I am completely convinced: the opportunities are far greater than the risks. We just have to recognise them, and use them ... I am convinced that we can do it.¹

- Angela Merkel

Since early 2015, Germany has been at the epicentre of an unfolding refugee crisis in Europe, which is unprecedented in scale and scope since World War II. Chancellor Merkel's response to the crisis has propelled Germany into a leadership role in Europe, which it has eschewed in the past. The 'open armed' response to the asylum seekers is partly based on ethics and history and partly a matter of economics and demographics. According to German Interior Minister, Thomas de Maizière, Germany views its intake of people in need of international protection as part of its humanitarian duty. The deeply rooted sense of responsibility (Verantwortung) for asylum seekers can be traced to the German experience of asylum during the Nazi period which allowed, for example, former Chancellor Willy Brandt and many others to survive the Nazi regime, as well as the generous West German response to East Germans after the fall of the Berlin Wall, an experience of which Angela Merkel is profoundly aware. Enlightened self-interest is also at play in the German response to the crisis, in that a country with an ageing demographic and a booming economy, which requires skilled and educated workers, can benefit from the influx of Syrian asylum seekers, 40% of whom are reported to be educated to university level.

As a country with a long history of immigration, Germany has been well equipped to deal with incoming migrants and asylum seekers in an efficient, systematic manner. As the Member State in receipt of the largest number of asylum applications in the EU, Germany has been compelled to respond to the growing refugee crisis by enacting change domestically and taking the lead in encouraging other EU Member States to follow suit.

This paper outlines the history of immigration to Germany and documents recent policy changes, which have been made in light of the refugee crisis, before analysing the implications of Germany's response both domestically and for the European Union.

**History of Immigration to Germany**

For the 19th and first half of the 20th century, Germany was primarily a country of emigrants. This changed dramatically after the Second World War, and especially from the 1960s onwards, when immigration came to play an increasingly important role for the Federal Republic.

With the onset of the economic boom in the 1950s, the German economy became dependent on immigrant workers to fill gaps in the labour market. Since that time, Germany has seen many different flows of immigrants, the most notable of which include the guest workers (Gastarbeiter) of the 1960s, the repatriates (Spätaussiedler) of the late 20th century, economic migrants from new Eastern European Member States and more recently asylum seekers from the Balkans, the Middle East and North Africa.

¹ http://www.bundeskanzlerin.de/Content/DE/Regierungserklaerung/2015/2015-09-24-regierungserklaerung.html
The recruitment of guest workers, the influx of repatriates and the reception of asylum-seekers have led to the growth of the immigrant population in the country. As a result of these demographic changes, immigration and integration have become important and highly contested topics in domestic German policy discussions.

The end of the Second World War saw unprecedented numbers of displaced persons across the continent. Between 1945 and 1949, around 12 million displaced persons and refugees entered the territories of East and West Germany. Within Germany, there was a wave of migration from East to West. 3.8 million people relocated from the German Democratic Republic (GDR) to the Federal Republic of Germany (FRG) between the foundation of the GDR and the building of the Berlin Wall.

The Federal Republic underwent a period of economic reinvigoration in the wake of the war and its labour force could not keep up. To alleviate this problem the Federal Republic made bilateral agreements on labour recruitment with countries such as Italy (1955), Spain (1960), Greece (1960), Turkey (1961) and Yugoslavia (1968). In 1968, there were 1.9 million foreigners living in the Federal Republic, one million of whom were employed. The number of employed foreigners in Germany reached its highest level to date in 1973 at 2.6 million. The largest groups at that time were from Turkey (605,000), Yugoslavia (535,000), Italy (450,000), Greece (250,000) and Spain (190,000). At its inception, policy-makers and the public did not envisage the permanent immigration of the guest workers. Instead, the workers were expected to go back to their home country after a set period of time. This concept put increasing strain on employers who were frustrated at having to continuously train new employees. In 1971, residence permit renewal was made easier. Rights of foreign workers in West Germany were extended by a series of constitutional rulings in the 1970s and 1980s, which allowed many access to employment regardless of labour market conditions.

The former East German Democratic Republic (GDR) also began recruiting so-called “contract workers” in the 1960s. Agreements were put in place with other socialist states, including Poland (1965), Hungary (1967), Mozambique (1979) and Vietnam (1980). At the end of 1989, about 190,000 foreigners were resident in the GDR, of whom around 90,000 were ‘contract workers’

Repatriates were a further important source of immigration into Germany in the second half of the twentieth century. Repatriates are ethnic Germans who had been living for generations in Central and Eastern Europe as well as in the former Soviet Union. Between 1950 and 1987, 1.4 million repatriates came to Germany, primarily from Poland and Romania. The number of repatriates returning to Germany peaked in 1990 at 397,000. The annual figure of repatriates has declined since the mid-1990s. Between 1988 and 2005 some three million people entered Germany in this way.

