



Labour migration and the systems of social protection

Country report Germany

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Executive Summary

As this paper is written within the framework of the *Flexi-In-Security* project, a project which tries to assess the impact of the financial crisis of September 2008 on migrant communities in various European states, its purpose is first and foremost to introduce some basic and general background information on “the German case” to non-German readers.¹ Its intention is thus to allow comparability of the “post-crisis” situation of migrants in Germany with that in other European states. The author tries to do so by elaborating the specifics and oddities of the “German case”. The paper, hence, first tries to shed some light on the history of migration to Germany, as only from such a historical perspective those specifics and oddities can be explained. From there on, it proceeds to give some general information on the integration of migrants to the German labour market prior to the crisis; outlines basic regulations of access to the German labour market, as well as migrant’s access to social benefits. In a final chapter the impact of the crisis on the German economy will be outlined, and some conclusions for an improvement of the situation of migrants on the German labour market will be drawn.

The main argument made is that Germany was facing a crisis of migrant employment already prior to the financial crisis of 2008.

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¹ For this reason, I have tried to use sources which are available on the internet and thus easily accessible from outside Germany. However, most of these texts will be in German language.

A Very Brief Introduction

Post-War migration to (West-)Germany began in the 1950s, when the unprecedented economic boom necessitated the recruitment of foreign contract workers. Along with the – not economically, but historically/politically motivated - inflow of *Aussiedler* (resettlers) and asylum seekers which peaked in the late 1980s and early 1990s, the character of the country permanently changed towards what migration studies call a “receiving country”.² A changing reality that, however, was ignored and denied by political decision-makers for decades. It wasn’t until the reform of citizenship law in 2000, brought onto way by the coalition of Social Democrats and Green Party, that this reality finally began to be acknowledged and successively adressed by legislation. The citizenship reform, along with a string of events related to the country’s migrant population - such as the “PISA shock” which drew attention to the poor performance of many migrant children in school and the deficiencies of the German educational system, cases of “honor” killings of young women of Turkish origin or terrorist activity of young German-born Islamists - have finally triggered a large, ongoing “integration debate”.³ Many problems whose roots are often directly tied to the previous denial of the migration reality are started to be identified, and, in some fields, especially the educational sector, first reforms have been brought onto way.

Concerning new arrivers, it is generally understood that Germany – for demographic as well as economic reasons – is in dear need of new and increased migration. However, the political response to that has been rather schizophrenic. On the one hand, it is understood that a shrinking and ageing German population and increasing shortages of qualified labour are posing severe threats to the German pension system, and the country’s economic future. Thus, in some fields efforts have been made to foster immigration, such as the attempt to bring in “highly qualified” foreign labour. Yet on the other hand, Germany has at the same time complicated migration to the country, as well as rigorously restricted the access of foreigners to its labour market by erecting multiple barriers to “protect” it from newcomers. However, this contradictory logic hasn’t worked in practice. While highly qualified labourers prefer other countries over Germany, the blocking of labour from e.g. the new EU member states in Central and Eastern Europe has wasted those positive effects of this kind of labour migration that can be observed in EU states who have not made use of transition periods.

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Thus, while at last coming to grips with and accepting the country’s migration realities, paradoxically, over the last decade Germany has on the whole done a lot to prevent new immigration. This restrictive direction of migration politics already begun in 1993, with the reform of the regulations on political asylum⁵, and it has been continued with the new Immigration Act of

² For a fine general overview in English language on the situation of migrants in Germany which also pays attention to recent legislative reforms, see Veysel Özcan, Country Profile Germany, available online at: focus-migration.hwwi.de/Germany.1509.0.html?&L=1

³ See Özcan.

⁴ For the positive effects of labour migration in the context of the eastern EU enlargement, see Timo Baas, Herbert Brückner, Andreas Hauptmann, EU-Osterweiterung. Positive Effekte durch Arbeitsmigration, IAB-Kurzbericht 9/2009, available online at: doku.iab.de/kurzber/2009/kb0909.pdf

⁵ Though still a constitutional right, the possibilities of receiving asylum in Germany have been drastically reduced by the reform of Art. 16a German Basic Law in 1993. Most importantly, asylum seekers that enter German territory via an EU- or a so-called “safe third state” cannot apply for asylum in Germany. As a result the number of applications has drastically decreased; according to the Bundesamt für Migration und Flüchtlinge there were 27.649 new applications in 2009. Of 28.816 decisions made on applications in that same year, 8115 people received the refugee status (according to Art. 16 a and deportation protection according to § 60 Abs. 1 residence law), which makes a successful application quote of only 28,2 per cent. See www.proasyl.de/de/themen/zahlen-und-fakten/

2005 and its amendment in 2007. As for today, the German borders are practically “shut”. As a result of those recent legislative developments, net migration to Germany – which had been decreasing since the mid-1990s – was down to almost zero since the turn of the century. In 2008, for the first time since the German re-unification the saldo was even negative.⁶

At the same time, for decades the country has not done enough to activate and use existing potentials among its resident migrant population. As shown in the following, this has led to a situation in which migrants – no matter of what origin – generally do find themselves in a weaker and more vulnerable position on the labour market. In the consequence, and as a result, persons of migrant background are at a greater threat of unemployment and precarious work relationships than their German fellow countrymen. Accordingly, the labour market integration of migrants was problematic already prior to the financial crisis of autumn 2008.

A quick look into statistics

On the 31st of August 2009, Germany had a registered population of about 81,8 million people. Among these, more than 16 million people were having a “*migration background*” - that is 19,6 per cent of the total population. Among those aged below 25, the percentage of persons with migration background is even higher, reaching 28 per cent.⁷

The concept of “people with migration background” was introduced to German statistics in 2005. It reflects the authorities’ attempt to capture the increasingly growing number of people holding German citizenship, but being (in one way or another) associable with a legal and/or personal background other than German. To this group belong “naturalised Germans”, the prominent group of *Aussiedler* and, since the introduction of the *ius-soli*-principle in 2000, increasingly children born in Germany to parents of non-German citizenship. Since official statistics only distinguish between German citizens and *Ausländer* (citizens of other states), these people were previously statistically un-identifiable as related to migration processes.⁸ If one takes into account that the group of non-German citizens accounted for 7,15 million people at the end of August 2010⁹, then there are presently roughly 8,85 million *German citizens* with a migration story (or history) in their personal biography.

