



The Future of Migration and Integration Policy in Germany

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The Migration Policy Institute is an independent, nonpartisan, nonprofit think tank dedicated to the study of the movement of people worldwide.

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I. Executive Summary

Since 2000, the German government has undertaken a series of steps to reform laws and shape public opinion in order to bring about better integration and managed migration. This can be said to constitute a new policy paradigm, the goal of which is to integrate nonnationals and promote harmonious community relations. This new paradigm also involves controlled, small-scale labor migration of third-country nationals.

The policy shift ended a longstanding public and political pretense that Germany “is *not* a country of immigration.” The reality, based on 2005 micro census data, is that just under one-fifth of the overall population is of immigrant origin.

Despite this considerable progress, the German government still must address policy gaps in three main areas in order to effectively reform its migration and integration systems to meet the needs of the 21st century:

- *Integration and social cohesion.* Policymakers should promote integration by building trust between government actors and immigrant organizations, encouraging community-building activities, communicating the benefits of inclusive policies to nonimmigrants, and establishing independent institutions to carefully monitor the effects of these policies.
- *Equality for third-country nationals.* The German government should address growing social cleavages by revamping its current dual citizenship, education, and local voting-rights policies to grant full rights to long-time resident third-country nationals and their descendents.
- *Modern labor migration policies.* While sweeping reform will be difficult to enact during a recession, Germany can take decisive steps toward significantly modernizing its labor migration scheme, including addressing the imminent flow of European workers, improving foreign job credentialing, and communicating its strategy to the public in a transparent way.

II. Introduction: The Evolution of Migration and Integration Policy in Germany¹

Germany’s national migration policy — and the public debate surrounding it — have matured considerably in the past decade. Germany, in the 21st century, has begun to formulate and adjust policies to address the many social challenges stemming from immigration, especially of guest workers.² The reforms began after a half-century of policy neglect that stemmed from the country’s lack of political will to confront and address immigrant integration. Prior to 2000, much of the responsibility for devising and implementing measures to advance integration fell on employers,

¹ This paper is based on a conversation with policymakers, immigrant representatives, and a wide range of other civil-society actors in Germany. The informal dialogue took place on March 17, 2009 in Berlin.

² Germany’s post-war immigration history also includes ethnic German expellees, asylum seekers, Jewish immigrants, and ethnic German immigrants from Eastern Europe. Prior to World War II, Germany was a country of emigration. Yet, former guest workers and their descendents came to constitute the “face of migration” in Germany today.

local governments, and civil-society organizations. Government funding was available for integration programs. Yet, national policies lacked coherence and failed to provide a long-term rationale or legal framework either to match the country’s immigration needs or to maintain social cohesion.

The immigration reform bill that was unveiled in 2001 — simplifying the visa system, creating immigrant integration courses, and allowing highly skilled third-country nationals to work in Germany, among other provisions — represented a major breakthrough in migration and integration policy. Yet it would take until 2005 to pass a watered-down version of the bill (see Table 1 for an overview of immigration reforms since 2000). The 2001 attempt at legislative reform was quickly derailed in the course of a heated national debate about German identity, past integration failures, and the desired scale of future immigration. In 2002, arguments about the scope of the proposed changes led the Bundesrat, the federal council which represents the German federal states or *länder*, to reject the reform package. The government was forced to start the legislative process anew. The uneasy consensus that emerged by the fall of 2004 can be summarized in a new phrase: “Germany is a country of immigration, *but...*” The main conclusion that resulted from the public debate was that societal integration of Germany’s current foreign-born population was more urgent than reformed labor migration policies. The country’s deep-rooted caution toward labor migration can be explained in large part by Germany’s short-lived history of large-scale immigration. It is true that its history is not shaped by immigration in the same way as “classical” countries of immigration, such as the United States or Canada. It was also not a colonial power like Britain or France. But Germany has finally reached a broad societal consensus that it is indeed ethnically, culturally, and linguistically diverse.

Table 1: Key Immigration and Integration Reforms since 2000

Type of Reform, Date	Summary of Reform
Citizenship Law, January 2000	<ul style="list-style-type: none"> • The <i>ius soli</i> principle, granting birthright citizenship, is introduced. Children born in Germany to foreign parents for the first time acquire the right to citizenship (with some exceptions). • Foreigners can be naturalized after eight years of lawful residence (instead of the earlier 15 years). • A language requirement is introduced for naturalization. • A limited option of dual citizenship is introduced for third-country national minors. Such minors can be granted dual citizenship temporarily (until age 23).
Green Card, February 2000	<ul style="list-style-type: none"> • 20,000 temporary visas are created for IT specialists. • This regulation is a further exception to the 1973 “halt on foreign labor recruitment.”
Immigration Law, January 2005	<p><i>A package of reforms is adopted that impacts the Residence Law, Right of Asylum, Employment Ordinance, and Integration Course Ordinance.</i></p> <ul style="list-style-type: none"> • Federally regulated and funded integration courses for adult immigrants are created. These are mandatory only for newcomers with poor German language skills and voluntary for other newcomers. • The number of visa categories is consolidated into two types (temporary and permanent). • Residence and work permits are issued simultaneously and by a single government office. • Regulations for self-employed immigrants are implemented, providing visas for those who invest at least €1,000,000 and create ten or more jobs. • International students are given the opportunity to extend their student visas for up to one year upon completion of their studies in order to find employment.

	<ul style="list-style-type: none"> • Regulations for high-skilled immigrants are enacted. Those who have a job offer with annual earnings of at least €86,400 qualify for a visa. • Persecution by nonstate actors and for gender-specific reasons becomes grounds for asylum in Germany.
Law on the Transposition of European Union (EU) Directives, August 2007	<ul style="list-style-type: none"> • Adult German citizens with limited German language skills may participate in federally funded integration courses. • Integration contracts are introduced for immigrants who receive social security. These make their participation in integration courses mandatory. • Citizenship acquisition becomes dependent on showing adequate knowledge of the German language and culture (legislative groundwork is laid for a uniform test that is introduced in January 2009). • Pre-departure language tests for third-country national spouses are introduced. • So-called “tolerated persons”³ who have lived in Germany for at least six years receive temporary residence status and work authorization. • Regulations for self-employed immigrants are eased. An investment of €500,000 is required and five jobs must be created to qualify for a visa. • The income requirement for highly skilled immigrants is reduced to €64,800. • Citizens of EU Member States no longer require a visa to legally reside in Germany. • A temporary residence permit for victims of human trafficking is introduced.
Labor Law, October 2007	<ul style="list-style-type: none"> • Restrictions for work in certain jobs in Germany are eased for citizens of the A8, the Eastern European nations that joined the European Union in 2004. Such persons have travel rights across the European Union but face restricted labor markets in certain countries.
Citizenship Regulation July 2008	<ul style="list-style-type: none"> • Federally regulated and uniform citizenship tests are implemented based on 2007 legislative reforms. Test questions and preparatory materials are published; the first tests are administered in September 2008.
Meseberg Cabinet Decision July 2008	<ul style="list-style-type: none"> • Since January 2009, academics (persons with a tertiary degree) from the new EU Member States⁴ have equal opportunities for jobs in Germany. The “domestic worker preference” regulation (Vorrangprüfung) is no longer permissible for such academic workers. • Since January 2009, third-country national academics may be employed in Germany if no qualified German or EU citizen applies for the job (Vorrangprüfung).

