

# Bavaria's "Blue Card": a new attack on rights to immigration and asylum in Germany

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15 July 2000

The introduction earlier this month of a "Blue Card" in the conservative-governed German state of Bavaria is a dual attack on fundamental democratic rights. Firstly, it sanctions unprotected dependent relationships on the jobs market, and secondly it further annuls asylum rights in Germany.

The initiative only differs from the plans of the Social Democratic Party (SPD)-Green party federal government for the introduction of a "Green Card" (allowing the temporary employment of foreigners in areas of skills shortage, such as computing and information technology), to the extent that it more directly realises the reactionary core of the federal scheme. The democratic rights to freely choose one's occupation and place of residency, as well as to immigration and asylum, are being ruthlessly sacrificed to the interests of big business.

Although the Bavarian "Blue Card" applies only in the IT sector, it can be expanded to other branches of industry if the necessity arises.

Concretely, the new regulation directly ties the granting of a residency permit for Germany (or rather for Bavaria) to a particular employment contract. The immigration authorities are under instruction from the state government to grant a residency permit if the applicant can present an employment contract. A prerequisite is a minimum annual salary of 100,000 marks (\$50,000), or the possession of a university or college degree in the area of information technology. Both conditions are also planned for the federal "Green Card" scheme.

In contrast to the plans of the federal government, which grants limited five years residency for 20,000 specialists, the "Blue Card" ties stay in Bavaria directly to a specific employment contract with a particular company, and expires automatically if the job finishes.

A seamless transfer to another IT company is possible, but not, however, into another industry. The Bavarian Interior Minister told the press that this would prevent "foreign experts, who do not fulfil the expectations set for them or who do not get along with their new employers, from becoming a burden on the welfare system."

The "Blue Card" combines globalisation of the world of work with a return of vassal-like dependency. It brings to mind conditions existing under the despotic Arab regimes, where, for example, rich Saudi families bring cheap household servants from India, who must leave immediately when their employment ends, and so are completely at the mercy of their masters and mistresses.

The current shortage of IT workers would not permit such relations at present. It also remains to be seen how many "specialists" will accept the Bavarian conditions. Some press comments note that not only is the weather more pleasant in other countries, but those with dark skins also need not fear life and limb elsewhere. However, the tendency to create a new class of employees deprived of fundamental democratic rights is unmistakable. Bavaria has now created a precedent.

The regulations attached to the "Blue Card," like the "Green Card", which presuppose relatively high salaries or qualifications for granting a work permit, can quickly be shaved away. Representatives of small and medium-size Internet companies have already aggressively complained that the few specialists who might soon arrive would be swallowed up by larger enterprises.

The president of the Federal Union of German Employers' Associations, Dieter Hundt, has demanded a lowering of the annual salary requirements for foreign experts from 100,000 marks to 75,000 marks. Felix

Frohn-Bernau, CEO of the Berlin Internet start-up Dooyoo, a consumer portal, said the conditions were completely unreasonable. He said a large part of their own executive board only earns 60,000 marks, and many of those launching new firms did not even possess university qualifications.

While big business's urgently needed specialists are to be accepted into the country—on condition that they can be ejected again at any time—the borders are to be made even more impenetrable for refugees and asylum-seekers.

This is the purpose of new immigration legislation being prepared at present by teams of experts and government commissions, as well as the Christian Democratic Union-Christian Social Union (CDU/CSU) opposition. Both sides have been feeding each other the political line for months. In May, the newspaper *Die Welt* reported under the headline “SPD and CDU for immigration law” that the SPD hopes that following the elections in North Rhine-Westphalia such a law could be discussed with the CDU/CSU. In the meantime, SPD parliamentary faction leader Peter Struck has established a team of experts on the topic, in order to engage the Greens as well.

The Bavarian Interior Minister, Guenther Beckstein, announced the introduction of the “Blue Card” on July 3 in Munich during a conference of the Interior Ministers from all the CDU/CSU governed states. They had collaborated on the development of the concept. It is to be submitted to the Bundesrat (the upper chamber of the federal parliament) July 14 for consideration as an alternative to the “Green Card”. At the same time, the CDU/CSU governed states have called for discussions with the SPD over an “all embracing regulation of immigration requirements”. This means that asylum-seekers and ordinary immigrants would be counted against each other, so that if a certain number of residency permits were issued for work purposes, no more places would remain for the politically persecuted.

The CSU state government in Bavaria formulated this in a paper on “limitation and control of immigration” as follows: “The recruitment of specialists from non-European Union countries may not increase the total number of immigrants. A satisfying solution of the overall problem can be reached only by a law controlling and limiting immigration. At the same time,

such a law should reduce and limit the present uncontrolled level of immigration.”

In view of the past practice of the SPD-Green coalition in relationship to foreigners and asylum-seekers one must assume that the pious words with which German President Johannes Rau has rejected the linking of immigration and asylum, and similar expressions by Chancellor Gerhard Schroeder, only serve as a fig leaf.

Just one day after Beckstein's announcement, CSU parliamentary deputy Hartmut Koschyk published a guest contribution in *Die Welt*, in which he described the situation quite succinctly: “With public discussion of the immigrant problem a normalisation is taking place across the party spectrum, as is already the case with international combat missions by the German armed forces and in matters of European policy.”

The utterances of SPD Federal Interior Minister Otto Schily are not very different from those of his conservative Bavarian colleague Beckstein. According to Schily, one must enable immigration “which corresponds with our interests” and prevent immigration “that runs contrary to our interests”. Or differentiate between “immigration, which substantially burdens the social insurance and welfare system, and immigration that corresponds with our economic interests”. As Beckstein bluntly put it, “We need fewer foreigners that take advantage of us, and more we can make use of.” The fundamentals of a “quantitatively and qualitatively reasonable immigration policy” have “obviously long been marked out”, according to the CSU politician.

Under conditions where these parties can no longer simply ignore the worldwide jobs market resulting from globalisation, they erect new social and national barriers.



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