Obviously absent from all statistics is the group of illegal migrants, migrants that have never been registered by German authorities. Unofficial estimates on illegals in Germany range from half to one million people.¹⁰

Basics: Migrants on the German labour market

In 2009, the average unemployment rate in Germany was at 8,2 per cent, and thus slightly higher than in the pre-crisis year 2008, were it was on annual average at 7,8 per cent. However, if compared to the recession years of 2000-2005, the unemployment rate of 2009 was still

⁶ In 2008, there were about 682.146 incomers, while 737.889 people left the country, which makes a negative of 55.743 people. Also in 2009 the saldo was negative with 734.000 persons leaving, and 721.000 new arrivers, which makes a minus of 13.000 persons. Data according to the Statistisches Bundesamt, quoted on www.migration-info.de/mub_artikel.php?Id=100602

⁷ 8. Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration über die Lage der Ausländerinnen und Ausländer in Deutschland, 2010, p. 154, available online at: www.bundesregierung.de/Content/DE/___Anlagen/2010/2010-07-07-langfassung-lagebericht-ib,property=publicationFile.pdf

⁸ In micro censuses conducted in the last years, the statisticians thus ask questions that try to identify the “background” of a person, e.g. whether one was born in Germany, received German citizen via naturalisation, what former citizenship one had, the citizenship of one’s parents asf.

⁹ Statistisches Bundesamt, Bevölkerungsfortschreibung, 31st August 2010.

¹⁰ For official information on illegals see: Bundesministerium des Innern, Illegal aufhältige Migranten in Deutschland. Datenlage, Rechtslage, Handlungsoptionen, 2007.

significantly lower (with 2005 being the year with the highest unemployment rate in the new millennium - 11,7 per cent). Some of the reasons why the financial crisis has had a comparatively low impact on overall employment numbers – while simultaneously dramatically affecting the economic output - will be discussed later in the paper. For the moment it suffices to say that the unemployment rates of foreigners have been on average doubling those of German citizens over the last years. In the aftermath of the crisis this pattern even slightly aggravated, with unemployment rates among foreigners today being more than twice as high: In April 2009, 17 per cent of foreigners were unemployed - which in total numbers amounted to more than 540.000 people¹¹ - as compared to 7,8 per cent of Germans. In November 2010, with economic recovery already well on its way, still 14,6 per cent of foreigners were unemployed as compared to 6,3 per cent of Germans. The generally problematic situation of migrants on the labour market is not only reflected by unemployment rates, but also by the quality of work relationships: migrants are underrepresented in leading positions, the public service and generally in professions offering good career perspectives and/or a high wage level.¹²

Along with the high unemployment rate comes a high number of people that have been out of the labour market for periods longer than a year. Out of those receiving state support in the form of the so-called “Basic Security for Job-seekers” (ALG II), more than every fourth person (28,6 per cent) had a migrant background. The share of ALG II recipients was greatest among migrants from Central and Eastern European states, including *Aussiedler* (almost 50 per cent), and migrants from Turkey (almost 25 per cent). Given the spatial distribution of migrants on the German territory, it can be inferred that in some western German cities the number of recipients of ALG II transfers with migrant background is probably higher than 50 per cent.¹³

What are the reasons for this? The roots of the crisis of migrant labour in Germany are multifold. At the center of it, however, is what may be called a *qualification* and a *recognition crisis*. According to official statistics about 50 per cent of migrants in Germany do not have a vocational qualification.¹⁴ While this can be partly explained with the history of migration to Germany (blue collar and manual labour contract workers, family re-unions with women often traditionally being housewives), it does not quite account for the education deficits among children of the second generation. Here, obviously, the German educational system has not performed well in the past. The traditional highly selective three-tier school system structurally discriminates against children of a lower social background (which in turn affected many migrant children) by “sorting out” less achieving pupils already at an early age. In addition to this, teachers also failed to take into account the special needs of children with a migration background.¹⁵

While the lack of vocational qualification is one problem, the other problem migrants are facing on the labour market has to do with the practice of acknowledging foreign-obtained qualifications. Most foreign-obtained vocational qualifications are not recognised in Germany. As a not-recognised degree is “formally worthless” those whose qualifications have not been recognised have hardly good perspectives on the labour market: Among a third of unemployed *Aussiedler*, and almost 50 per cent of migrants coming from central eastern European states that are receiving ALG II do have

¹¹ See Jürgen Grosche, *Krise trifft Migranten härter*, *Clavis* 2/2009, p. 10, available online at: www.content-zwh.de/intqua/fileadmin/user_upload/pdf/clavis/clavis_2009_02.pdf

¹² See Deutscher Verein für öffentliche und private Fürsorge e.V., *Erste Empfehlungen zur Verbesserung der Erwerbssituation von Menschen mit Migrationshintergrund*, 2010, p. 1. This highly recommendable paper is available online at: einwanderer.net/fileadmin/downloads/sgb_II/DV_22-09_erwerbsintegration.pdf

¹³ Martin Brüssig / Matthias Knuth, *Zugewanderte und ihre Nachkommen in Hartz IV*, *ApuZ*, 48/2010, p3. Online at: www.bpb.de/publikationen/U1XAJ9,0,Zugewanderte_und_ihre_Nachkommen_in_Hartz_IV.html

¹⁴ See Martin Brüssig / Vera Dittmar / Matthias Knuth, *Verschenkte Potenziale*, *IAQ Report* 08/2009, p. 6. Available online at: www.iaq.uni-due.de/iaq-report/2009/report2009-08.pdf

¹⁵ The OECD Programme for International Student Assessment found out in 2000 that in no other country participating in the test the correlation of social background and bad performance in school was as high as in Germany. See www.mpib-berlin.mpg.de/Pisa/PISA_im_Ueberblick.pdf, p. 14.

a vocational qualification that has not been recognised in Germany! The job centers who are in charge of re-integrating ALG II recipients into the labour market do list those people as “without degree” –thus these people are not further taken into account for job offers to which they skill-wise might fit perfectly well. With their vocational qualification not recognised, and/or their job experience not being respected, people do find no job or are forced to work beneath their qualifications.

