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Policy Brief - GERMANY

### **The project aims**

#### **EMILIE PROJECT OVERVIEW**

EMILIE examines the migration and integration experiences of nine EU Member States and attempts to respond to the new challenges that multiculturalism is facing in Europe in the early 21<sup>st</sup> century. EMILIE studies three important areas: Education; Discrimination in the workplace; Voting rights and civic participation, in Belgium, Denmark, France, Germany, Greece, Latvia, Poland, Spain and the UK. EMILIE aims to:

- track the relationship between migration-related diversity and citizenship, i.e. multicultural citizenship, across these EU countries; and
- identify whether multicultural citizenship is emerging in Europe, and if so what distinctive patterns and types can distinguished.

### **Case studies**

EMILIE conducted three policy-related case studies in each country. The first set of case studies focused on education policy and the measures and practices adopted in dealing with cultural diversity in secondary education. The second set of case studies assessed the implementation of the EU 2000 Anti-Discrimination Directives in the different national contexts. And the third set of case studies investigated voting rights and overall issues of political participation and representation of migrant communities and ethnic minorities in the countries studied.

### **Definitions**

(Multicultural) Citizenship: The notion of citizenship requires a self-governing political community in which individuals have rights and correlative duties enforced by law but are likely to also have a sense of shaping and being shaped by a public space that goes beyond law and politics. Multicultural citizenship debates ask how citizenship can be fully enacted for and by individuals that are culturally diverse.

### **Methods, data and period of reference**

Each case study focuses in the last twenty year period (from 1989 till today). Data collected include policy documents, media coverage, scholarly studies, statistical data, qualitative interviews with key informants, and where it has been possible discussion groups with civil society actors and policy makers.

### **Focus**

The project is concerned with migration-related cultural diversity and not with historical, native ethnic minorities. Special attention is paid to religious diversity and issues concerning Muslim migrants as their integration in European societies has been approached as increasingly challenging in these EU Member States.

### **Main findings**

#### **Features of migrant populations and political representation**

In Germany, there are 7.8 million residents of migrant origin who are either naturalised immigrants or ethnic Germans. The largest migrant community is the Turkish one with over 1.7 million members, while Germans of Turkish decent are estimated at about 700,000.

In spite of its liberalising elements, Germany's most recent Citizenship Law (2000) has not led to an increase of naturalisation figures. Since 2000 in fact, naturalisation figures have instead steadily decreased. Migrants from Muslim countries in particular, are less frequently naturalised.

As regards their representation in formal political and state institutions, the parliamentary representation of migrants in Germany is still quantitatively low. In the current Federal German Parliament (2005-2009) there are eleven deputies with a migration background (equivalent to 1.8 % of all Members of Parliament).

#### **Main issues that need to be challenged towards migrant political participation**

- National political rights are restricted to German citizens.
- In spite of rendering certain naturalisation requirements friendlier (for instance the required length of stay has dropped from 15 to 7-8 years), the new Citizenship Law still poses unreasonably high barriers to naturalisation. The denial of double citizenship and the naturalisation procedure – that includes a general background check by the Federal Intelligence Service, as well as a citizenship and language test – run contrary to the idea of 'welcoming' migrants and facilitating their naturalisation and full integration into the host society.
- Denial of double citizenship and local voting rights to migrants from Turkey and other non-EU-countries exclude a significant part of Germany's population from political participation.
- Government efforts to promote integration issues and develop new dialogue structures with the migrant population should not function as a substitute for substantial and meaningful political representation of legal long term residents and equality of representation of all citizens.

## Population

According to official census data there are more than 15 million residents (over 18 % of Germany's total population) with a 'migration background', or in other words persons who have either migrated themselves or who have at least one parent who has migrated to Germany. Turks are the largest migrant group (1.7 million), followed by Italians (530,000), Poles (380,000), Serbs (330,000) and Greeks (290,000). In addition, there are 7.8 million Germans who are naturalised immigrants, (*Spät*)-*Aussiedler* (ethnic Germans), or Germans immigrating from abroad. An estimated 4.1 million (*Spät*) *Aussiedler* live in Germany, including those of the second or third generation, while the number of Germans of Turkish origin is estimated at about 700,000.

