

German Social Democrats and Greens pass xenophobic immigration law

Elizabeth Zimmermann, Ulrich Rippert
9 April 2002

Nothing reveals the character of a government more than how it treats the disadvantaged layers of society. Consequently, the passing of the so-called “Immigration Law” in Germany’s lower chamber at the beginning of March with the votes of the SPD (German Social Democratic Party) and the parliamentary Greens stigmatises the federal government as utterly irresponsible, anti-social and reactionary.

In implementing this law, Interior Minister Otto Schily (SPD) says he intends “to align immigration with Germany’s interests”. The law introduces a two-class system into immigration law. In future, potential immigrants will be judged exclusively on their usefulness to the German economy and divided into various categories. While entry and residency status will be made easier for some with specialised skills, a provision eagerly sought by the business community, the law will result in further difficulties and harassment for the great majority of immigrants—people looking for work, asylum-seekers and their children.

In order to win the compliance of the conservative CDU/CSU (Christian Democratic Union/Christian Social Union) opposition—necessary for passing legislation in the upper chamber—and to foil their plans to make the foreigners issue a central theme in the coming federal election, the governing coalition was prepared to make concessions right up to the parliamentary vote, seriously eroding the already difficult legal situation confronting foreigners and refugees. Among other things, the Union’s demand for “intake limitation” was incorporated into the Red-Green legislation. To be precise, Paragraph 1 states: “The law serves to control and limit the intake of foreigners into the Federal Republic of Germany.”

Moreover, the age at which children of immigrants can be reunited with their families will drop, with a few exceptions, from the present age of 16—not just to 14—but to 12. This will lead to the break-up of numerous families and put so much pressure on parents living in Germany that they will feel compelled to return to their underage children in their native countries.

The government’s readiness to appease extends only to the right wing of the Union opposition. The numerous appeals, suggestions for improvement, case reports and interventions of refugee organisations have all been brushed aside.

Since the governing coalition announced its recommendation for a law on immigration last summer, there have occurred countless conferences, hearings and discussions with experts, drawing attention to the social and political consequences of a deterioration in the laws affecting foreigners.

In January, the refugee support group Pro Asyl presented a detailed, critical statement concerning the Red-Green government’s draft law on immigration. Among other things, it pointed out to the government that the subordination of support for refugees as a consequence of the general conditions of an immigration law would be unacceptable. This would contradict the principles of the Geneva Convention on Refugees and its established legal guarantee of protection from persecution.

In a statement to the press in September, the Association for the Turkish Community in Germany had protested against the tightening of laws on

foreigners: “Schily’s draft law doesn’t only cement the issue, it sharpens existing legislation concerning foreigners into a law for national defence; it operates according to the sole maxim of promoting the economic interests of the business world; according to this draft, the ‘economically and socially less useful foreigners’ will only be allowed to apply for a secure residency status under conditions that could rarely be fulfilled, and thus they will be made subject to the permanent discretionary powers of public officials.”

After this, some of the most serious erosions of rights are listed: “Paragraph 32 reduces the age for reuniting children with their parents from 16 to 12, although the European Commission recommends raising this age to 18. Paragraph 69 provides for an enormous increase in fees for the issuing of a residency permit. According to Paragraph 45, foreigners are even threatened with extradition if they refuse to take part in an ‘integration course’.”

The press statement points out that the government even turns a deaf ear to the very moderate recommendations of its own commission of experts, headed by Rita Süßmuth (CDU). Thus, both a proposal for the easing of the naturalisation process for elderly migrants and a safeguard against extradition for people born and brought up in Germany are rejected.

“These recommendations from the immigration commission have been among our major demands for years,” writes the Turkish association, almost pleading with the Social Democratic and Green members of government. “We urgently appeal to the governing coalition in no way to tolerate an aggravation of existing legal conditions. For us as the people concerned, retention of the current laws is preferable to a deterioration of the situation, owing to the newly drafted legislation. Consenting to this draft law will do lasting damage to the credibility of the SPD and Green Party.”

This kind of appeal has fallen upon deaf ears in Berlin’s government offices. However, when Bavarian Interior Minister Günther Beckstein (CSU) sounds off about the necessity of making a clear distinction “between foreigners who are useful to us and those who want to exploit us”, then social democratic Federal Interior Minister Schily also talks about the necessity of regulating the foreigners issue so that welfare spending will no longer be placed under burden.

And Lower Saxony’s Prime Minister Sigmar Gabriel (SPD) went one step further when, soliciting support from the CDU/CSU, he announced in the *Bild* newspaper that the law was urgently required precisely because the issue concerned preventing “immigration on a mass scale”. In view of Germany’s four million unemployed, the federal government could “not use any foreigner who puts a strain on our social system, rather than relieves it”.

Seldom before have parties—not so long ago promising a law designed to “react socially, humanely and democratically to the immigration process” (the Greens’ federal election campaign programme of 1998)—played the bailiff in this way for right-wing conservative political forces. Their political opportunism knows no boundaries. That politics can mean more

than holding up their flag to the wind from the right, and that majority support can also be won in the struggle for political convictions and principles, is completely foreign to them.

Initial hopes for an improvement in the social and legal standing of migrants and foreigners via the policies of a Red-Green government have long vanished from the offices of the various refugee organisations. Disillusionment has become widespread and the legislation recently passed in parliament has met with indignation virtually everywhere.