Another aspect of “recognition” relevant for the labour market perspectives of migrants touches the sphere of informal discrimination. German-born migrant children which do perform well in school and achieve degrees later often face significant discrimination on the job market. Studies have shown that job applicants with a migration background do need to write on average four times as much job applications as those with an “ethnic German” background. Additionally, the problem of not having access to job-generating networks is negatively affecting job-seekers with a migrant background – especially since every third job in Germany is given to a person because of “personal connections”.¹⁶

The case of temp work

Next to increasing the unemployment risk, a low level of vocational qualification can also force people to find jobs in low-paid sectors, and precarious work relationships. The recent deregulation of the German labour market (in combination with the re-organisation of the welfare system) has played an important role in creating precisely these kind of jobs and work relations, with the liberalisation of temp work in 2004 being *the* decisive step. The liberalisation of temp work has been warmly welcomed by the employing side. Just how attractive temp work is for companies is probably best reflected by its initial rapid growth in the years following liberalisation, and attempts - most notably by the drugstore chain *Schlecker* - at replacing the entire staff by temp workers.

For the employee, among the many disadvantages of temp work are short term work contracts, the lack of special dismissal protection and lower wages. The German labour union DGB has researched that on average temp workers in Germany earn 29 per cent less than the regular workforce, with wages in the field of industrial work being especially low if compared to those of the regular workforce.¹⁷ Often, temp agencies do ignore legal regulations, such as sick pay.¹⁸ An additional factor is the constant insecurity about one’s professional future: according to the *Bundesagentur für Arbeit* about 50 per cent of temp work relationships last less than three months.

Foreigners and people with a migrant background constitute an important pool of temp workers. For 2007, it was estimated that about 14 per cent of all temp workers were migrants, with their numbers estimated to rise.¹⁹ The realm of temp work was also where the economic crisis hit most heavily: From June 2008 to June 2009 their numbers were reduced by almost 40 per cent, dropping to about half a million in early 2009.²⁰ With economic recovery, numbers of temp workers are currently on the rapid rise again. In 2010, the numbers of temp workers rose by 40 per cent and may by now have reached already a million, an all-time high.²¹

¹⁶ See Janna Lena Degener, *Migranten auf dem Arbeitsmarkt*, arbeitsmarkt 13/2010. Online available at: www.wilabonn.de/BIKU_2010_13_Migranten_auf_dem_Arbeitsmarkt.pdf

¹⁷ See Berliner Zeitung, *Der Reiz der Leiharbeit*, 18.01.2011. The article states that the average wage of full time temp workers (including bonuses) is at 1.393 euros a month. This is, as the article states “surprisingly low, especially if taken into account, that many temp workers are active in industrial jobs, where average wages of the regular work force are more than double as high.”

¹⁸ See www.arbeitsrecht.de/aus-der-arbeitswelt/kurz-notiert/2010/07/07/zeitarbeitsfirmen-missachten-gesetzliche-vorschriften.php

¹⁹ See IG Metall, *IGMigration, Prekäre Beschäftigung und Migration*, 2007, p. 4. This paper is available online at: [IGMigration](http://IGMigration.com), *Prekäre Beschäftigung und Migration*, 9/2007. This paper is available online at: www.igmetall.de/cps/rde/xbcr/SID-0A456501-44A495CC/internet/igmigra-ausgabe_09-07_0030118.pdf

²⁰ According to DGB estimates the numbers fell within a year from 794.300 to 490.000, a minus of 38,3 per cent. See Deutscher Gewerkschaftsbund, *Leiharbeit in Deutschland. Fünf Jahre nach der Deregulierung*, 2009, p.3.

²¹ Berliner Zeitung, 8.1.2010, p.12.

What has been already celebrated as “*Jobwunder*” (the almost “miraculous” rise in employment numbers in 2010) is thus directly connected to the renewed boom of temp work. A very telling example is the situation at the 30 major German companies that are listed in the stock market index *DAX*. Here temp work has been thriving, while regular employment has been reduced: The car producer *BMW* for example has reduced 10.000 full time positions in the last three years, while simultaneously hiring 3000 temp workers. A major temp work agency like *Randstad* in the meantime employs as much personell in Germany (50.000) as the chemical giant *BASF*.²²

Illegal Employment

A form of migrant labour not mentioned so far are the various forms of illegal employment (*Schwarzarbeit*). Obviously, these are the most precarious work relationships with no formal protection whatsoever, complete dependency on the employer, and varying degrees of exploitation and abuse. Typical sectors of illegal migrant employment are the construction sector, as well as sub-construction work, medical caretaking and house keeping/cleaning in private households, and, the field of sex work.²³

According to estimations *Schwarzarbeit* is widespread. The *IW Köln* estimates that 95 per cent of all household keepers in Germany are working illegally, their work being utilised in about four million German households.²⁴ It seems that *Schwarzarbeit* – like temp work – may have been another realm of economic activity that was affected by the financial crisis, albeit in a different way. Whereas temp work was drastically reduced, the amount of illegal employment is estimated to have risen in the aftermath of the crisis. For the year 2010, the increase was estimated at 2 per cent, with illegal work estimated at producing an output as high as 14,65 per cent of the GNP. The economic output of illegal work is contested, however, with critics arguing that there are no scientific grounds for such estimates, and numbers concerning the output of illegal work being highly exaggerated.

Concluding this brief introduction, it should be added that unemployment, or, for that matter, low-paid, precarious forms of employment do have one important implication – they do increase the poverty risk significantly. Thus, the poverty risk among migrants is significantly higher than that of “ethnic” Germans. In 2008, 26,3 per cent of people with a migration background were living below the national poverty line²⁵, in other words more than every fourth!

Major migrant communities – a brief overview

The history of migration to Germany (and the German history) heavily influenced the spatial distribution of migrants on the territory of the German state. Firstly, there is an over-proportional concentration of migrants in cities and urban agglomerations, secondly there is a heavy concentration of migrants in the federal states historically belonging to the former FRG, including Westberlin.²⁶ This should be kept in mind, when reading the following brief overview over three

²² For more info see Handelsblatt, 8.02.2011. www.handelsblatt.com/unternehmen/industrie/die-traurige-wahrheit-hinter-dem-jobwunder/3826208.html?p3826208=all

²³ According to estimates up to 60-75 per cent of the estimated 400.000 women (and men) employed in the field of sex work have a migration background. See for detailed info the site tampep.eu/

²⁴ See ZEIT, 18.01.2011.

²⁵ 8. Bericht, p. 222. The data was gathered in a micro census. According to this census, the number of „ethnic“ Germans was at 11,8 per cent.

²⁶ The three city states Hamburg (26,3 %), Bremen (25,6%) and Berlin (23,8 %), as well as the federal states Baden-Württemberg

numerically prominent migrant groups in Germany, that is, the Turkish, the group of *Aussiedler*, and migrants originating from Poland. Additionally, some brief info on the case of migrants from Romania and Bulgaria will be given, as, after the EU enlargement of 2007, citizens of these two states presently rank among the fastest growing groups of “new arrivers”.