A package of immigration and integration reforms went into effect in 2005 (see the relevant row of Table 1), but these amounted to a pragmatic series of small steps aimed at correcting past policy failures. Despite the controversy surrounding immigration and integration reforms in the 21st century, these policy initiatives have been enacted in a way that avoided prolonged political stalemate. Consensus was reached after all factions joined forces and committed to key immigration reforms under the leadership of the independent commission “Migration” in 2000. After four years of extensive deliberations, the public pressure on the federal Parliament was such that it delivered on the promise of reform. The reforms have:

³ Tolerated Persons were holders of a permit that protected third-country nationals in Germany from repatriation; oddly it did not stipulate an explicit right to residence in Germany. It was issued for short durations of time, usually three to six months and was renewable. This permit was given mainly to asylum applicants. Permit holders were eligible to receive some social benefits such as housing, some health services, and non-tertiary schooling. But the permit did not allow its holders to legally work in Germany.

⁴ Those member states that joined the European Union in 2004 or later.

- Advanced the integration of newcomers and long-resident immigrants (especially through language tuition assistance for adults).
- Modernized naturalization regulations (introducing *ius soli* principles that put an end to the frequent occurrence of immigrants' children being born on German soil but unable to easily claim German citizenship.).
- Encouraged a much-needed public debate on Germany as a country of continuing immigration.
- Changed the climate of discussions about integration, focusing on the positive outcomes that can be expected and the benefits that migrants can offer society.

Despite these successes, policymakers in Germany have not yet created a forward-looking framework for migration and integration policy that would bolster social cohesion and attract skilled labor migrants. Current policies are not capable of keeping pace with rapidly changing social realities and future social challenges. What is called for now is the development of a more comprehensive long-term framework for achieving social cohesion, equal opportunity, and a policy for managed migration that will allow Germany to compete for international talent in the medium and long term.

III. Shifting Migration Patterns

In a globally connected world in which social change is accelerated by cultural cross-pollination brought by migration from far-off places, governments have seen how profoundly their immigration and integration policies impact not only their economies but whole societies. Migration has at times amplified social and economic developments (fueling economic growth at times of rapid expansion) and at times acted as a buffer to change (slowing demographic decline). Immigration and diversity do not automatically have a positive or negative impact on society; they do, however, significantly affect society. This impact can be steered to some extent by government policies. It is up to a society, aided by policy, to turn these impacts into an advantage for all parties involved.

Current migration patterns must be examined in light of Germany's medium-term demographic challenge: a rapidly shrinking population. Germany has a fertility rate of 1.4 children per woman. This rate has remained below 1.5 since unification in 1990.⁵ By 2030, the population is expected to decrease by 5 million people (-6.4 percent) to 77 million. Nearly 30 percent of the population will be 65 or older. This will cause exceptional strains on social security systems and the economy. These population projections (in which the total population declines) assume an annual inflow of 100,000 immigrants starting in 2008. But the current annual figure of fewer than 50,000 people (see Figure 1) is less than half the net annual immigration level assumed in the projection. Even if a steep and sudden rise in immigration levels to somewhere close to the annual 100,000 figure may be seen as unrealistic in the current economic climate, policymakers would be well advised to prepare themselves and the public for a significant increase within the next decade. Such a sharp change in policy will require careful design, and in some cases a pilot phase may be advisable to determine if policy instruments indeed have the desired impact. The right policy mix must include both

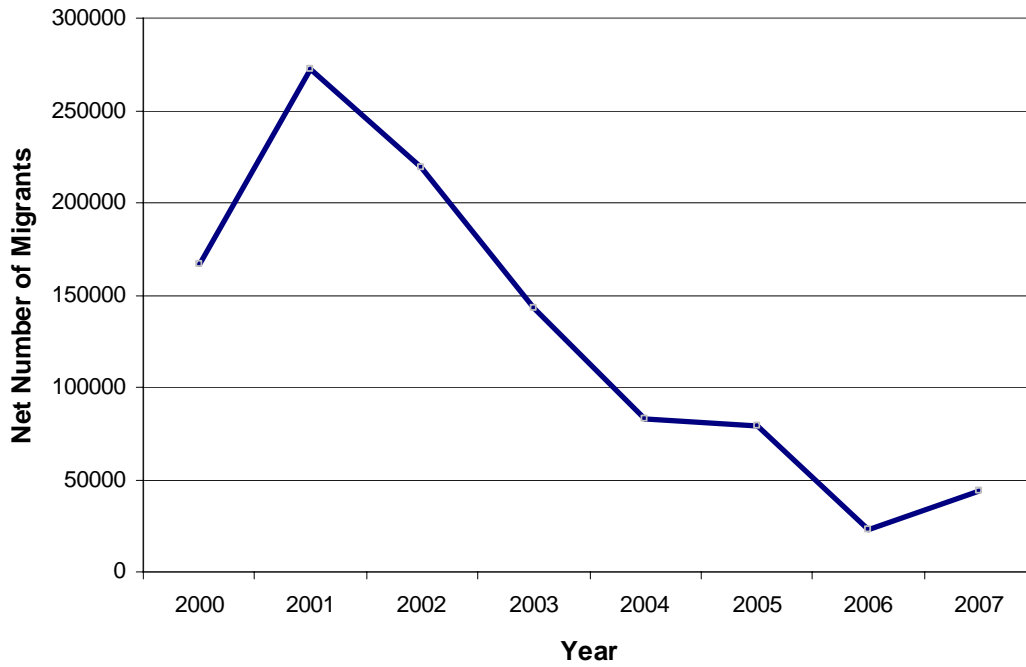
⁵ Statistische Ämter des Bundes und der Länder, *Bevölkerungs- und Haushaltsentwicklung im Bund und in den Ländern*, Volume 1, (Wiesbaden, Germany: Statistische Ämter des Bundes und der Länder, 2007), [https://www-ec.destatis.de/csp/shop/sfg/bpm.html.cms.cBroker.cls?cmspath=struktur,Warenkorb.csp&action=basketadd&id=1021430](https://www.ec.destatis.de/csp/shop/sfg/bpm.html.cms.cBroker.cls?cmspath=struktur,Warenkorb.csp&action=basketadd&id=1021430).

permanent immigration programs and measures to boost the number of temporary workers. Some specific measures should be devised to encourage circular migration. Temporary and circular migration policies should be designed in a manner consistent with development policies and in partnership with countries of origin. Such policies should set out to avoid the negative effects of a brain drain on countries of origin and also should aim to deter irregular immigration into Germany.

