people permitted to come to Germany under family reunification rules limited to 1,000 per month: first those family members are identified who are entitled to join relatives who are already in Germany; then those who will be permitted entry are picked out based on integration considerations. This approach to managing migration is new in



Germany, though a similar approach is applied (to a different group of migrants) in Canada. It remains to be seen whether it ensures the right choices are made in regard to family reunification for those granted subsidiary protection and whether it ensures that the quota is fully exhausted. The SVR recommends conducting an evaluation next year, including of whether the administrative burden is justified, given the relatively small number of people concerned.

The approach underlying these new rules is also applied in other areas of family reunification policy, in that “all or nothing” models are being rethought and more flexible solutions sought. A similar strategy can be made out when it comes to the question of whether it is permissible to make basic German language skills a precondition for family reunification. Here, too, a middle course was steered and confirmed by German and European courts: proof of basic German language skills must be furnished to be entitled to family reunification. Exceptions are possible, though, for example when, given the specific circumstances, acquisition of those language skills is not possible or the requirement is unreasonable. The interests and integration prospects of those wishing to join family members are thus weighed against immigration control and society’s readiness to receive immigrants. Neither is given priority. The consequence is that all political actors will to some extent be disappointed. The struggle to strike a balance between the various interests involved could, however, in the medium term lead to greater acceptance of migration policy amongst the German population.

For more information and recommendations for action, see chapters A.1.3 and A.3.

4 Small changes, big impact? Shifts in labour migration policy

Since 2015 public and political interest has above all focused on refugees and asylum. Issues relating to labour migration policy which were discussed in connection with the shortage of skilled workers were thus crowded out. Latterly, the focus has once more shifted in the course of the debate around the planned Skilled Worker Immigration Act (*Fachkräfteeinwanderungsgesetz*, FEG). Previously, the regulation applicable to labour migrants from the Western Balkans (known as the “Western Balkans Regulation”) created more opportunities for migrants to take up work in Germany, that is the labour market was opened up to people without formal qualifications from specific countries of origin. This represented a fundamental change in labour migration policy, which had largely been oriented to qualifications until the changes were made. The Western Balkans Regulation quickly became the most important entry channel for third-country labour migrants. The SVR believes it demonstrates how migration policy can be oriented more to specific countries or regions. An



integrated approach could help to attract workers whilst at the same time taking account of asylum and development policy aspects.

Nevertheless, in the opinion of the SVR the Western Balkans Regulation should not simply be extended to cover other regions. Instead, it favours adopting an approach which is already apparent in the draft of the Skilled Worker Immigration Act of December 2018. A core element of that draft is a relaxing of the conditions under which third-country nationals who have gained qualifications abroad which do not conform to German standards can come to Germany for retraining or upskilling purposes. As a result, federal state-specific retraining programmes like “Triple Win” are explicitly put on an entirely new legal footing. In the opinion of the SVR, migration policy instruments such as this, which fulfil various objectives, are more suitable than measures like the Western Balkans Regulation which impose no requirements as to level of qualification.

The fact that the Skilled Worker Immigration Act does not provide for any fundamental change in the legal paradigm is to be welcomed. German immigration legislation is already much more liberal in regard to academic professionals than its reputation. The planned Act aims to retain that which has proven its worth as well as to make it much easier for skilled professionals to come to Germany, especially if they can prove they have a job offer. This is an area in which Germany has so far had little success. Nevertheless, the Skilled Worker Immigration Act does retain the principle that proof must be furnished of the equivalence of foreign vocational training. The SVR had already recognised this as a key obstacle in 2018. It thus remains to be seen whether immigration in this area will increase to any significant degree. Another change represents more of a legal technicality, but could send out a strong signal: under the planned Skilled Worker Immigration Act, foreign nationals living in Germany pursuing gainful employment are regarded as the norm by reversing the relation between the rule and the exception, that is a prohibition with reservation of permission has become permission with reservation of prohibition.