This particular choice, is meant to cover some of the numerically most important migrant groups in Germany. It will also allow to understand certain aspects of the history of migration to post-War Germany, its diversity, as well as certain developments in migration patterns that have occurred in the course of the past five decades. As we will see, major benchmarks in the history of migration to Germany are the years of the early economic boom (1955-1973) in which the first generation of “guestworkers” came to the FRG, the late 1980s and early 1990s with the year 1989 and the collapse of the Eastern bloc has a major historical marker.

As mentioned, with migration to Germany recently being successively impeded, net migration to Germany is currently negative. Hence, the fastest growing groups of migrants in the country are the above mentioned citizens of the newest EU member states whose entry to Germany cannot be blocked, as these people do enjoy free movement.

Turks

The first migrant group coming to mind when thinking about Germany are, of course, the Turks. And, indeed, with about 2,5 million members, people of Turkish background constitute one of the largest migrant communities in the country. The majority (more than 66 per cent) are *Turkish citizens*, holding either a permanent or limited residence title.²⁷ The number holding German citizenship is significantly smaller. For May 2008, the German foreign ministry estimated that about 700.000 German citizens do have a Turkish background. These are *ius soli* children, and “naturalised” Germans. 76,9 per cent of Turkish citizens in Germany were born abroad, thus reflecting the two largest strands of Turkish migration to Germany: the first generation contract workers, and family re-union.

Turkish migration to (the Federal Republic of) Germany officially started in 1961, when the FRG and Turkey signed a recruitment agreement for Turkish workers; the FRG had previously signed similar agreements with Italy in 1955, and with Spain and Greece in 1960 (and later, in 1969, with Yugoslavia). The reason for these agreements was simple: German post-war economy was experiencing an unprecedented boom, and the German economy was facing an extreme shortage in labour supply.²⁸ Basically, the recruitment policy aimed at a quick solution of an economic problem. About 80 per cent of the initial contract workers came from outside Istanbul²⁹, mostly from central,

(25,3 per cent), Hessen (24,1 %) and Nordrhein-Westfalen (23,4%) hold the highest percentage of people with a migration background, all exceeding the 20 per cent mark. In comparison, the number of migrants in the five “new” federal states (whose territories belonged to the GDR until 1990) is significantly lower: they have at average 4,8 per cent people with migration background among their population. When considering the labour market integration of migrants, important factors to take into consideration are also regional differences and spatial distribution. Differences in the economic structure and performance between the federal states are reflected in the overall employment situation, which, of course, also influences the labour market situation of migrants/foreigners. The situation in a de-industrialised city state like Berlin with an average unemployment rate of 16,1 as for the year 2008 (among Germans: 14,1 %, and foreigners: 25,9)²⁶ is, thus, quite different if compared to that of an, economically well-performing federal state as Baden-Württemberg with an unemployment rate of 4,1 per cent. See http://statistik.arbeitsagentur.de/nn_4236/Statischer-Content/Statistische-Analysen/Analyse-in-Grafiken/Arbeitsmarkt-nach-Regionen/Karten.html, 08.11.2010

²⁷ As for December 31st 2009, there were 1.658.083 people of Turkish citizenship registered in Germany.

²⁸ The building of the Berlin wall in August 1961 cut off the influx of East-German workers to the FRG with tangible consequences for the West German labour market. In 1961, there were 500.000 registered available jobs, with only about 180.000 Germans registered as unemployed.

²⁹ For the following, see DOMiT, *Zur Geschichte der Arbeitsmigration aus der Türkei*. Materialsammlung, Köln 2000. In a nutshell, the recruitment procedure worked like that: German companies announced their need for labourers to an external branch of the German employment office located in Istanbul. There, the recruitment and placement of the Turkish workers was organised,

eastern or southern Anatolia. In Germany, they mostly worked for big companies in the iron and metal industries, mining, construction industry, car industry etc.

Initially, Turkish labour migration was perceived as temporary – from the German side as well as from official Turkish side. Also the individual perspective of the *Gastarbeiter* was aimed at short-term stays, believing in a return home to Turkey after having earned sufficient money to invest at home after a couple of years of work. However, due to a bundle of reasons about half of the contract workers decided to stay in the FRG for much longer than expected.

In 1973, in the wake of the oil crisis and the economic recession – the first ever in post-war Germany –, the FRG stopped active recruitment of foreign workers; a recruitment stop that lasts till the present. With this stall, Turkish migration to Germany significantly changed. If the first wave were mostly male workers, now - with the pretty much definite change of perspective from temporary to permanent (or at least “long-term”) – the “first generation males” decided to bring their families to Germany, which was legally possible along the lines of family re-union.³⁰ In some years, up to 200.000 people arrived in the course of family-reunion, many of these women with no German language skills and often no professional qualification. A second significant change was the birth of the so called “second-generation” children who were born in Germany to Turkish parents. A last, distinct wave of migrants from Turkey came after the military coup in Turkey in the 1980s – now often as asylum seekers, many of a Kurdish background.

Employment situation

After there was virtually no unemployment among the initial *Gastarbeiter* generation, generally spoken, the current employment situation of a significant number of people of Turkish origin can be seen as precarious

The high number of unemployed among Turkish migrants is linked to the drastically decreased availability of manual work in the industrial sector, where most of the first generation Turkish migrants were employed. The second reason is the low level of educational and vocational qualification which is the lowest of all migrant groups in Germany. This can be explained by the specific migration history. Recruited for manual positions that required little formal education, the majority of the initial *Gastarbeiter* came from rural areas and had a low educational background. Due to this background and insufficient language training on the workplace, many members of this generation do still have difficulties with formal German. Educational deficits, and, enormously important, German language deficits, were often passed on to the next generation, not being mitigated in school because of the structural deficits of the German educational system. A recently recognised problem is the precarious situation of inner city youth, many of which do have poor language skills, difficulties at the educational facilities, and thus, limited to no employment perspectives.

However, against all odds, still 42,4 per cent of children with Turkish background do achieve a higher level of education as did their parents.³¹ Yet, as already mentioned, due to informal discrimination on behalf of the employing side and a lack of job-generating networks outside of the

following along a specific criteria catalogue; as the number of applicants was much higher than the number of open places, the *Verbindungsstelle* was in the comfortable position to choose among applicants according to its needs and preferences. Initially, migrant workers should have been exchanged every two years, but this idea was soon given up, as German companies didn't want to exchange already experienced workforce with unskilled newcomers. Between 1961 and 1973 about half of the guestworkers returned to Turkey. See DOMiT.