While the current volume of net annual immigration to Germany is low, it would be shortsighted to base future migration and integration policies on the assumption that Germany will sustain a long period of near-zero net migration. It would also be a mistake to assume that integration policies are unnecessary at a time when annual inflows are low. Misconceptions about future migration led Germany to ignore integration policies during its recruitment period for guest workers in the 1950s through 1970s, a mistake which has resulted in widening social inequality. For decades, the German government repeatedly failed to address growing social inequalities and voters did not want to acknowledge that immigration was changing German society permanently. The government only recently has begun taking steps to correct disparities. With its reforms this decade, the government has created integration programs to assist not only newcomers, but also immigrants who have been long-term residents of Germany. The country now must prepare itself to better manage migration in the years ahead. Visa schemes must be based on transparent criteria, making Germany an attractive country of destination and allowing the country to successfully “fish” in the international talent pool. Currently a country of “poorly managed immigration,” Germany instead must become a country of immigration “by design.” Regardless of how well Germany manages immigration, especially labor migration, it is — and will remain — a country of immigration.

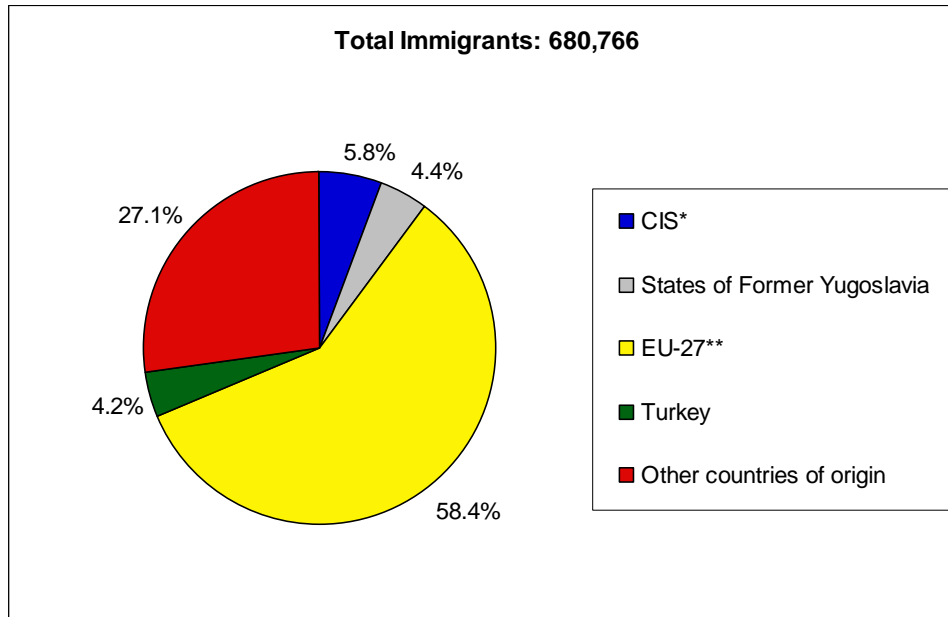
Germany’s most recent migration patterns challenge many assumptions about the actual makeup of the immigrants who settle in Germany. For a half-century, the “face” of migration in Germany was large-scale, Turkish, low-skilled, and labor-driven. More recent migration to Germany has become increasingly small-scale, European, and family-driven (see Figure 2). Skilled and highly skilled labor immigration of third-country nationals is statistically tiny.

Figure 1. Net Migration in Germany, 2000-2007



Source: Bundesministerium des Innern, Bundesamt für Migration und Flüchtlinge. Migrationsbericht 2007, Nürnberg: Druck-Buch-Verlag, 2008.

Figure 2. Largest Regions of Immigrant Origin to Germany, 2007



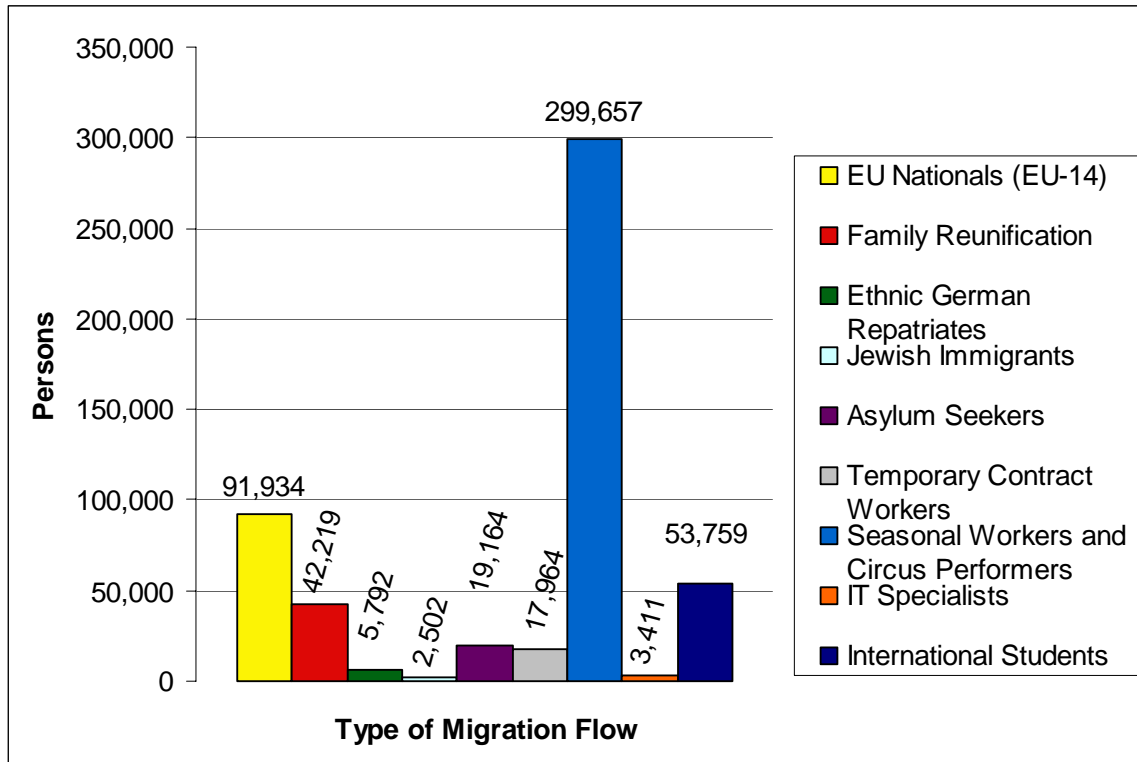
Notes: *Commonwealth of Independent States: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.