## Naturalisation figures

The 2000 Citizenship Law has not led to a significant increase of naturalisation figures. On the contrary, naturalisation figures have steadily decreased. In 2008, figures fell below 95,000 compared to 187,000 in 2000. Migrants from countries with a Muslim majority tend to be less frequently naturalised. With regard to naturalised persons who formerly held Turkish citizenship, figures declined from 103,900 in 1999 to 82,861 in 2000 and then down to 28,861 in 2007. The numbers of naturalised Afghans and Iranians fell from 4,773 (2000) to 2,831 (2007) and from 14,410 (2000) to 3,121 (2007) respectively.

## Political rights and opportunity structures for different categories of migrants

German citizenship is required in order to vote or stand for election in national elections. (*Spät*) *Aussiedler* (ethnic Germans) have full citizenship rights, and since 1992, EU-citizens are entitled to participate in elections at the municipal level. All other third-country-nationals are not allowed to vote in national or local elections.

Since the 1970s, numerous municipalities have entitled foreigners to elect a Foreigners' Advisory Councils from their own ranks. These Councils have a purely consultative role and aim to advise the municipalities on matters pertaining to migrants' problems and interests.

In addition, Integration Councils have been set up at the regional level. The National Integration Summit and the German Islam Conference provide new forums of communication and consultation between state authorities, migrant organisations and other civic and political agents. Some of these forums have established representative procedures, but generally their composition is decided by the State. They focus on integration issues, not on political representation.

Foreigners are free to associate in (political) organisations or make use of any direct forms of expression of opinion. However, 'Foreigners' Associations' can be forbidden more easily than associations of Germans if their activities are considered to be unlawful.

Finally, it is important to note that public financial and institutional support for migrant self-run organisations has been quite low.

## Citizenship Acquisition

Ethnic Germans acquire German citizenship as soon as their (*Spät*)-*Aussiedler*-status is confirmed.

Since 2000, children of foreigners can acquire German citizenship if one parent has been legally living in Germany for at least eight years. These children are then allowed to hold a double passport until the age of 23. After that age they have to opt for either the German or the other citizenship.

Overall, naturalisation requirements include the following: legal residence in Germany for 7 or 8 years (reduced from 15 years); a permanent residence permit; the ability to maintain a living (since 2007 this also regards 16 year olds); sufficient German language skills and knowledge about social and legal order and 'living conditions' in Germany; a clean criminal record; and a declaration of commitment to the German constitution. A language test was instituted in 2007 and a citizenship test in 2008.

Double or multiple citizenship is denied with the following exceptions:

- (*Spät*)-*Aussiedler* may keep their other citizenship;
- Several bilateral agreements or reciprocal tacit conventions allow multiple citizenship (this mainly referred to European countries already before 2007, but also to individual cases of Germans who grew up abroad for instance in the US and who then immigrated to Germany);
- EU-citizens can maintain their other EU citizenship since August 2007;
- Citizens of countries that do not release their nationals from their citizenship are also excluded (in 2007 this referred mainly to Afghanistan, Algeria and Eritrea);
- And cases of humanitarian hardship.

Between 2000 and 2008 about 47% of all naturalisations have accepted multiple citizenship. It is important to note that the denial of double citizenship affects mostly the Turkish migrants.

Due to reasons of national security, further requirements have been added to the naturalisation process. These mainly affect Muslim applicants. In particular:

- Since 2000 the application for naturalisation may be refused if there are “real indications” that “legitimise the assumption, that the applicant follows or supports attempts directed against the German constitution”. In contrast to former legislation not only concrete facts, but mere *indications of an assumption* are regarded as sufficient in order to reject an application.
- Since November 2001, enquiries must be made about any applicant (from the age of 16 and above) at the Federal Intelligence Service. Membership in (legal) organisations under observation by the Intelligence Service may impede the naturalisation. Since May 2006, the applicant is additionally asked if s/he is a member of an extremist organisation, or an organisation influenced by extremists, or if s/he has conducted any activities supporting these organisations.

Information on applications, length of procedures and reasons for refusals are not regularly documented. Thus, it is necessary to investigate further the reasons that lead to denials of naturalisation applications in order to avoid unfounded allegations or discriminatory practices motivated by xenophobia or racism. Officials interviewed claim that in order to encourage naturalisations there needs to be a “friendly atmosphere” and it appears that so far, naturalisation campaigns have only been relatively successful at the regional level.