³⁰ See Faruk Sen, *Türkische Minderheit in Deutschland*, online available at: www.bpb.de/publikationen/7LG87X,0,T%FCrkische_Minderheit_in_Deutschland.html

³¹ See Bundesamt für Migration und Flüchtlinge, *Fortschritte der Integration. Zur Situation der fünf größten in Deutschland lebenden Ausländergruppen*, 2010, p. 221. Online available at: www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Forschung/Forschungsberichte/fb8-fortschritte-der-integration.pdf?__blob=publicationFile

“ethnic” community, the employment perspectives of qualified second or third generation children are still worse than those of “ethnic” Germans.

In the past five years there has been a trend towards a reverse migration: More people of Turkish decent are actually moving from Germany back to Turkey than vice versa. While the number of new migrants is decreasing, the number of those leaving remains stable. Thus, in 2008 there was a negative saldo of 10.147 people. Among them, as has been recently recognised, there are many highly educated bilinguals who see better economic and personal perspectives in Turkey; up to 20.000 academics of Turkish origin are leaving every year to Turkey.³²

Aussiedler (resettlers)

The term *Aussiedler*³³ applies to two groups of “ethnic” Germans (and their descendants) that came to Germany in the years after 1945. The first are former citizens of pre-war-Germany³⁴ that remained east of the Oder-Neisse border of 1945, the second are those people belonging to the historical German minority communities in Eastern and South-Eastern Europe and Russia. Generally the fate of these people was seen in direct connection to the territorial changes and political consequences of the Second World War, and, like German war refugees and expellees, they were deemed legally equal to those Germans living on the territory of the FRG. Being perceived as “ethnic” Germans (*deutsche Volkszugehörige*), all *Aussiedler* are entitled to German citizenship, and generally enjoy full citizen rights.

In total numbers, *Aussiedler* constitute the largest group among the “people with a migration background” today: In the years 1950-2005 about 5 million people classified as resettlers arrived in Germany. This migration can be clearly divided in a pre-1989 and post-1989 period.³⁵ Before 1989, mainly *Aussiedler* from Poland and Romania came to (West-)Germany, in total about 2 million people, roughly half of them in the years just previous to 1989. This migration was actively supported by the FRG, yet in times of the Iron Curtain basically depended on the “goodwill” of those states in which German minorities lived. The FRG negotiated “allowance to leave” in bilateral agreements e.g. with communist Poland and Romania in exchange for generous financial credits, or a “per head money” that was paid for each *Aussiedler*.³⁶ Unlike for other migrants, various support schemes (financial aid, language courses asf.) were available for resettlers in order to facilitate their integration in Germany.

Following the collapse of the Eastern Bloc, the migration of resettlers to Germany dramatically increased, reaching its peak in the early 1990s, with annually more than 200.000 *Aussiedler* arriving in Germany in the years 1991-95. The overwhelming majority of new arrivals was now coming from Russia and other successor states of the Soviet Union, such as Kasachstan. In total, probably 2,5 million resettlers have their family roots in the former Soviet Union where they were often subject to massive abuse and discrimination because of their German roots.³⁷

To deal with and to channel the massive resettler immigration after 1989, a new law was introduced in July 1990 which introduced a formal bureaucratic admission procedure. Now each potential resettler had to apply for recognition as *Spätaussiedler* in his country of origin. This application had then to be approved by the Federal Administrative Office. With the introduction of the

³² See Berliner Zeitung, 1.2.2011.

³³ Today, the correct legal term today is actually *Spätaussiedler*.

³⁴ To be more precise, Germany in its borders of 1937, before the accession of Austria and the occupation of the Sudeten lands in 1938.

³⁵ A more precise distinction is made by Jürgen Hensen, Zur Geschichte der Aussiedler- und Spätaussiedleraufnahme, in: Christoph Bergner/Matthias Weber (ed.), *Aussiedler- und Minderheitenpolitik in Deutschland, Bilanz und Perspektiven*, 2009, p. 47-61.

³⁶ See Jan Schneider, *Aussiedler*, <http://www.bpb.de/themen/96ORR8,0,0,Aussiedler.html>

³⁷ See Johann Müller's impressive documentary film *Hinterland 1+2+3*.

“Kriegsfolgenbereinigungsgesetz“ (Act to Regulate the Consequences of War) of 1993, other restrictions were introduced, most importantly the assumption that only in the Soviet Union successor states ethnic Germans were suffering of discrimination because of their nationality. Resettlers of other states (Poland, Romania, and Hungary) needed now to provide proofs of such discrimination. Also a quota system was introduced which annually limited migration to a certain number.

In Germany, resettlers were initially distributed over the federal states according to a certain distribution key; de facto, however, they tended to concentrate in certain areas in the “old” federal states. In 1996, freedom of movement was restricted and the decision for settling elsewhere than in the previously assigned preliminary places of living was sanctioned by cuts in social benefits.³⁸ Additionally, a comprehensive regime of language tests and schooling was introduced. With the introduction of the new Immigration Act of 2005, not only the applicant has to prove German language skills, yet also family members, since 2007 even spouses.

In recent years, the number of resettlers dropped to about several thousands a year. For the first half of 2008, only 1500 were registered, simultaneously numbers of new applications are at a very low level as well.

Employment situation

Despite their special legal status, resettlers that have been arriving after 1989, especially from the Soviet Union and its successor states, have initially faced quite similar problems upon their arrival in Germany as migrants with a different “ethnic” background: a lack of German language skills, and thus, severe limitations on the job market, combined with dislike and discrimination of “the Russians” by the “native” German population asf. Especially in the mid- and late 1990s, and also in the early years of the new millenium, unemployment numbers among resettlers were high. Since then, improved and intensified integration and qualification programmes have shown positive results.³⁹ Recent findings on the employment situation of Aussiedler show that a majority is integrated well to the German labour market. Still, their unemployment number is on average higher than that of Germans with no migration background. A main problem at present is work beneath the qualificational level or unemployment in spite of vocational qualification, as degrees obtained in the countries of origin are often not being recognised in Germany.⁴⁰

Poles

With a number of almost 400.000, Polish citizens constitute one of the largest group of *foreign* residents in Germany.⁴¹ Almost all – 97, 1 per cent – Poles registered in Germany were born in Poland. Unlike other major migrant groups in Germany, the number of Poles is still rising. As citizens of the newly acceded EU states, Poles don’t need a visa for entry to Germany since 2004, which makes Germany in terms of accessibility an attractive destination, the geographical proximity being an important factor - Berlin e.g. being located only 90 kilometres from the Polish border.