** Without Germany.

Source: Bundesministerium des Innern, Bundesamt für Migration und Flüchtlinge. Migrationsbericht 2007, Nürnberg: Druck-Buch-Verlag, 2008.

Nearly 20 percent of Germany’s population is of immigrant origin. Due to its aging and shrinking society, the country will need increased levels of immigration in the medium term to avoid a sharp population decline, although this need is not likely to be pronounced in the short term, especially in light of the global economic recession. Currently, Germany is experiencing a jobs shortage with many companies cutting costs by slashing jobs, as consumers spend less and production slows.

Figure 3. Select Migration Flows to Germany by Type, 2007



Source: Bundesministerium des Innern, Bundesamt für Migration und Flüchtlinge. Migrationsbericht 2007, Nürnberg: Druck-Buch-Verlag, 2008.

IV. Opposing Policy Pressures and Challenges on the Horizon

Short- and medium-term socioeconomic developments in Germany risk obscuring the need for more far-sighted thinking about the twin themes of immigration and integration. While the economic crisis has fueled support in some quarters for labor market protectionism, the country’s medium-term demographic development and growing social inequality indicate that further immigration and integration reforms are urgently required. According to a 2006 federal education report, native students are much more likely to be tracked into an academic educational path than students of immigrant origin; the latter are twice as likely to attend the *Hauptschule*, which does not qualify graduates to attend a higher learning institution or even to enter most vocational training

programs in Germany (see Figure 4).⁶ Additionally, Germans of immigrant origin are more likely to be unemployed than their peers.

The global recession will certainly take a serious toll in terms of employment and will test social cohesion. The full depth and breadth of the recession's impacts are as yet unclear. All we can say for sure is that they will be significant. According to the International Monetary Fund, the GDP of advanced economies experienced their sharpest decline of the post-World War II era during the last quarter of 2008. Those economies contracted by around 7 percent. Germany's GDP shrank 2.1 percent in the last quarter of 2008. In January 2009, close to 3.5 million people (8.3 percent of the workforce) were registered as unemployed. In this climate, pressure to protect jobs for domestic workers is high. Nevertheless, the country still needs skilled immigration in certain economic sectors in order to create new jobs and secure existing ones.

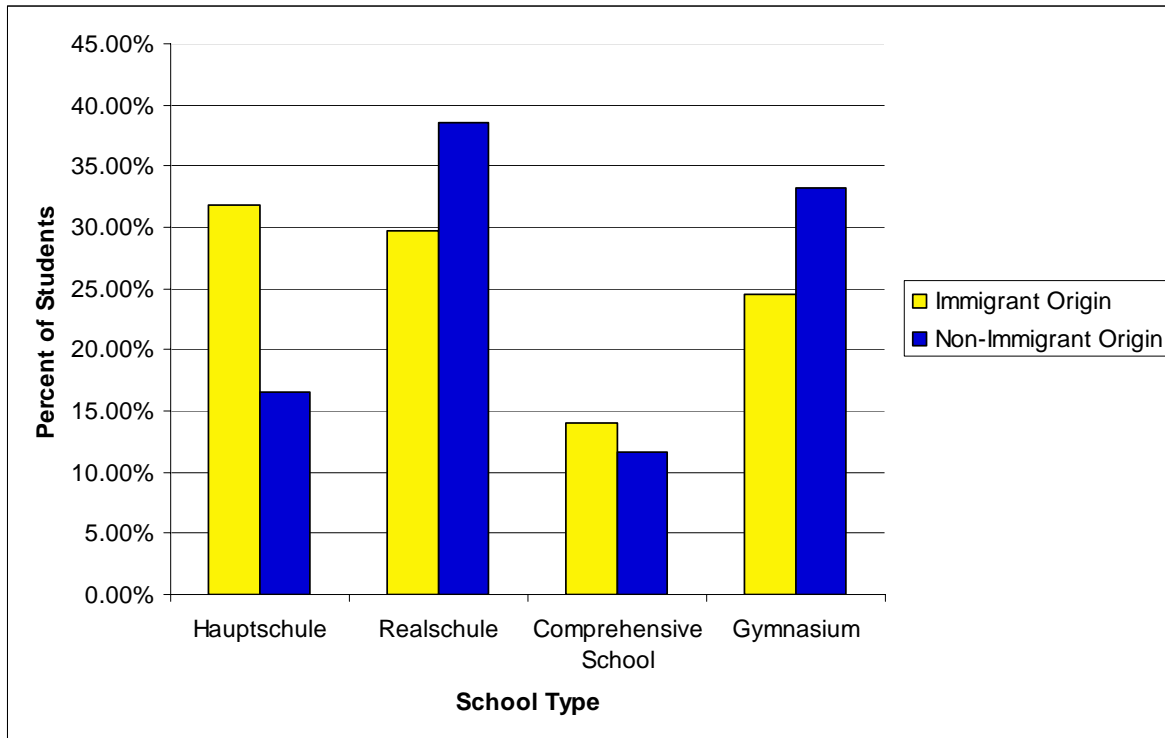
V. Current Challenges and Policy Gaps

In light of these opposing and significant policy pressures, three particular challenges are in urgent need of policy responses.

The first is persistent social divisions, which are exacerbated by the economic downturn. These divisions — especially the ones surrounding ethnicity, economic disparities, and education — not only threaten societal cohesion but are harmful to the economy. The reality is that immigrant communities are among those most at risk of being marginalized or disadvantaged. Yet the success of social integration depends on fostering a common understanding that the economic crisis can only be overcome if we engage society as a whole, and not by excluding any sections of it, particularly immigrants or ethnic minorities.

⁶ Konsortium Bildungsberichterstattung, *Bildung in Deutschland- Ein indikatorengestützter Bericht mit einer Analyse zu Bildung und Migration*, (Bielefeld, Germany: W. Bertelsmann Verlag, 2006), <http://www.bildungsbericht.de/daten/gesamtbericht.pdf>.