Developments in European policy have seen greater mobility to and from Germany within the European Union. Germany was one of the first signatories of the Schengen Agreement and has participated in the area of free movement of persons within the Schengen area, without internal border control, since 1985.

In 2004 with the enlargement of the European Union to include 10 new Member States from Central and Eastern Europe, Germany experienced a new flow of migrants. Compared, however, to other EU Member States, fewer migrants moved to Germany due to strict labour market restrictions. It is believed
that immigration to Germany would have been much higher, had there been no market restrictions in place. These restrictions were only lifted once Germany was legally obliged to do so in 2011.

### German Immigration & Asylum Policy since 1990

Since the beginning of the 1990s, when the immigration of asylum-seekers and repatriates reached its peak, immigration and integration have become important and highly contested topics in domestic policy discussions.

**Important policy developments since 1990 include:**

- The “**Asylum Compromise**” of 1993, which amended the German constitution to allow for limitations on access to political asylum;
- A new **Nationality Act**, which came into effect in January 2000;
- The introduction in 2000 of a “**Green Card**” system aimed specifically at recruiting IT professionals;
- The protracted process of adopting the **Immigration Act**, which came into force in January 2005.

### Responding to the European Migrant Crisis 2015

Today the European Union is facing new migration challenges. An arc of crises from Northern Africa to Afghanistan, from the Middle East to the Mediterranean Sea, has caused unprecedented numbers of people to attempt to enter the European Union in order to seek asylum. These developments have been particularly overwhelming for frontline states such as Italy and Greece, who received the majority of incoming migrants in recent months. The arrival of thousands of asylum-seekers in late August shifted the geographic fulcrum of this crisis. Following on from an extraordinary European Council summit on migration on April 23, the European Commission proposed, on May 27, that 40,000 refugees be **relocated** from Italy and Greece to other EU Member States. A further 20,000 migrants from outside the EU are to be **resettled** in Europe with EU Member States sharing the burden via fair distribution. This relocation was confirmed and methods for its implementation were agreed upon at another extraordinary JHA Council meeting on September 14, 2015.

**Note:**

**Relocation** refers to the transfer of a person already present in the EU to another EU Member State.

**Resettlement** refers to displaced persons in clear need of international protection, who are transferred from a non-EU country and established in an EU Member State.

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In terms of applications for asylum, Germany, to date, holds the largest share of the EU’s asylum seekers. In 2014, of a total 625,920 asylum applications made outside the EU, Germany received 202,645 of them. This number is more than twice as large as the next highest recipient, Sweden (81,180). Germany received three times more applicants than Italy (64,625) and more than six times as many as the United Kingdom (31,745). In 2015 Germany is expected to receive 800,000 refugees, a large majority of these refugees from Syria, Eritrea and other conflict-ridden areas.

Germany’s longstanding history of migration, and its efficient systems for processing asylum applications, have made it one of the best equipped countries to show solidarity both with frontline states such as Hungary, Italy and Greece, and with the large numbers of individuals who have risked their lives to traverse the continent, fleeing conflict, terror and persecution.

**Main Actors in Germany**

In light of recent developments relating to the mass movement of people in Europe, the German government and public institutions dealing with migration have found themselves under increasing pressure to deal with the number of people presenting themselves in Germany seeking international protection.

Alongside the Chancellor, Ms. Angela Merkel, the main actors involved in dealing with this issue are the Interior Minister, Dr. Thomas de Maizière, State Secretary for the Federal Ministry of the Interior, Dr. Emily Haber, and until his resignation on 17 September 2015 Dr. Manfred Schmidt, who was the head of the Federal Office for Migration and Refugees, informally known by its German acronym BAMF. Dr. Schmidt, who resigned for “personal reasons”, has been replaced by Frank Juergen Weise, former head of the German Employment Agency.

The Office for Migration and Refugees (BAMF) is a decentralised organisation with its main seat in Nuremberg. The origins of BAMF go back as far as 1946 and it has been the institution entrusted with overseeing the implementation of all major developments in German immigration policy from the Foreign Nationals Act 1965 to the Immigration Act 2005. BAMF has some 20 reception and facilitation centres across the entire Federal Republic.