³⁸ Hensen, p. 56.

³⁹ See Albert Schmid, Zur Integration von Aussiedlern, in: Christoph Bergner/Matthias Weber (ed.), Aussiedler- und Minderheitenpolitik in Deutschland, Bilanz und Perspektiven, 2009, p. p. 73.

⁴⁰ See for more details, Daniela Hochfellner / Rüdiger Wapler, Licht und Schatten: Die Situation von Aussiedlern und Spätaussiedlern auf dem deutschen Arbeitsmarkt, IAB-Forum, 2/2010.

⁴¹ In total numbers, Poles still range behind Italian citizens and citizens of post-Yugoslavia states – both numerically prominent migrant groups in Germany due to the labour recruitment of 1955 (Italy) and 1969(Yugoslavia), and, in the Yugoslav case also because of the Balkan wars of the early 1990s. Given the number of people with a Polish “migration background” living in Germany, however, the number of people of a Polish origin is significantly higher, with estimations ranging from 1.5 million up to 2 million people, these numbers including resettlers from Poland.

At the moment Polish citizens do still face a restricted access to the German labor market which poses severe limitations on the possibilities for legal economic activity, however, from May 1, 2011 onwards, Polish citizens will enjoy full free movement. It will be interesting to see how this will affect migration numbers. This topic is currently much debated in the media.

For the time being, however, the almost decade-long labour market restrictions have “achieved” basically two things: for one, they have diverted immigration from Poland (and other EU 10 states) to those “old” EU states which have not utilised the transition periods, e.g. to Ireland and Great Britain. They also “helped” to maintain the persistence of illegal work relations of Polish temporary migrants.

Employment situation

Poles on average have one of the highest levels of education and vocational qualification among migrant groups in Germany. That said there are also characteristic problems faced by Polish migrants, such as problems with the acknowledgement of obtained degrees, problems with restricted labour market access, and typical problems faced by temporary migrants and in illegal employment relationships.

One characteristic of Polish migration in Germany is the so-called temporary migration. Due to the geographic proximity, there is a significant number of commuters and temporary working migrants which move back and forth between the two countries. Estimates indicate, e.g. that about every fifth Polish male in Germany is a so-called temporary migrant; obviously, such kind of work relations are having significant consequences for a person’s personal relationships - more than every fourth Polish male living in Germany has a spouse living in Poland, and more than every third has children living in Poland.⁴² Another problematic phenomenon is that of (often highly qualified) Polish working migrants working below qualification, and illegal employment.

A prominent example is the field of care-taking in private homes. A study for the Stuttgart agglomeration shows, for example, that 70 per cent of women of Eastern European origin working in the field of private care-taking are Polish. Their work relationship is mostly illegal, with women having to be present pretty much 24/7, none of them receiving pay in cases of disease, not to mention paid vacations.⁴³

Romanians and Bulgarians

With the EU accession of Bulgaria and Romania in January 2007, an increasing number of citizens from these two “youngest” EU member states recently migrated to Germany in search for work and better living conditions. Though their total numbers are still considerably small – with about 54.000 Bulgarians and 94.400 Romanians registered by the end of 2008 – they constitute two of the fastest growing groups of foreigners in Germany. Thus, within the last four years the number of Bulgarians rose by 37,8 per cent, the number of Romanians by 28.6 per cent, a trend that runs counter to migration trends to Germany in general.⁴⁴

A significant number of these people are of Roma origin or, in the case of Bulgarian citizens, also of

⁴² See BAMF, Fortschritte der Integration, p. 215.

⁴³ For more details, see Johannes Flothow, Osteuropäische Haushaltshilfen – den europäischen Pflege- und Betreuungsmarkt gerecht gestalten. Available online at:

www.europakongress2010.de/fileadmin/media/dokumentation/WS11_FairCare-Text-Vorlage_Workshop_Europakongress.pdf

⁴⁴ Bundesamt für Migration und Flüchtlinge, Grunddaten der Zuwanderbevölkerung in Deutschland, 2009, p. 52,

www.bamf.de/clin_111/SharedDocs/Anlagen/DE/Downloads/Infothek/Forschung/WorkingPapers/wp27-grunddaten.html?nn=1364454

Turkish descent, thus belonging to two groups that are often facing significant discrimination in their mother countries. In Germany they constitute some of the most vulnerable migrant groups. Their situation is marked by severe problems such as blocked access to the labour market and thus obstacles towards legal employment, language problems, discrimination by authorities and citizens, precarious housing situation, exploitation and abuse in illegal work relationships, lack of information on legal rights etc.⁴⁵

3. Differences in status

The following chapter briefly addresses differences in the legal status of *foreign* migrants living in Germany. As we will see, there are several different legal statuses (with a multitude of individual distinctions), which are of enormous importance for the rights of the individual person. Differences exist, e.g., in the realm of labour market access and, thus, in the possibilities for participation in the country's economic (and, in many ways, social) life, as well as in the access to social benefits. Due to the enormous legal complexity of the matter, I will only hint at certain aspects, for detailed further information I refer to the cited literature.

EU-citizens

In a nutshell, EU citizens have the right of free movement to and stay in Germany. For entry to Germany, neither a visum nor a residence title is required. A distinction, however, is made between stays that are lasting up to three months and stays that are intended for longer periods of time. For a stay up to three months nothing more is needed than a valid national passport or identity card.⁴⁶ No specification or explanation concerning the purpose for such a stay is needed. EU citizens intending to stay for more than three months need to apply for a so-called *Freizügigkeitsbescheinigung* (Certificate on free movement) which is normally issued by the district's residents registration office (in some places by the Aliens Department). This paper basically clarifies that the receiving person is entitled to free movement. Here the *purpose* of stay is decisive. Community Law distinguishes between four types of stay: as employee or person looking for work, as self-employed, as person providing or receiving services, or as a non-employed person.