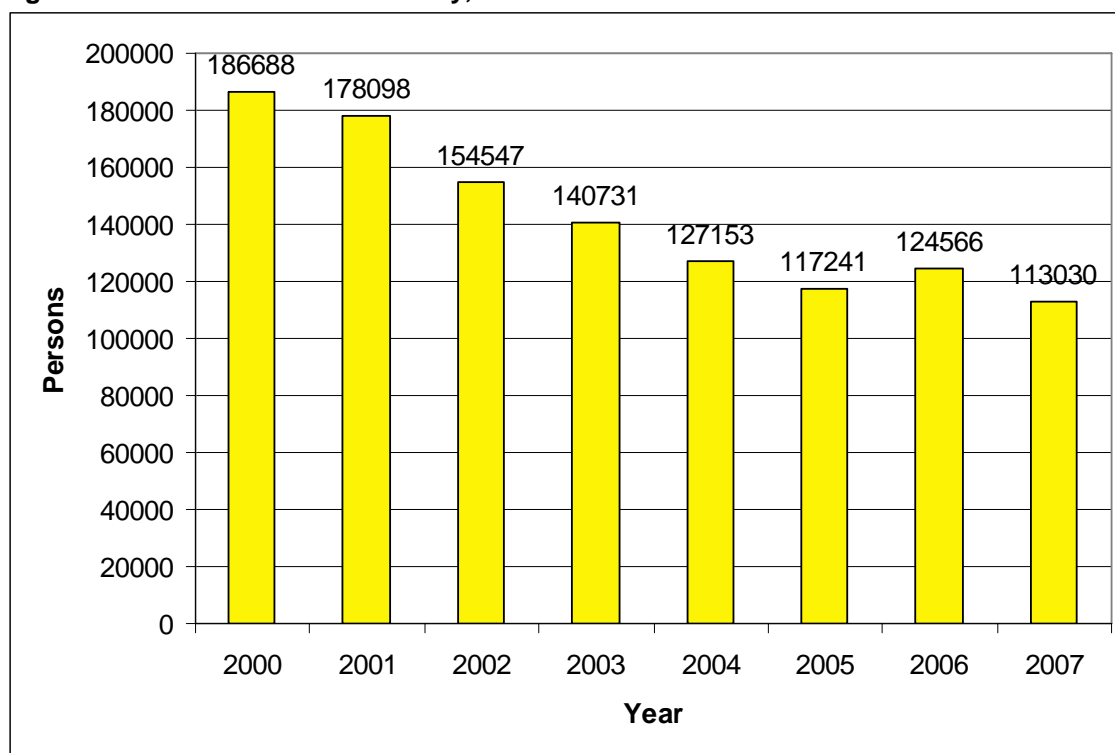
Figure 4. Types of Schools Attended in the 9th Grade and Nativity Status, 2000



Source: Konsortium Bildungsberichterstattung, *Bildung in Deutschland- Ein indikatorengestützter Bericht mit einer Analyse zu Bildung und Migration*, (Bielefeld, Germany: W. Bertelsmann Verlag, 2006).

Second, inclusion and equal rights for immigrants and their descendents in Germany are perceived as becoming increasingly difficult to achieve. With declining rates of naturalization and the exclusion of long-resident third-country nationals from local voting, political participation is very limited for a significant portion of Germany's resident population.

Figure 5. Naturalizations in Germany, 2000-2007



Source: Bundesministerium des Innern, Bundesamt für Migration und Flüchtlinge. Migrationsbericht 2007, Nürnberg: Druck-Buch-Verlag, 2008.

Third, foreign labor recruitment to Germany remains a poorly designed system that lacks coherence, serving more as a policy of loopholes than a functional system. Based on the 1973 law that ended the discredited guest worker policies, the current system is opaque and consists of a “no foreign labor, *except...*” policy. In practice, the system allows for an annual maximum of something over 321,032 workers⁷ who are permitted to enter Germany for work (mostly on a temporary basis), through over 30 exceptions to the general halt on labor migration. This policy is inadequate to meet Germany’s modern needs and must be reformed. In its place, a mechanism of managing labor migration should be put into place that is designed to address current sector shortages and expected future labor market needs. The system must also make Germany a country of destination attractive to the most talented and choosiest labor migrants who belong to the so-called creative class.

⁷ This is the aggregate of the three largest groups of third-country and A8 national workers allowed employment in Germany: seasonal workers/circus performers, temporary contract workers, and IT specialists. Other categories of such workers are statistically negligible and are not presented as an aggregate labor migration statistic by the German government. See: Bundesministerium des Innern, Bundesamt für Migration und Flüchtlinge. Migrationsbericht 2007, Nürnberg: Druck-Buch-Verlag, 2008. http://www.bamf.de/cln_092/nn_442016/SharedDocs/Anlagen/DE/Migration/Publikationen/Forschung/Migrationsberichte/migrationsbericht-2007.templateId=raw.property=publicationFile.pdf/migrationsbericht-2007.pdf.

VI. Policy Strategies and Recommendations

Policymakers must be strategic about the way they approach immigration and integration reform during the upcoming legislative period (2009-2013). Social cohesion and the labor market will inevitably dominate the political agenda, and these will closely interact with immigration and integration issues. The current economic recession requires policymakers to take incremental and determined measures to improve the health of the labor market and also take steps to assure long-term social cohesion. As is always the case when seeking substantive reform, political capital must be invested in the most urgent and far-reaching initiatives, some of which are detailed below. These should selectively address those policy areas where the government can make a significant impact. They must balance short- and medium-term policy challenges in Germany. Strong political leadership as well as clear and manageable reform goals are prerequisites for an informed public debate and policy innovations in the next legislative period. Germany's immigrant population is a growing human-resource pool, which has been neglected and underdeveloped. Even the highly skilled portion of this pool was left out of full participation in the labor market until recently.

Germany's immigration and integration policies have been on a predominantly positive trajectory since 2000, but policymakers must use the upcoming legislative period to solidify the recent reforms and also clarify the sometimes contradictory policy narrative which has emerged in the past decade, which has at times initiated integration opportunities and at others created hurdles for immigrants to fully participate in society.

This analysis makes a series of recommendations in three main policy areas:

Improving Social Cohesion, Fostering Community Relations, and Building Trust

Germany's collective identity as a country of immigration is still fledgling and fragile, despite its decades-long experience with immigration. Migration and integration are issues that have struck a raw nerve in the nation's sense of identity. The political establishment and opinion leaders continue to voice discomfort with the concepts of multiculturalism, ethnic diversity, and religious plurality. The integration debate is often discussed in terms of them (immigrants) and us (nonimmigrants). A greater sense of community and belonging to one united society needs to be fostered. Community relations are of particular importance in building a common sense of belonging to a shared society. Building trust between government actors and immigrant organizations is also essential.

Integration

Policymakers must continue to build consensus on integration as a two-way (symmetrical) process, in which the host society must participate more actively in order to foster social cohesion and strengthen democracy. Immigrant organizations should also advocate this two-way process. This policy narrative should combat the still-dominant assumption that integration can be achieved by (asymmetrically) assimilating immigrants into the dominant culture, a view that remains a barrier to integration.

Expanding the focus of integration courses to include native-born Germans would challenge the views of a significant portion of the population on who should integrate and for what purpose. The courses could decrease fears about diversity in the nonimmigrant population. Such courses could

draw on the European Union's Common Basic Principles on integration, to which Germany has committed.

Recommendation: The German government should expand integration measures and courses to include (and even target) the native-born population. This could take the form of developing pilot modules for fostering integration, promoting tolerance (better familiarity with Germany's diversity), and promoting a common identity as a country of immigration. These courses could be taught broadly in schools and to adults who have committed nonviolent xenophobic crimes, for example.