In response to the current challenges, a decision has been taken to increase the capacity of BAMF by an additional 1,000 staff. The creation by 2016 of 1,000 new positions will, in turn, ensure that that an increased number of asylum applications are processed quickly and in an efficient manner. Four additional decision centres will also be created across the country to process asylum applications.

Two new reception centres in Bavaria have recently been established. The centres serve as administrative bases for all the German authorities, who are involved in receiving and assessing asylum applications. These include the German social affairs ministry, the migration office (BAMF), the Federal Foreigners Office, and representatives of the German courts and police services.
On 8 May 2015 at a Refugee Summit in Berlin with the Chancellor, Interior Minister & representatives of the Federal States a decision was taken to put into place an Action Plan, which will see asylum applications dealt with in an accelerated fashion. Optimal use of limited resources and maximum procedural efficiency will be put into practice via clusters of procedures under the direction of the federal government with closer cooperation from the Federal States.

Between January and May 2015, 450,000 asylum applications were filed in Germany. Of these, 400,000 were first applications, while 50,000 were follow-ups. At the Refugee Summit, the German Interior Minister, De Maizière, identified two causes for this surge in applications: uncertainty in the Balkans, and conflict and terror in Northern Africa and Syria.

Countries of Origin

In 2015, Kosovo was the main country of origin for immigrants to Germany. 27,767 refugees from Kosovo applied for international protection in Germany in comparison to 1,722 Kosovar applicants in the same time period in 2014. Applications from Albania have also increased from 2,629 in 2014 to 11,292 in 2015. This in effect shows that European migrant flows do not all originate on the other side of the Mediterranean. Many immigrants to Germany have also come from countries such as Nigeria in West Africa, and Afghanistan and Pakistan in Central Asia.

The table below outlines the Top 10 Countries of Origin by year, illustrating the change between the first six months of 2014 and January to June 2015. A substantial increase in migrant traffic is visible between 2014 and 2015.

<table>
<thead>
<tr>
<th>Top 10 Countries of Origin</th>
<th>Jan-Jun 2014</th>
<th>Jan-Jun 2015</th>
<th>Compared to previous year (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Syria</td>
<td>12,077</td>
<td>32,472</td>
</tr>
<tr>
<td>2</td>
<td>Kosovo</td>
<td>1,885</td>
<td>26,672</td>
</tr>
<tr>
<td>3</td>
<td>Albania</td>
<td>3,847</td>
<td>21,806</td>
</tr>
<tr>
<td>4</td>
<td>Serbia</td>
<td>6,278</td>
<td>10,126</td>
</tr>
<tr>
<td>5</td>
<td>Iraq</td>
<td>2,076</td>
<td>8,331</td>
</tr>
<tr>
<td>6</td>
<td>Afghanistan</td>
<td>4,219</td>
<td>7,032</td>
</tr>
<tr>
<td>7</td>
<td>Macedonia</td>
<td>2,505</td>
<td>4,182</td>
</tr>
<tr>
<td>8</td>
<td>Eritrea</td>
<td>3,846</td>
<td>3,582</td>
</tr>
<tr>
<td>9</td>
<td>Nigeria</td>
<td>1,635</td>
<td>2,805</td>
</tr>
<tr>
<td>10</td>
<td>Pakistan</td>
<td>1,822</td>
<td>2,701</td>
</tr>
</tbody>
</table>

Total Figure: 67,441 (Jan-Jun 2014) 159,927 (Jan-Jun 2015) +137.1%
Even between the months of May and June 2015 there was a notable increase in the amount of people arriving in Germany to seek asylum. The number of Syrians arriving in Germany in June 2015 grew by over 50% compared to the previous month, while for Afghan nationals the percentage growth rate between May and June 2015 almost reached 80% (78.2%) as can be seen in table below.