Access to the labour market

As already mentioned, a major distinction needs to be drawn between EU citizens regarding the possibilities for labour market access. Prior to the first EU eastern enlargement of 2004, Germany has negotiated transition periods with the clear intention to protect its labour market from a very much feared inrush of labour migrants from neighbouring countries, such as Poland or the Czech Republic. Thus, in terms of labour market access a division exists between citizens of EU-17 states (the old member states, plus Malta and Cyprus), and citizens of the EU-10 states (EU-8: accession 2004/EU-2: accession 2007). For EU-8 states (Poland, Czech Republic, Slovakia, Hungary, Slovenia and the three Baltic states) the transition period is expiring this year on May 1, 2011, for Bulgaria and Romania on January 1, 2014. At least for the time being, citizens of EU-10 states cannot fully enjoy an unrestricted freedom of movement yet.

⁴⁵ For more information on the situation of Roma in Germany see e.g. Gregor Griening, Roma in Deutschland, www.berlin-institut.org/fileadmin/user_upload/PDF/pdf_Griening_Roma_D.pdf and Lisa Caspari, Roma in Deutschland – Nicht in Lagern, aber in großer Armut, *Zeit*, 17.9.2010. Unlike Romanian and Bulgarian Roma, Roma from non-EU states - such as Bosnia - are in potential threat of deportation from Germany.

⁴⁶ For the following see Kerstin Müller/ Eva Steffen, Voraussetzungen des Freizügigkeitsrechts und Zugang zu Sozialleistungen für EU-Bürgerinnen, 2010, p.3. This paper is available online at: www.koelner-fluechtlingsrat.de/download/FreizuegigkeitsrechtSozialleist.pdf?PHPSESSID=euenhsprd4v017kok1toq921f3

Whereas citizens of EU-17 states do enjoy an unlimited access to the German labour market and do not need a work permit, citizens of EU-10 states do need a special permit for non-self-employed work, the so-called *Arbeitserlaubnis EU* (if granted unlimited it is called *Arbeitsberechtigung EU*). In practice, obtaining such permission is a complicated procedure. First, a person has to find an employer willing to give a job. The employer's concrete job offer is then handed in at the employer's regional *Agentur für Arbeit* who is in charge for issuing the *Arbeitserlaubnis EU*. Here, a so-called *Arbeitsmarktprüfung* (labour market assessment) is conducted. Basically, this means that the *Agentur* checks two things: firstly, whether the person to be employed will be working according to customary wages, working conditions asf. Secondly, for a period of up to six weeks it is checked whether there are preferential persons (e.g. registered German unemployed, registered unemployed foreigners with unlimited access to the German labour market) capable of doing the job. If that is the case, the job will be given to them. There are additional regulations complicating the labour market access even further, e.g. in cases of an employment *not requiring a qualified vocational education* a work permit can be denied.⁴⁷

The combination of free entry, with a simultaneously restricted labour market access has created a lot of problems in the case of EU-10 citizens, practically, as well as legally. In the legal realm, as will be shown in more detail later in the paper, matters are further complicated because of the interaction of Community and national law.

Non EU-citizens

Since January 2005, the *Aufenthaltsgesetz* (law of residence)⁴⁸ as major part of the new Immigration Act defines entry, departure and terms of residency for foreign "third state" citizens.⁴⁹ It introduces basically two types of residency status: a *limited residence permit (Aufenthaltserlaubnis)* and a *permanent residence permit (Niederlassungserlaubnis)*. The limited residence permit is always tied to a specific purpose, as which the Immigration Act defines education, work, family re-union, and humanitarian reasons. Thus, according to the purpose of stay, there are multiple nuances and differences in the legal status of a person which differ significantly. Generally, this residency title is limited in time. Depending on the purpose of stay, it does not necessarily imply that a person is granted a work permit. At a later stage the status of a person holding a limited residence title can be re-evaluated.

At the end of 2008, almost two thirds (64,8 per cent) of foreigners residing in Germany were in possession of a permanent residence permit. It is granted, if a foreigner has been in possession of a

⁴⁷ See Bundesagentur für Arbeit, Merkblatt für die Beschäftigung ausländischer Arbeitnehmer, 2009, p. 11.

Online at: www.arbeitsagentur.de/zentraler-Content/Veroeffentlichungen/Merkblatt-Sammlung/MB7-Beschaeftigung-ausl-AN.pdf

⁴⁸ This law has to be seen in context of the reform processes in immigration and integration policies initiated by the red-green coalition since taking government in 1998; the legislative process and the passing of the law was accompanied by a highly controversial debate. Generally, the Immigration Act is a wide-scale reform of all hitherto existing regulations on migration and integration policy, as well as the right of residence for foreigners. It thus introduces e.g. new legal regulations on the immigration of foreign workers (with facilitating access for highly qualified and self employed), on refugees and asylum seekers, and general regulations aimed at a better integration of certain groups of newly arrivers, such as mandatory language and integration courses. In 2007, the Immigration Act was revised; these revisions have been highly criticised by NGOs and charity organisations, especially because of its drastic regulations concerning refugees and new restrictions on family re-union, for more details see: Jan Schneider, Rückblick: Zuwanderungsgesetz 2005. The paper is online available at: www.bpb.de/themen/TLG91N,0,0,R%FCcckblick%3A_Zuwanderungsgesetz_2005.html

⁴⁹ An exception are citizens from "third states" belonging to the EEA (Iceland, Norway, Liechtenstein) or from Switzerland which are, in practice, administratively treated as citizens of the "old" EU-15 states.

limited residence permit for the course of five years (for “highly qualified” and self-employed also quicker); it is unlimited in scope, not tied to a purpose, and contains a work permit. For obtaining this residence title the applicant has to prove, among other things, that he is able to secure his means of existence, that he possesses a sufficient knowledge of the German language, sufficient living space, sufficient retirement provision (e.g. the proof of at least 60 months of mandatory contributions to the public retirement insurance).

Asylum seekers/refugees

A special status applies to asylum seeking refugees. As long as the asylum procedure is ongoing, asylum seekers do receive a so-called *Aufenthaltsgestattung*. This status is tied to several severe restrictions, such as distribution on the German territory and residency in an assigned home for asylum-seekers according to the authorities directives. The access to the labour market is initially not allowed, after one year an application can be handed in at the alien’s department which “may” issue a work permit according to the principles of sub-ordinated labour market access. Social benefits can only be applied for according to the *Asylbewerberleistungsgesetz* and they are e.g. drastically lower than those granted to ALG II recipients.⁵⁰

Exceptional leave to remain (*Duldung*)

Those people that do not hold a residency title and are legally obliged to depart, yet that are for specific reasons not being deported, do have the unsecure – because always limited and threatened by deportation – status of exceptional leave to remain. As with asylum seekers this status is tied to several severe restrictions such as e.g. (in many cases) geographical restriction on the territory of a federal state, social benefits only according to *Asylbewerberleistungsgesetz*, no employment allowed in the first year and later only a sub-ordinated access to the labour market unless a person has already had this status for four years.⁵¹ In Germany the number of people with exceptional leave to remain is about 200.000, out of which about a third has held the unsecure status of exceptional leave to remain for at least ten years – an inhuman practice rightfully criticised by human rights and refugee organisations.