Community Cohesion

The government should promote effective community-building practices, especially in ethnic minority and immigrant communities that have low levels of social cohesion. In order to succeed, Germany's future integration policies must include a positive intervention in community relations, specifically: organizing communities to work together, establishing a common identity at the local level, and encouraging a sense of responsibility for community relations.

Policymakers should understand and promote local initiatives that unite diverse communities and mobilize them to bring positive changes to their neighborhoods (which already exist in some places in Germany). The media and public attitudes would favor an increase in such initiatives. Such initiatives would benefit from a transatlantic exchange, especially in view of US President Barack Obama's past work on this issue in Chicago.

Recommendation: The German government should explore and better fund effective practices in community organization, looking especially for models (in Germany and abroad) that build a common sense of identity and community ownership.

Fairness

Policymakers must continuously maintain the trust of immigrant and minority communities and thus ensure that their actions are perceived to be "fair." Certain policy decisions in the past, such as pre-departure language tests for spouses of third-country nationals compromised this trust by engendering feelings of exclusion and discrimination, especially among immigrants of Turkish origin. Immigrant organizations in Germany feel very strongly that *integration* measures must be inclusive and should not aim to either prevent or place severe restrictions on migration. Immigration control can be a legitimate policy instrument, but not when disguised as an integration policy.

Designing integration policies that improve the basis of trust between the government and immigrant-origin communities can be done in a way that also satisfies the public as a whole. Urging increased media coverage of such policy initiatives could help spread the message that social integration is the desired, beneficial outcome. Lessons should be learned from the experience of the 2007 immigration reforms, when exactly the opposite took place. Immigrant organizations and the government communicated diametrically different interpretations of new integration regulations to the public. The discordant public debate served to damage, not to bolster, social cohesion.

Recommendation: The German government should make it a very high policy priority to build trust with immigrant-origin populations, which is key to strengthening social cohesion. In the future, it should carefully consider how integration policies will be perceived by minority communities and should avoid those that would be seen as sending a

message of exclusion or discrimination. Migration control should not be disguised or communicated as integration policy.

Accountability and Monitoring Integration

In order to remove barriers to equal opportunity and reduce social divisions, the German government must improve its understanding of the baseline level of societal integration. Monitoring integration is vitally important to this. Yet a monitoring system must be set up in a way that is accepted by the entire society, especially by the minority and immigrant segments of society which will be most impacted. It must also be designed to give policymakers relevant evidence as to how they may improve integration policies. The goal of monitoring integration is not merely to compare available data on immigrants and nonimmigrants. The monitoring system must by design identify integration policies that are either ineffective or lacking, and make concrete policy recommendations on how to improve integration.

The results of various integration monitoring schemes are reported on frequently in the media. But they have served to polarize public opinion on integration and have not resulted in innovative policy recommendations. This was the case in January 2009 when the Berlin Institute on Demography published its report *Ungenutzte Potenziale* (Wasted Potential). Its interpretation of micro census data depicted Turkish-origin residents in Germany as poorly integrated based on several indicators, including the number of intercultural marriages, an indicator that was part of a category entitled “assimilation.” Reporting on the study largely mirrored the message of the study: “Turks in Germany Are Badly Integrated” (ARD) or “Why Turks Don’t Play the Integration Game” (*Die Welt*).⁸ The study’s methodology and the Institute’s legitimacy to monitor integration were severely questioned, especially by immigrant organizations.

Prof. Dr. Maria Böhmer, the federal government Commissioner for Migration, Refugees, and Integration, introduced the most recent German integration monitoring system in her June 2009 report “Integration in Germany.” The Commissioner’s office contracted with two independent research institutes to carry out the study. The indicators for monitoring integration were derived through an inter-ministry consultation process and consisted of 100 datasets. These compare immigrant-origin residents in Germany with their nonmigrant peers and measure the situation of one group against the other. Not surprisingly, people of immigrant origin fared poorly in the vast majority of the 100 data categories when measured against their nonimmigrant peers. The media’s reaction to the monitoring report focused on integration deficits, running headlines such as: “Poor, Out of Work, Uneducated” or “Migrants Are often Poorer and more Frequently Unemployed than Germans.”⁹ Some critics have pointed out that the government’s current monitoring system was devised without considering the views of NGOs or immigrant organizations on how to design a “fair” and policy-relevant monitoring system. Although the “bugs” have not yet been worked out of the government’s monitoring system it is already being replicated by the 16 German state governments, although in a condensed form.

⁸ ARD Tagesschau, “Türken in Deutschland schlecht integriert,” January 25, 2009, <http://www.tagesschau.de/inland/integration102.html>; and *Die Welt*, “Warum Türken bei der Integration nicht mitspielen,” January 25, 2009, <http://www.welt.de/politik/article3088721/Warum-Tuerken-bei-der-Integration-nicht-mitspielen.html>.

⁹ Torben Waleczek and Franziska Gerhardt, “Arm, arbeitslos und ohne Bildung,” *Der Spiegel*, June 10, 2009, <http://www.spiegel.de/politik/deutschland/0,1518,629715,00.html>; and *Die Welt*, “Migranten öfter arm und arbeitslos als Deutsche,” June 10, 2009, <http://www.welt.de/politik/article3897998/Migranten-oefter-arm-und-arbeitslos-als-Deutsche.html>.

The government's will to create a viable integration monitoring system is most welcome. Yet further steps are necessary to create a policy-relevant integration monitoring tool. The next steps toward building on the German government's current design for monitoring integration should be to develop common basic principles on monitoring integration. The government should do this together with NGOs and immigrant representative organizations and ensure that the monitoring system is able to deliver policy relevant insights as to *why* integration is failing in certain segments of society and recommending *which* policies are needed to improve integration. Monitoring schemes should not just report on the *exact scope* of the social cleavages.

The Expert Council of German Foundations on Integration and Migration has initiated a unique monitoring tool called the Integration Barometer. It goes beyond compiling data on immigrants in Germany. It looks at how natives impact the country's integration capacity and examines the immigrant population's views on social issues related to integration. The Council is an independent, nonpartisan actor that could work greatly toward improving integration monitoring efforts in Germany and possibly mediate government dialogues with NGOs.

In view of the close connection between monitoring integration, the media, and public opinion, the German government should take great care in designing its monitoring system and should include immigrant organizations in this process.

Recommendation: The German federal government must engage in dialogue with NGOs and immigrant-group representatives to improve the system of monitoring integration devised by the federal government. A goal of this dialogue could be to establish common basic principles for monitoring integration in Germany. This system must be considered legitimate by immigrant representative organizations and based on Common Basic Principles. The national government should cooperate with the Expert Council of German Foundations on Integration and Migration (which is developing an Integration Barometer) and national immigrant organizations and should combine data evaluation with polling and other methods of measuring the German integration "climate."