<table>
<thead>
<tr>
<th>Top 10 Countries of Origin</th>
<th>May 2015</th>
<th>June 2015</th>
<th>Compared to previous month (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Syria</td>
<td>4,810</td>
<td>7,301</td>
<td>+51.8</td>
</tr>
<tr>
<td>2. Kosovo</td>
<td>1,781</td>
<td>1,373</td>
<td>-22.9</td>
</tr>
<tr>
<td>3. Albania</td>
<td>4,664</td>
<td>5,837</td>
<td>+20.0</td>
</tr>
<tr>
<td>4. Serbia</td>
<td>1,395</td>
<td>1,404</td>
<td>+0.6</td>
</tr>
<tr>
<td>5. Iraq</td>
<td>1,382</td>
<td>1,375</td>
<td>+42.9</td>
</tr>
<tr>
<td>6. Afghanistan</td>
<td>1,151</td>
<td>2,051</td>
<td>+78.2</td>
</tr>
<tr>
<td>7. Macedonia</td>
<td>637</td>
<td>984</td>
<td>+54.5</td>
</tr>
<tr>
<td>8. Eritrea</td>
<td>612</td>
<td>1,063</td>
<td>+73.7</td>
</tr>
<tr>
<td>9. Nigeria</td>
<td>579</td>
<td>656</td>
<td>+13.3</td>
</tr>
<tr>
<td>10. Pakistan</td>
<td>431</td>
<td>812</td>
<td>+86.4</td>
</tr>
<tr>
<td><strong>Total Figure</strong></td>
<td><strong>23,758</strong></td>
<td><strong>32,705</strong></td>
<td><strong>+37.7</strong></td>
</tr>
</tbody>
</table>

(Source: BAMF data compiled by IIEA)

On the whole, Syrian refugees remain the largest proportion of immigrants to Germany. Some 32,472 Syrian refugees received international protection in Germany between January and June 2015.

Countries of origin have become a way to differentiate refugees in need of international protection and economic migrants who have arrived in Germany in search of a better life. Last year Germany declared Bosnia and Herzegovina, Serbia and Macedonia as ‘safe countries of origin’ - a new Federal Draft Law to be released in October will add Kosovo, Albania and Montenegro to this list. A ‘safe country of origin’ is a country to which people may be returned without fearing for their lives. Any baseless claims made by economic migrants from these safe countries of origin will in future risk the applicant being barred from re-entry to Germany and the entire Schengen area, which should serve as a disincentive towards abuse of the asylum system.

At the Balkan Summit, Germany discussed the possibility of opening new legal channels for migration of workers from the Balkan countries to the Federal Republic. This decision was reached on the basis that by 2020, Germany will have a shortage of 2.4 million workers. In tackling the current migration crisis, the distinction between economic migrants and refugees has become of utmost importance in processing asylum claims of those truly in need in an efficient manner.
The terms ‘asylum-seeker’, ‘refugee’, and ‘economic migrant’ have been frequently confused in discourse surrounding the European migration crisis.

An asylum-seeker is someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated.

The 1951 Refugee Convention defines a refugee as someone who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.”

An economic migrant, on the other hand, is a person who travels from one country or area to another in order to improve their standard of living.

The ‘EASY Asylum System’

The key to understanding how Germany has responded to the refugee crisis so far lies in the functioning of the German asylum system. In line with the Vienna Convention of 1951, the German Government has agreed to provide international protection to any individual who has fled their home country as a result of persecution, war, famine or other conditions which deny that individual their basic human rights.

The Common European Asylum System, to which Germany is party, includes the Dublin Regulation, whereby asylum applications are processed in the first country (EU Member State) of arrival. However, due to the large number of refugees fleeing the civil war in Syria, on 24 August, Germany temporarily relaxed its observation of the Dublin Regulation for Syrian refugees and took a decision not to return them to their country of entry. This was widely welcomed as an act of European solidarity.

To attain international protection in Germany, asylum seekers must register with a BAMF office, which is linked to initial reception facilities.

Distribution of asylum seekers is facilitated by the EASY (Erstverteilung von Asylbegehrenden) system. The EASY system manages the allocation of asylum seekers to appropriate initial aid facilities, which, in turn, will be responsible for the welfare of the asylum seekers. As some BAMF branch offices have greater expertise in dealing with migrants from specific regions, the home country of the asylum seeker is also taken into consideration.

A more streamlined process of self-assessment for certain groups, such as Syrians, religious minorities in Iraq and people from Eritrea, means that there is no longer a need for personal interviews.

Federal States are all obliged to take a certain number of migrants, calculated as a quota based on tax receipts and the population of the Federal State in question. This quota system, known as the “Königsteiner Key”, ensures a proportionate distribution of migrants throughout the Federal Republic of Germany.
The most populous Federal State, North-Rhine Westphalia, takes the most asylum-seekers, some 21% of the total. The largest and richest Federal State, Bavaria, takes the second largest, approximately 15% of the total. Berlin is in seventh place, taking 5% of the total number of asylum-seekers. Bremen, as the least prosperous Federal State, is obliged to take less than 1% of the total amount.