In his "Theses concerning Schily's Draft Law"—which at the time last autumn still had not been decided upon, but in the meantime has been tightened even further—Georg Claasen of the Berlin Refugee Council speaks of an "enormous undermining of legislation relating to asylum-seekers and refugees, as well as migrants living in the country permanently". These "new restrictions" would not only lead to "the criminalisation of a multitude of foreigners and refugees in need of protection, they are "also tailor-made for stirring up xenophobic prejudice and emotionalism."

Claasen meticulously lists the "enormous restrictions". Not only is reduction of the age for children's reunion with their families included, but also language testing from the age of 12. Access to permanent residency status is to be made considerably more difficult owing to abolition of the "unlimited residency permit" and introduction of a "settlement permit", which will be much harder to obtain. The "right of authorities to reject the applications on a purely formal basis without any examination of the applicant's needs" is to be extended. Entry into the labour market will be greatly impeded "and largely decided at the discretion of public officials".

Policing restrictions on foreigners—such as residency requirements and in particular criminal law pertaining to foreigners, data acquisition and transmission, induction into transit camps, expulsions and extraditions, deportation prisons, etc.—are to be expanded.

In a statement made at the beginning of the year—also before the passing of the law and the recent deterioration of the situation—the refugee support organisation Pro Asyl described the draft law as "the ruins of reform", resembling "in many respects a re-enactment of old-fashioned laws for protection against foreigners". The planned immigration law had to be "evaluated in the light of damage done to the rule of law, which legislation on the fight against terrorism has incurred for foreigners."

Only highly qualified people, accepted through a special selection procedure, will receive from the beginning of their residency a settlement permit that is without time or movement restrictions and is free from any other conditions. For the overwhelming majority of immigrants, access to this permanent settlement permit is almost completely blocked. The procedure envisages four different subgroups that will have to reckon with a waiting period of three to seven years for the permit and will then only receive it if they strictly fulfil specific preconditions. Thus they will have to be able to give evidence of 60 months' contributions to a retirement scheme and, consequently, five years employment in a job subject to compulsory social insurance.

The new law is supposed to bring about an improvement in the status of those whose right to residency has until now been very insecure. About a quarter of a million people fall into this category. In reality, the opposite will be the case. According to Pro Asyl: "A great proportion of the people, previously officially designated as 'tolerated', will land below even this status quo after the new residency law is introduced. It is true that the proposed legislation, in contrast to the preliminary draft, provides that every person is to receive a certificate, safeguarding him or her from deportation.... However, the status of people with this certificate will be of the lowest level."

Further serious deterioration in the state of law is evidenced by the planned and scheduled examination of the status of people recognised as refugees, three years after they have received a residency permit. Pro Asyl

comments: "After three years, the impression will be conveyed to the foreigners concerned that their residency is once again insecure. They will then find themselves facing a new formal procedure, whose aim is their potential expulsion from federal territory."

The conditions for deportation are to be made considerably more severe. Pro Asyl claims that none of the deficiencies, known to exist in the former asylum legal procedure, will be tackled by the new legislation. No thought was given to improving the rights of asylum-seekers within the legal process itself. On the contrary, prerequisites for the expertise of bureaucrats, ruling on individual asylum cases, are to be reduced. In future, these will no longer have to be high-level public officials."

In the past, the SPD and the Greens always demanded that discrimination against asylum-seekers should finally be brought to an end, including the practice of issuing them with food vouchers instead of cash. Pro Asyl evaluates the new regulations as follows: "According to the law on social provision for asylum seekers, provision of services means that the benefits are to be significantly less than those accorded normal recipients and, in most cases, will only be granted in the form of non-cash vouchers. Furthermore, claimants are normally to receive medical aid only in cases of emergency. The law on social provision for asylum-seekers as an instrument for deterring refugees from coming into Germany is not being abolished, rather it is being exploited even further."

Deportee detention centres, until now established only as model projects in Lower Saxony and Rhineland-Palatinate, could possibly appear throughout the Federal Republic in the future. Pro Asyl says: "Experience so far shows that many refugees are unjustly committed to these detention centres. The authorities' tactic is to wear the refugees down physically, and the scarcely concealed aim of the 'deportee detention centres' is the expulsion of refugees living in Germany illegally."

The passing of the immigration law, a law basically designed to limit immigration, must be seen as a grave warning. It indicates a further move to the right on the part of the government.

The severity and aggressiveness with which the social and political rights of foreigners are being attacked are also aimed at recipients of social benefits, the unemployed and the great majority of the working population.

The establishment of a centralised register for foreigners already constitutes a precedent and a testing ground for the construction of a centralised monitoring system, storing all data gathered so far. And it will not take long before the law on social provision for asylum-seekers will be alluded to, in order to also justify granting German welfare recipients merely meal vouchers and ration coupons instead of cash.

Above all, however, the unrestrained opportunism of the Red-Green government is smoothing the way for the most right-wing political forces. In attempting to take the wind out of the sails of the conservative parties, the ruling parties themselves are spreading racist poison throughout the society and inciting xenophobia. For both the wording and general political orientation of the right-wing extremist slogan, "Out with the foreigners!", in large letters, would be appropriate for something written over the immigration law.

Nothing could better document the political bankruptcy of the Schröder-Fischer government than this vehement attack on the most disadvantaged layer in society. In less than four years, the SPD and Greens have made it clear that they have absolutely no viable answers to society's great problems. In the face of economic and social crises, their pompous promises of a humane and socially caring society have dissolved into thin air. Feeling threatened by increasing criticism of their policies from the ranks of the population, they are striving for closer cooperation with the opposition Union parties. This striving for a grand coalition was patently obvious in the debate on the immigration law and is bound to intensify in the immediate future despite the federal election campaign.



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