Removing Barriers to Equal Opportunities and Reducing Social Cleavages

One of the most important societal challenges facing developed countries is how to provide diverse and rapidly changing populations with equal opportunities and how to minimize social divisions. In Germany, the social distance between rich and poor, well-educated and under-educated immigrants and nonimmigrants has been growing according to the German government's report on poverty in the country.¹⁰ As a result, German society is in danger of becoming more divided, more polarized, and less economically competitive. The government must urgently address barriers to equal opportunity and the widening gulf among the different communities.

Dual Citizenship for Third-Country Nationals

Citizenship policy in Germany needs to be more inclusive and applied more fairly. The current system, in which large segments of the long-resident immigrant population (including some who have been there for several decades) refrain from becoming German citizens in part because they

¹⁰ Bundesministerium für Arbeit und Soziales, Der 3. Armuts- und Reichtumsbericht der Bundesregierung, July 2008, http://www.bmas.de/coremedia/generator/26742/property=pdf/dritter_armuts_und_reichtumsbericht.pdf.

don't want to relinquish their original citizenship, constitutes a democratic deficit. The result is that a significant proportion of the population lives with significantly fewer rights than its citizen neighbors. Additionally, naturalization law is applied unequally to EU citizens (who are allowed dual citizenship without exception) and third-country nationals (who are not).

A shift toward full dual citizenship rights for all immigrants would be unpopular with some segments of the public, but these tensions could be mitigated with a public debate molded around the difficulties of the “optional” model of dual citizenship. Key arguments such as the rights gap between third-country nationals and EU nationals, as well as the normality of having a complex identity in a global world, could form the heart of a public debate.

Recommendation: The German government should close the gap between the rights of EU nationals and long-resident third-country nationals with respect to dual citizenship. All third-country nationals who fulfill the government's criteria for naturalization should be awarded citizenship without having to give up their existing nationality.

Equal Access to High-Quality Education

Educational achievement highly correlates with a student's socioeconomic background and ethnic origin in Germany. Immigrant origin and socially disadvantaged children consistently underperform as compared with their peers, suggesting that the current system is unable to provide students with equal learning opportunities. Germany's primary and secondary education system, which is the responsibility of state-level governments, poses a continuing obstacle to social cohesion. People with poor educational attainment have low social mobility and live — almost without exception — in relative poverty. Inevitably education reform will have to address the German education system's structural design (whether of “tracked learning” or common learning design) as research¹¹ has shown that equity and excellence in learning are better achieved based on four factors:

1. An early pre-kindergarten start to institutionalized learning,
2. Late selection into an academic or nonacademic education pathway,
3. Allowance of long, or alternate, paths to an academic upper secondary degree, and
4. Assurance of a smooth transition to professional training.

The current design of the average German school system selects early, sets students on a rigid educational pathway, and provides them with a rough, often delayed, transition into professional training. The German school system results in poorer educational outcomes for immigrant-origin students when compared with other tracked-learning systems in Europe and learning systems that do not track students.

A public debate about the design of Germany's education system is long overdue, but is likely to be difficult due to many lobby groups that strive to protect the high end of the education system (Gymnasium), giving little consideration to the impact the system has as a whole. Yet reforming the German school system as a whole is necessary and unavoidable. The body of evidence showing that the system consistently fails a growing segment of the student body is overwhelming.

¹¹ Maurice Crul and Jens Schneider, “The Second Generation in Europe: Education and the Transition to the Labor Market,” TIES: The Integration of the European Second Generation, University of Amsterdam, May 2009, http://www.tiesproject.eu/component/option.com_docman/task.cat_view/gid.185/Itemid.142/.

In the immediate future, one of the most urgent methods of “patching” the dysfunction of German schools would be to devote more resources to fostering the learning of disadvantaged pupils on an individual basis in the classroom. Teaching assistants provide such individual support in countries such as Canada and the United States and these countries have been much more effective than Germany in disassociating student achievement from ethnic origin or economic background.

The longer comprehensive reform of the German education system is postponed, the more human potential is lost or remains underdeveloped. Inaction comes at a high cost. A generation has already been “lost” as governments continually shied away from this urgent task and much of society denies that the school system no longer adequately serves children and young people. Such a debate should be initiated immediately and incrementally. It should avoid ideological conflicts that focus only on the school system’s design (i.e. tracking students into academic and nonacademic paths vs. mainstreaming them into one school type throughout high school). The main argument must be framed by the idea that schools should encourage social cohesion and not reinforce social divisions.

The current political climate is more open to such a policy debate than ever before, although some politicians continue to oppose any changes to the design of the German school system.

Recommendations:

- **An honest and open public debate about the future of Germany’s education system is overdue, and should be initiated in partnership with headmasters, teachers, local communities, and students. The debate on education reform must become less dogmatic and be conducted in a way that serves the interests of the entire student body (regardless of the student’s socioeconomic background). Schools must become places of integration and teachers must be trained to teach diverse student bodies. It is key to assess the barriers that prevent underperforming students from learning and to provide students with personalized learning opportunities (such as language tutoring).**
- **Primary and secondary education should be provided to all children resident in Germany regardless of their immigration status, including unauthorized children.**

Local Voting Rights

A voting-rights gap exists in Germany. It has emerged between EU nationals, who have the right to vote in local elections in Germany, and permanent resident third-country nationals, who are prohibited from voting in local elections. Bridging this gap will not be easy and steps must be taken to prepare the public and governmental actors for such a policy change. Grassroots organizations have recently campaigned for all permanent resident third-country nationals to be eligible for local voting rights. A growing portion of the population is becoming aware of the rights gap such nationals face in Germany. Since political participation is a key factor in the integration process, local actors in particular must urgently take a common position in support of local voting rights for permanent resident third-country nationals before a policy reform can be initiated at the federal level.

Recommendation: Policymakers should reexamine the constitutional court decision that declared local voting rights for third-country nationals to be unconstitutional, and local government organizations should work to form a common position on this issue. Promoting democracy and political participation should be the leading policy narrative in this debate.

Building a Robust Economy in a Country of Immigration

Managing immigration flows must be factored into Germany's top policy priorities in both the short and medium term, especially as policymakers struggle to keep unemployment down while reshaping their economies to remain competitive in the 21st century. Ultimately, policies should not subsidize unsustainable sectors of the economy, but they must encourage growth and build a robust economy that can withstand global competition. Immigration and integration policies will have a significant impact in doing so.

A Modern Labor-Migration System

The government must end the lack of clarity concerning labor migration policies. The current labor migration mix has been achieved not by design, but by the lack of a coherent policy framework. Indeed Germany's knowledge-based economy and demographic makeup require a very different approach to labor migration in the medium term.