### **Immigrants as candidates and deputies**

The most significant first step in political representation for migrants was the election of Turkish-German individuals to parliament. In 1987, the first Turkish-German deputy was elected to the Berlin regional Parliament; in 1989, the first Turkish-German deputy was elected to the European Parliament and in 1994; a Turkish-German was elected to the Federal Government. Since 2007 there are about 80 deputies of Turkish origin in German parliaments.

In the current Federal German Parliament (2005-2009) there are eleven deputies known to have a migration background (equivalent to 1.8 % of all MPs). The proportion of MPs with a migration background is higher in the Left Party (5.6 % of 53 MPs) and the Green Party (7.8 % of 51 MPs); they represent 1.4% of the SPD deputies and 0.4% of the CDU/CSU deputies, while the FDP fraction has no members with a migration background.

Migrant politicians report that they are less likely to be placed in high-ranking placements on election ballot lists. Surveys show that the share of ‘first generation migrants’ among the total of 2,350 candidates standing for national elections in 2005 was 2.9 % (67 candidates).

The political careers of those with a migration background continue to be hampered by stereotypes and resentments within political parties and by the media. Those who are successful are generally perceived as being something ‘other’ or ‘exotic’. Nevertheless, the situation is not all grim and in fact significant progress has been gradually consolidated. In effect, migrant politicians have become a visible part of Germany’s current political system.

### **Critical assessment of citizenship and integration policies**

Government efforts in recent years aimed at improving and fostering integration have set back the aim of political representation and participation of migrants and their descendants. Despite the liberalisation of citizenship regulations, there are still restrictive elements affecting mostly migrants from Turkey or other Muslim countries. For instance, internal security concerns have introduced elements in the new Citizenship Law that indirectly suggest applicants, particularly Muslim migrants, of being disapproving of Germany’s liberal democratic order. Furthermore, the change in Immigration Law in July 2007 treats naturalised migrants and German citizens on an unequal basis. In particular, the amendment introduced on the reunion of spouses distinguishes between Germans born in Germany with single citizenship and individuals with double citizenship or those having lived abroad for a longer period and who are now naturalised as Germans.

In addition, third-country-nationals are not enfranchised at the local level as is the case in some other European countries with an equally long migration history. Full formal political participation is linked with German citizenship that is in turn acquired at the end of a successful integration process. There is a democratic challenge that needs to be addressed given that *short-term* EU-immigrants are allowed to participate in municipal elections whereas third-country-nationals who have been born and raised in Germany are not granted equivalent rights. Furthermore, the gap in political participation leads to a missed opportunity to benefit from the educating and integrating effects that political participation at the local level may carry for a large portion of Germany’s resident population.

Advisory councils, integration forums and civic commitment may serve as forms of consultation and political education. They certainly have changed the degree of acknowledgment of migrants’ concerns at the state level. However, they cannot replace the real political participation of long-term legal migrants as equal citizens.

**Recommendations for promoting migrant political inclusion and participation**

As long as the right to vote or to stand for election depends on German citizenship acquisition, the facilitation of naturalisation is the only way that the political participation of migrants can be pursued and strengthened. Facilitating naturalisation therefore entails:

- The acceptance of multiple citizenship;
- The abolition of the general inquiry by the Intelligence Service in the naturalisation procedure; and
- Flexible application of testing procedures, and a revision of methods and contents of a citizenship test.

Moreover, naturalisation procedures should be monitored and evaluated by an independent authority.

The meaning of what constitutes the foundations of German citizenship needs to be revisited, in order for naturalisation to not be based on the grounds of loyalty to the German Folk, but rather on the grounds of commitment to democratic, European values and multiple forms of belonging.

At the same time, franchise for third-country-nationals should be introduced at the local level in order to further enhance and consolidate the inclusion and integration of all members of German society through various channels.

Political parties should reflect on the degree of their intercultural composition and membership and expand their communication and networking with migrants as residents, party members and voters.

The introduction of representative elements in governmental dialogue forums as well as the ascription of further responsibilities to Migrant Advisory Boards (i.e. expanding their rights in setting the agenda or moving to more binding forms of consultation), are also welcome initiatives that will contribute to improving the inclusion and participation of migrants in the German political sphere.

Finally, other forms of civic commitment should be supported in parallel and migrant NGOs in particular require improved institutional support. In this context, political (intercultural) education programmes could be valuable in supporting the professionalisation and advocacy roles of migrant NGOs.

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For more information on the Social Sciences and Humanities Research Programme of the European Commission please see:

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