Overall, the new Skilled Worker Immigration Act no longer gives preferential treatment to the academically trained over the vocationally trained. This is evidenced in a number of ways. First, the new Act also allows those with vocational qualifications to come to Germany and look for a job here. Second, it applies a tried and tested strategy to those with vocational qualifications, that is future skilled workers undergo their training in Germany. This has worked very well in the case of graduates for many years. German universities are amongst the most popular higher education institutions worldwide, and many international students stay after they graduate. When they are on the job market there is no need to recognise foreign certificates, most speak good German and they are already familiar with the most important aspects of German cultural life. This successful strategy is now also to be applied to those with vocational qualifications. Young people are, for instance, to be able to enter the country to look for a training position or to do a German language course preparatory to starting their training. Those interested in taking this route will have to prove that they are



able to pay their own way whilst looking for their training position, though. It remains to be seen what the level of take-up of this option will be. If need be, the introduction of special scholarship programmes like those for international students should be considered.

For more information and recommendations for action, see chapters A.1.1, A.1.2 and A.2.

5 Room for improvement: On implementing legislation

Implementing enacted legislation is just as important an aspect as legislating itself. As valuable as the planned expansion of legal entry channels under the Skilled Worker Immigration Act is, in the SVR's view that will not be enough to effectively overcome the ever-growing shortage of skilled workers. Authorities (e.g. foreign representations and foreigners' authorities) will also need to expand their infrastructure, otherwise putting in place a new legal framework will come to nothing. It is doubtful whether the administrative structures of German authorities both in Germany and abroad are already sufficiently prepared for the new legal situation. There are reports that waiting times for appointments for an initial interview in some foreign representations are measured in months rather than in days or weeks; applicants have taken to camping out in front of local foreigners' authorities to make sure they get a number the next morning. It would, thus, be far from the truth to say that the requisite changes have already been implemented. Administrative/institutional changes take time. The legislature is also focusing more on implementation. In future, for example, only a few foreigners' authorities in each federal state will be responsible for issuing residence permits to newly arriving skilled workers. This could at least put an end to complaints about confusing red tape made by several hundred foreigners' authorities.

For more information and recommendations for action, see chapter A.2.

6 Refugees in education and work: A lot done, a lot more to do

The large refugee inflow represented a stress test for public authorities, not only in regard to initial reception, accommodation and asylum decisions, but also as regards the educational system and the labour market. The everyday working conditions of the involved actors changed massively. Three years on, it is right to say that the educational system and the labour market passed this test, though to varying degrees. The



educational system faced far greater challenges, given that refugee children had to be integrated into school life without any lead time. The organisational achievement and great dedication which made this possible across the whole of Germany deserve the greatest of respect. In 2016, 95 per cent of refugee children between the ages of six and 12 who arrived from 2013 until 2016 were already attending school. The fact that some key education metrics have remained unchanged or even improved is another measure of success. The proportion of first-generation immigrant adolescents attending an integrated comprehensive school (*Gesamtschule*) has further increased, for instance. These schools give adolescents easier access to a higher education entrance qualification (*Abitur*) than other types of secondary school.

Even so, there are other developments which give cause for concern. The share of adolescent immigrants without any school leaving qualifications has more than doubled, for instance. The share of children with a migration background under the age of three in early childhood day care has dropped slightly. The SVR in particular recommends further expanding early childhood day care and specifically drawing migrant families' attention to the fact that it is available. This can help compensate for initial disadvantages. Access to education should be made more flexible for older adolescent migrants so that they too can gain school leaving qualifications.

