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Special Report

Germany's New Immigration Plan

By Terry Martin **November 1, 2001**

If ever a nation needed an immigration law, it's Germany. A combination of geography, economics, and demographics gives the matter greater urgency here than in any other European Union member state. Yet amazingly, the EU's most populous country has muddled along for more than fifty years without a comprehensive immigration policy. Now, the mounting pressures of globalization and a declining birth rate are forcing German lawmakers to finally address this politically sensitive issue. By the end of the year Germany is likely to pass sweeping legislation that will open the door to millions of immigrant workers required to sustain the country's economy and social welfare system.

To understand why immigration has risen to the top of Germany's policy agenda, one needs to look no further than the latest population forecasts. In July a government-appointed commission on immigration concluded that if birth rates remain at their current level, the country's population will decline from 82 million today to less than 60 million by the year 2050. Over the same period, employment figures will drop from 41 million to just 26 million. By 2015 at the latest, the number of employed persons will begin to fall radically. Those still working will have to support an inordinate number of retirees as life expectancies rise and the population ages.

The broader implications of these statistics are alarming. The decline in human numbers would cause the economy to contract severely. There would be fewer and fewer consumers chasing a dwindling supply of goods and services. Shops and factories would close. Apartment blocks would be abandoned. Tax revenues would begin to dry up. The government would be forced to cut spending on infrastructure to social programs. Roads and public transport would suffer. Law enforcement would be scaled back. The pension and health care systems would come under severe strain. And those are just the domestic concerns.

Anticipation of this grim scenario has inspired Germany's political parties to come up with a policy for accommodating--if not encouraging--immigration. Building a consensus on the issue has been far from easy. The government has had to digest input from a diverse range of conflicting political, economic, and humanitarian interests. But the effort paid off. When Interior Minister Otto Schily presented the draft immigration law on August 3, it was hailed as a watershed event. In the words of former Bundestag president Rita Sussmuth, who chaired the immigration commission, the development of this legislation amounts to "a paradigm shift" in post-war German society.

What makes the draft law so significant is that it challenges a long-held assumption among Germans that their country is not and never can be an *Einwanderungsland* (country of immigration). It forces them to confront the reality that Germany cannot continue to prosper without the help of large-scale immigration. It tells Germans that welcoming qualified foreigners as permanent residents is in the country's best interest. And that breaks a taboo going back at least as far as the founding of the Federal Republic in 1949.

Though some are loath to admit it, Germany has been a de facto *Einwanderungsland* for decades. In fact, a recent study by the Hamburg Institute of International Economics points out that in the 1990s Germany became "the principal magnet society in the Western Hemisphere" with a higher magnitude of new entrants than the United States or Canada. Today, Germany is home to 7.3 million foreigners, about 9 percent of the population. The largest number of these are Turkish "guest workers" and their families brought in to meet the country's labor needs during the "economic miracle" in the 1950s and 60s. The government falsely assumed that the Turks would return home after a few years of hoarding their earnings in Germany. The guest worker system was abandoned in 1973.

The new immigration law would normalize both the process of becoming an immigrant to Germany and the status of being one. It would replace the maze of contradictory statutes previously devised to deal with "refugees," "asylum seekers," "guest workers," (ethnic German) "resettlers," and other sundry classifications of foreigners. Those acquiring permanent resident status under the new law would be spared the stigma of foreigners today whose continued presence is often attributed to the exploitation of legal loopholes.

In the year leading up to the new draft law, Germany had been experimenting with a recruitment model misleadingly labeled the "green card" program. This scheme was set up to attract foreign computer experts to fill job vacancies in the country's burgeoning information technology industry. The program, which offered five-year work and residence permits, failed to achieve its goal of recruiting 20,000 IT specialists. (Many candidates opted for the better pay and working conditions in the US.) However, the initiative did soften up German public opinion on the issue of immigration.

It's no coincidence that the same kind of highly qualified workers targeted by the green card program also receive top billing in the draft immigration law. Urgently needed computer specialists, engineers, mathematicians, and) leading scientists would be granted permanent residence status immediately. Others would be evaluated on a points system (based on the Canadian model) that takes age, language, and job skills into consideration. A candidate's capacity for social integration--particularly their command of the German language--is given high priority.

The law does not mention quotas but instead invites local governments and industry to determine their own immigration needs. Describing the bill briefly, Interior Minister Schily called it "a modern, flexible, business friendly, and socially balanced instrument for demand-oriented control and limitation of immigration." Parliament is due to vote on the law by year's end. In the unlikely event that immigration legislation is not passed, this divisive issue will be fair game in next year's general election. With right-wing conservatives having shown no qualms about exploiting xenophobic fears in the past, Germany's center-left government is anxious to bring the immigration debate to a close.

Terry Martin is EUROPE's Berlin correspondent.

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