The German government will be forced to remove its labor restrictions for EU citizens from the A8 EU Member States by 2011. Germany will be one of the last countries in Europe to do so. The economic crisis makes it even more critical for the German government to carefully communicate this mandated policy change to the public and brief the media on the reasons behind it as well as the potential benefits. Initiating this reform without clearly communicating and preparing the public could meet with opposition.

An economic recession is not the right time to make sweeping changes to the current system of labor migration. Public opinion and the media would not favor such a policy shift at this time. Yet, the German government should work toward making its system of labor migration more transparent and based on common standards, with the aim of enacting broader reforms after the recession ends, perhaps in 2011 if current economic forecasts of a gradual recovery are accurate.

One issue that the government may be advised to address, in the form of a pilot project, is circular migration. Much debate surrounds the plausibility of circularity and the undesired outcomes of policy failures, such as brain drain or large-scale permanent migration. Yet EU Member States have begun pilot projects to test immigration policy instruments that may foster circularity. The German government should cooperate with the European Commission to devise such a pilot project in Germany. If such a pilot program were successful, it would create a win-win situation for migrants as well as origin and destination countries. Such a policy instrument could strengthen the country's cooperation with third countries and potentially reduce levels of irregular migration. Since circular migration policies will never achieve return by all the workers enrolled in the program, these policies must be designed to allow a portion of circular migrants to transition to more permanent forms of immigration.

Recommendations:

- **Future labor migration policies will need to be more transparent, contain clear admission criteria that are synchronized with labor market needs, and allow clear pathways to permanent residence and citizenship. Even during times of recession, labor migration policies can be formulated to create jobs, increase investment, and foster innovation.**

- **The government must prepare its citizens for the imminent changes in its labor market policies vis a vis EU labor migrants. It should lead a public debate so that the population does not react to new inflows of workers with intolerance and exclusion.**
- **The German government should cooperate with the European Commission in devising a pilot project for circular migration to Germany. The Transatlantic Council on Migration could provide the German government with policy options as to how to design effective policies. The design of this immigration instrument should allow for some migrants in the project to transition to more permanent migration status.**

International Credential Recognition

The vast majority of residents in Germany who completed their education or training outside the European Union have considerable difficulties finding jobs in Germany at their skill level. Often, first-generation immigrants experience downward mobility, working below the level of qualification achieved in their country of origin. Typical examples include the cases of Iraqi doctors who become taxi drivers in Germany, or Ukrainian nurses who clean homes and offices.

The very bureaucratic, inefficient, and protectionist system for recognizing foreign certifications in Germany is partly responsible for the fact that many residents work below their level of qualification. There is no central office for credential recognition and no standardized process for recognizing foreign credentials in Germany. Each of the 16 federal states is responsible for determining under what criteria foreign credentials will be recognized, respecting existing European Union laws and a labyrinth of other local, state, and federal mandates. Additionally, many of the federal states practice decentralized, local-level governance of the recognition process. In some cases, local government offices shift the responsibility from one department to the next, resulting in no one being responsible for credential recognition over an extended period of time. Furthermore, only EU citizens and ethnic German migrants from Eastern Europe (so-called Spätaussiedler) have a *right* to foreign credential recognition by the government, which can issue a statement in German as to the German equivalent qualification. The German government is not obligated to reach a decision on the foreign credentials submitted by other foreign nationals, although they may be required to present their prospective employers with German government certification of their qualification.

Research has shown that nonrecognition of foreign credentials often leads to unemployment or employment far below one's skill level.¹² Indeed the German Federal Ministry for Labor and Social Issues has taken on this matter and shown the political will to create a new law that would repair the current failing system. In June 2009 the German Labor Ministry presented a paper "Brain Waste: The Recognition of Foreign Certification in Germany."¹³ The paper has fostered discussion on the federal level that a central government office for the recognition of foreign credentials should be established and common standards created. It bases its recommendation on the Danish Assessment of Foreign Qualifications Act and Australia's National Office of Overseas Skills Recognition. The Danish law grants all persons holding foreign certification the right to have these evaluated and equated to Danish qualifications, making it easier for employers to evaluate the skills of such persons.

¹² Bettina Englmann and Martina Müller, "Brain Waste: Die Anerkennung von ausländischen Qualifikationen in Deutschland," Tür an Tür Integrationsprojekte gGmbH: June 2009, <http://tuer-an-tuer.de/tuer-an-tuer-integrationsprojekte/aktuelles-von-migranet-1/brain-waste-die-anerkennung-von-auslandischen-qualifikationen-in-deutschland/> (accessed July 2, 2009).

¹³ Ibid.

It is not in the interest of society or the economy to have large segments of the population working below their skill levels, or unable to find suitable work. This is a personal tragedy for those who are not able to live up to their full potential and a loss of innovation and economic activity for society as a whole.

Recommendation: The German federal government should continue to drive the debate on international credential recognition, pushing for the 16 federal state governments to agree on a common legal framework that would be implemented across Germany. It should consider the Danish law as a model for reform. The German reform must address the relevant changes that will impact state laws and ordinances of various professional organizations that regulate accreditation of various professions.

VII. Conclusion

German policymakers must take incremental, yet decisive steps to create innovative and sustainable migration and integration policies at a time when opposing policy pressures and the economic downturn prompt a cautious response. They must recognize that if proposed policy reforms stagnate during the recession, Germany will be poorly positioned to improve social cohesion and maintain standards of living in the next decade. Demographic decline will be a “game changer” in the coming decade and policymakers will be subject to a very different set of pressures sooner than they expect. That is why integration and immigration policies in the next legislative period must look beyond the recession and balance both the short- and medium-term goals of the country.

VIII. About the Author

Rita Süßmuth is former President of the German Federal Parliament and former Federal Minister for Family Affairs, Women, Youth, and Health. In 2006, Dr. Süßmuth became the Chair of the European Union's High-Level Group on Social Integration of Ethnic Minorities and their Full Participation in the Labor Market. In 2006, she joined the Advisory Board of the Development Center Project "Gaining from Migration" of the Organization for Economic Cooperation and Development. She was member of the Global Commission on International Migration, which presented a report to Kofi Annan in October 2005 entitled "Migration in an Interconnected World: New Directions for Action." She is the President of the OTA University in Berlin. From May 2003 until December 2004, Dr. Süßmuth served as the German government-appointed Chair of the Independent Council of Experts on Migration and Integration. She is also a member of the Steering Committee for Intercultural Conflict and Societal Integration at the Social Science Research Center in Berlin and holds a series of other assignments and memberships with national and international bodies. From 2000 to 2001, Dr. Süßmuth presided over the Independent Commission on Migration to Germany, which resulted in the report "Steering Migration and Fostering Integration" (July 2001). Dr. Süßmuth served as Vice President of the Organization for Security and Cooperation in the Europe Parliamentary Assembly and was a Member of the German Federal Parliament. She has also been Director of the research institute, Woman and Society, and Professor of International Comparative Educational Science at the Universities of Bochum and Dortmund.

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