Labour market integration has been more successful overall than most people expected. Around one third of adult refugees who came to Germany from the main countries of origin in the period after 2015 were earning a living by the autumn of 2018. Nonetheless, the underlying conditions which facilitated this development were particularly favourable, not least due to Germany's booming economy. It cannot be assumed, however, that the current economic and labour market situation will continue. The SVR therefore recommends systematically recording and evaluating available labour market integration measures. This is a necessary step since a diverse range of measures are now in place, in some cases giving rise to friction losses and the need for a great deal of coordination. The same goes for procedures for assessing and recognising professional skills. Following an evaluation, only tried and tested, efficient programmes could then be made available, in particular if the economy and the labour market were to lose momentum. In addition, the German vocational training system could be made more modular and skills assessment procedures consolidated and expedited. General improvements also need to be made when it comes to integrating women, especially women refugees, into the labour market. To that end, access to part-time measures should be made easier and childcare improved, amongst other things.

For more information and recommendations for action, see chapters B.1.1, B.1.2 and B.2.



7 Rise in crime against and by migrants

Crime figures show a two-fold negative trend. First, the number of xenophobic attacks, including attacks against asylum reception centres, significantly increased in 2015 and 2016. In 2017, when significantly fewer people seeking protection came to Germany, there were also fewer incidents involving violence against foreigners. Numbers are still significantly higher than in the period before 2015, though. Second, the number of crimes committed by foreigners (including refugees) has risen considerably, and not only in terms of petty offences. Foreigners are thus not only more frequently the victims of crime, they are also more frequently the perpetrators of crime (though women to a significantly lesser extent than men). This even holds true when one considers that the proportion of foreign nationals in the total population has increased and that certain offences (e.g. violations of the right of residence) can by definition only be committed by non-Germans. Sociodemographic factors, in particular age and gender, can help explain the majority of the increase in recorded crimes: most offences are – always and across all groups of origin – committed by young males, and this group is significantly over-represented within the refugee population. However, even these factors cannot fully explain why the share of non-Germans amongst all suspects is significantly higher than their share of the total population.

There is no magic policy solution to reducing the level of crime against and by foreigners. Basic recommendations can nonetheless be made. First, research shows that xenophobic crimes are no longer only being committed by young males. Preventive strategies should, therefore, not only focus on this demographic. Second, swifter asylum procedures could serve crime prevention purposes, because they create clarity more quickly about whether someone is allowed to remain or has to return to their home country, and they limit stultifying waiting times and the associated uncertainty and frustration, which might promote criminality.

For more information and recommendations for action, see chapter B.1.5.

8 (No) renewed culturalisation of integration policy

For a long time, cultural issues played quite a minor role in terms of integration policy. Now, though, the debate has once more turned to questions such as whether, given their values and traditions, it is in fact possible to integrate refugees (who chiefly hail from predominantly Muslim countries) and whether Germany needs an explicit “dominant culture” (*Leitkultur*). This culturalist integration discourse was also populist and



at times racist. The SVR very much welcomes the fact that the German government did not respond to this discourse by adopting a culturalist integration policy. Integration courses are the institutional backbone of integration policy. Although that part of the course which focuses on everyday life as well as German history and society (*Orientierungskurs*) was broadened and language courses now place a greater focus on everyday life in Germany, this is done in such a way that immigrants learn what they need to know to get by in everyday situations as well as the basic principles of a liberal democracy. The courses themselves do not require the adoption of a “dominant German culture”. And this is to be welcomed given that state educational measures can only to a limited extent influence whether someone actually adopts new values. What is more important in this context is everyday contact with the majority population.

For more information and recommendations for action, see chapter B.3.

9 Despite being constantly in the media and politics: Attitudes are relatively stable

Migration and integration have been perennial issues in the media and political debate in recent years. As a result, people rate them as very important. However, a distinction needs to be drawn between this fact and people’s attitudes. Studies show that general attitudes to immigration have not actually become more negative. Attitudes are considerably more “sluggish” than media outrage tends to lead us to expect. Policymakers should therefore focus more on these basic attitudes in their efforts to engage with citizens. All the evidence suggests that key starting points would be to avoid spatial and economic segregation and to create opportunities for people to meet in the public sphere, in particular in schools, the labour market and neighbourhoods.

For more information and recommendations for action, see chapter B.1.4.