(\textbf{Source:} BAMF data compiled by IIEA)

\begin{table}
\centering
\begin{tabular}{|l|c|}
\hline
\textbf{Federal Länder} & \textbf{Quota} \\
\hline
Baden-Württemberg & 12.97496% \\
Bavaria & 15.33048% \\
Berlin & 5.04557% \\
Brandenburg & 3.08092% \\
Bremen & 0.94097% \\
Hamburg & 2.52738% \\
Hesse & 7.31557% \\
Mecklenburg-Western Pomerania & 2.04165% \\
Lower Saxony & 9.35696% \\
North Rhine-Westphalia & 21.24052% \\
Rhineland-Palatinate & 4.83472% \\
Saarland & 1.21566% \\
Saxony & 5.10067% \\
Saxony-Anhalt & 2.85771% \\
Schleswig-Holstein & 3.38791% \\
Thuringia & 2.74835% \\
\hline
\end{tabular}
\end{table}

**Increased Budgetary Provisions**

In June 2015, the Federal Office for Migration and Refugees, BAMF, calculated that it received double the amount of asylum applications in 2015 as it did in 2014. Accordingly, the Federal Republic has made a decision to double financial aid to tackle this issue. Instead of €500m, the Federal Republic will make €1bn available to BAMF.

In the period January-June 2015, BAMF concluded 114,060 decisions on asylum applications. 34.7% of these decisions (some 39,552 people) were granted refugee status. Another 37.4% were declined international protection as they were not refugees but economic migrants. In a further decision taken at
EU level on 14 September 2015 Germany agreed to accept 2,100 refugees of the total 54,760 refugees, who are due to be relocated within the EU.

Implications of Germany’s response at home and in the EU

The response to the immigration crisis has mobilised support from all echelons of German society, from President Gauck and Chancellor Merkel to Federal State administrations and ordinary German citizens. By opening their borders, doors and homes, the austere image of Germany has been transformed into one of an open and generous society. The way Germany has handled the crisis so far has been described by the German Marshall Fund as “the right decision by all moral and humanitarian standards.”

The German public has widely supported an increased intake of asylum-seekers. This means that at a domestic political level, the ‘open-arms policy’ of the current German government has done little to harm its reputation in the run up to the 2017 elections. The policy response put in place by the CDU/SPD Grand Coalition has in many ways demonstrated to the German electorate that Germany is well equipped to solve large problems. By bolstering the support of these central parties, the current government has also succeeded in undermining radical left- and right-wing parties who have taken more extreme approaches to the incoming refugees.

As indicated earlier, Germany’s history and its current demographic situation have been the main catalysts in shaping German immigration policy. The current influx of asylum-seekers will serve to ease demographic pressure on the otherwise ageing population. With over 45% of German employers struggling to recruit qualified employees, immigrants have been described as a blessing for the German economy. In the medium term, a flow of young, educated individuals could boost the economy by increasing the labour force and helping to support the ageing German population.

Like in the case of the guest workers in the 1960s and 1970s, the current influx of asylum-seekers will undoubtedly lead to other policy challenges, relating largely to integration and assimilation in the future. At present, however, the German government and German authorities are handling the situation in a characteristically pragmatic and orderly fashion.

In the European Union, Germany has set an example to other Member States with its rapid, humanitarian response to the crisis. Not only this but Germany’s stance on asylum-seekers has afforded it greater leverage in EU discussions on asylum policy. While it has not yet been successful in securing an agreement on a common response to the crisis, Germany’s own response has certainly lived up to Commission President Juncker’s call for solidarity.

The conclusions from the JHA Council meeting on 14 September 2015 illustrate that the European Union as a whole is stuck in limbo in its attempt to enact a common European solution. Some European Union Member States have not accepted that the migration crisis is both a European and an international issue,

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4 https://www.gmfus.org/blog/2015/09/04/germany%E2%80%99s-asylum-policy-moral-duty-meets-national-interests
which must be dealt with in cooperation and solidarity. They have, instead, committed to protecting their national interests and seem disinterested in conceding the necessity of a European solution.

When Germany decided to temporarily suspend the Schengen open borders agreement on 13 September 2015, it was widely reported that Germany was the next EU Member State to ‘fold’ under pressure. The decision to suspend Schengen was taken not as a symptom of the overwhelming numbers of refugees entering Germany as much as a statement by the Federal Republic that it cannot be expected to solve Europe’s problems on its own. Unlike the euro crisis in Greece, where Germany accrued a negative public image for its insistence on austerity in EU negotiations, the migrant crisis has largely shifted perceptions of Germany. Germany’s exemplary response to the large numbers of asylum-seekers crossing its border demonstrates its understanding that immigration is not a problem as much as a process, which can, and must, be addressed.
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