

New German immigration law sanctions political censorship

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The essential outlines of a new immigration law agreed upon by the Social Democratic Party (SPD) and the conservative opposition Christian Democrats (CDU/CSU) in Germany imply far-reaching attacks on democratic rights. They are the result of negotiations held between the SPD and the CDU/CSU in the mediation committee between the national parliament (Bundestag) and the parliamentary chamber representing the individual states of Germany (Bundesrat). The Greens, who had participated in the negotiations, walked out a couple of weeks ago.

The project of an immigration law was launched four years ago as one of the great reforms envisaged by the coalition government of the SPD and the Greens. From the beginning, it was designed to help German business recruit highly qualified specialists abroad while keeping out ordinary workers seeking employment. Previously, access to the German labour market was essentially barred to anybody from outside the EU.

Against the background of tougher security measures following the attacks of September 11, 2001, restrictions were introduced that made the draft resemble a deportation law. Now, further modifications have been incorporated that explicitly call into question freedom of opinion and the press for foreigners living in Germany.

On May 25, Chancellor Gerhard Schröder (SPD), CDU chairwoman Angela Merkel and CSU leader Edmund Stoiber agreed on eight points and declared that a breakthrough compromise had been reached after three years of acrimonious talks. The new regulations incorporate almost all demands originally raised by the conservatives:

* The halt to recruitment of foreign workers has been maintained, and any immigration of workers outside of existing exceptions is now impossible.

* Immigrants are obliged to participate in so-called integration courses on German law, culture and history. Whoever refuses or fails to perform can be punished by a worsening of his legal status right up to deportation.

* Deportation orders can be issued on the basis of a “threat prognosis supported by factual evidence.” The legal procedure for the issuing of such orders has been dramatically shortened, and appeals can only be lodged directly at the Federal Administrative Court in Leipzig. Deportation orders on the basis of a “threat prognosis” may be issued against immigrants who have not committed any legal offence, simply on the basis of some official’s suspicion that they might commit an offence sometime in the future. In the case of legal obstacles to deportations, such as the practice of torture in a refugee’s home country, the immigrant’s freedom of movement and communication may be severely restricted. For example, he has to report to the police regularly and may not use a mobile phone.

* Immigrants will only be allowed to become German citizens or receive a permanent residency permit if they undergo a check by the Office for the Protection of the Constitution (i.e., Germany’s secret service). This procedure will become obligatory, so that all non-Germans are automatically placed under suspicion.

* By 2006, special data files—so-called “warning files”—are to be set up. The data of people who have repeatedly invited visitors from countries with compulsory visa requirements will be stored in these files. This regulation will apply not only to immigrants who live in Germany and regularly invite friends or relatives from home, but to the entire population, whose contacts will be monitored and controlled.

* There will be “discretionary deportation of rabble rousers” (“geistige Brandstifter”)—i.e., people who publicly incite others to hatred or other evil.

This last point deserves particular attention, since it contains a far-reaching attack on freedom of speech and of the press. Under existing regulations, so-called “discretionary deportations” were possible as exceptions if the law blocked other any other grounds for deportation—for example, if a refugee was underage. “Discretionary deportation” meant that the case in question should be looked at individually.

However, if this regulation is now expanded to include so-called “rabble rousers,” publicly expressing one’s opinion can become grounds for deportation. Under existing law, this possibility was limited to people who publicly incited others to violence. Now, however, it covers anything that can be interpreted as “rabble rousing.” Though the SPD and CDU/CSU, in their comments, refer mainly to preachers of Islamic radicalism, this formulation is completely arbitrary and can be applied to the expression of any oppositional opinion.

A non-German citizen who publicly criticises the political and social situation in his or her home country, whether on demonstrations, in the press or on other occasions, can be deported at the “discretion” of the local authorities; and since this “discretion” is not regulated by clearly defined judicial regulations, that person is entirely at the mercy of the state bureaucracy.

This drastic infringement of freedom of speech and the right of assembly will not remain limited to people with a non-German passport. For decades, the alien laws have served as a source of precedence for attacks on democratic rights. Measures introduced to intimidate and criminalise immigrants were later expanded to the population as a whole.

Already, under existing regulations, there have been cases of deportation in which the victims had merely voiced their support for something that did not suit the authorities.

On May 24, the *Süddeutsche Zeitung* reported on the case of a Turkish citizen who had headed an Islamic centre before the organisation it belonged to was banned in 2001. This man had been living and working in Germany for 20 years, had raised his family here and had never committed any sort of criminal offence. He refrained from continuing his work for the Islamic centre after it had been outlawed. However, he was still deported because, in the words of the authorities, “he had not credibly and convincingly...displayed his

personal and public renunciation” of Islamic extremism.

The only plausible interpretation of the new immigration law is that this kind of political persecution of foreigners will become the norm. And once it has become so, it can be expanded to further sections of the population.

To push through these attacks, the government, the media and the opposition attempt to whip up hysteria about individual Islamic preachers, trying to create the impression that thousands of violent Muslims stand ready to undermine and overthrow the rule of law. This is the background of the recent frenzy over the attempted illegal deportation of Metin Kaplan, a preacher from Cologne, who is of little significance and rather isolated within the Islamic community (see accompanying article).

In fact, even the police did not succeed in identifying any significant potential threat. In early May, Justice Minister Brigitte Zypries (SPD) had to concede that, all in all, on a national level, there were no more than 80 preliminary proceedings initiated against 177 people. And this despite the fact that, following September 11, 2001, the new anti-terror laws rushed through parliament had given the security services far-reaching powers to arrest and search. Due to lack of incriminating evidence, only a small number of these 80 cases will make it to court.

In a de facto grand coalition, the SPD and the CDU/CSU are abolishing fundamental democratic rights. The Greens, who have successfully shed all principles, are doing nothing to prevent this. These policies are then justified by unprecedented distortions and misrepresentations. Democratic principles are described as detrimental ballast, while the brutality and arbitrariness of the state apparatus are proclaimed as “true” liberalism.

When legal rights and principles are no longer universally applicable, when injustice becomes lawful and innocent people are persecuted, then the ruling elite has traveled well down the road toward a police state.



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