Access to the labour market

As mentioned, access to the German labour market is only permitted for “third staters” if stated in the residency title. The work permit is granted by the alien’s department with consent of the *Bundesagentur für Arbeit*. Foreigners with a permanent residence title do enjoy unlimited access to the German labour market. In case of a limited residence title the work permit is mostly depending on the purpose of stay, yet possibly also on the duration of stay. For certain groups of people holding a limited residence permit access to the labour market is unlimited as well – such as e.g. for recognised asylum seekers or recognised refugees according to the Geneva convention, in cases of family re-union if the spouse is a German citizen, or in cases of family re-union if the spouse is foreign, yet does hold a work permit. For others, the labour market access is sub-ordinate, and follows the same procedure of labour market assessment as has been described above in the context of applying for a *Arbeitserlaubnis EU* with the difference that third staters are sub-ordinate in their labour market access to EU-10 citizens.⁵²

⁵⁰ See for a short and very good overview: infonet-frsh.de/aufenthalt0/aufenthaltsgestattung/

⁵¹ See infonet-frsh.de/aufenthalt0/die_duldung/

⁵² For a fine and comprehensive overview, see einwanderer.net/Zugang-zum-Arbeitsmarkt.132.0.html

4. Migrants' social rights

In the current debate on immigration, conservative politicians and media have been especially scandalising an alleged “immigration into our welfare systems”, claiming that the “high” transfer benefits in Germany are an incentive that attracts massive immigration – counter to all real facts. As stated above, net migration to Germany is negative, and for nationals from Third countries the barriers “to prevent abuse” have been successively increased, e.g. by the possible denial of family re-union if the family member living in Germany is receiving social benefits. Also in the case of EU citizens legal exclusions for the access to welfare benefits have been formulated, that are targeted at those who have been in the country for less than three months, as well as against those whose sole purpose of stay is that of “looking for work” or “whose sole purpose for entry to Germany is the reception of social assistance.”

The social authorities also do exercise a restrictive practice. Often even “hardship cases” are ignored – despite the fact that persons who were excluded from benefits due to the above mentioned reasons can still apply for social assistance as a matter of discretion, and despite the fact that social assistance is to be granted in cases of individual hardship at least in the form of “irrefutable benefits”, such as housing and heating, clothing, and food.

Generally, the legal regulations for receiving social benefits as a foreigner (as well as e.g. the calculation of the financial benefits granted) are rather complicated, and, as is the case with labour market access, they need to be brought in line with the individual case and status of a person.⁵³ The type of residence title is often decisive if and to what type of welfare benefits a foreigner is entitled. Often, the matters can be so complex that the staff of social assistance offices, employment centers and other social administrations – who often do not have sufficient training in and knowledge of the difficult prescriptions of residence law – do, in quite a few cases faultily disapprove of or reduce social benefits.⁵⁴

Among benefits that may be claimed are e.g. the already mentioned basic security benefits for job-seekers (ALGII, more info later on), child benefits (along with various benefits for parents), social assistance and housing benefits.⁵⁵ Generally excluded are asylum seekers and those with exceptional leave to remain as they are subject to the regulations (and generally significantly lower benefits) of the *Asylbewerberleistungsgesetz*.

Social assistance (Sozialhilfe)

Social assistance are benefits according to German social code XII, such as assistance for livelihood, basic security in cases of a reduction of earning capacity or age, and aid in so-called “other circumstances”. Generally, foreigners with residence in Germany do have the same entitlement to assistance for livelihood, sick aid and care aid as German citizens. As mentioned, excluded are those foreigners whose sole status is that of “looking for work” and those “whose sole

⁵³ For a very fine overview on what social benefits are eligible to a foreigner according to their residence status, see e.g. Easy, Informationspapiere für FlüchtlingsberaterInnen, Sozialleistungen für Ausländer www.emhosting.de/kunden/fluechtlingsrat-nrw.de/system/upload/download_1813.pdf

⁵⁴ See www.aufenthaltsrecht.net/18-0-Sozialrecht.html

⁵⁵ For a complete English language overview on social security in Germany see, Bundesministerium für Arbeit und Soziales, Social Security at a Glance, 2010, www.bmas.de/portal/10116/social_security__at_a_glance.htm

purpose for entry to Germany is the reception of social assistance.” However, as mentioned, they still can apply for social assistance as a matter of discretion.

Basic security for job seekers (ALG II)

Basic security for job seekers (ALG II) was introduced with the fourth step in the process of the so-called Hartz reforms of 2005 by which the hitherto administratively distinct complexes of unemployment and social assistance were merged and, as consequence, the German welfare system was significantly changed. Target group for ALG II are those people that are capable of work (aged between 15-64) but needing financial assistance as they are either out of work (for more than a year) or not sufficiently earning to ensure a livelihood. The plans of the reform were twofold, and followed a reasoning of *fördern und fordern* (which can be roughly translated as “support and demand”).

The first goal of the reform was to reduce welfare costs, the second, to introduce a strategy allowing for a quicker re-integration of long-term unemployed into the job market. The latter was meant to be achieved by granting only a minimum basic security whose amount is estimated according to a calculated socio-cultural minimum means of existence⁵⁶ (as higher transfers were seen as incentive to remain unemployed). Simultaneously, pressure on recipients was intensified to take up work (e.g. any kind of job offered is “reasonable” and has to be accepted by the recipient, even if wages are undercutting official tariff wages, the job is not corresponding with the qualification of a person, or the offered workplace is located in a different federal state). A rigorous control system was introduced, so in case of violations of regulations sanctions can be executed. On the supporting side, several measures and trainings were offered to the recipients to foster and increase their level of vocational qualifications. So-called job centers were created which are, besides administratively managing ALG II recipients, meant to counsel the unemployed and to provide information and help on the way back to regular labour market.

Despite the mentioned qualification measures, the percentage of those getting stuck in the “ALG II trap” seems to be on average at 20 per cent.⁵⁷ For those trapped, the social situation has mostly deteriorated. The reduced “basic security” has led to increased poverty (especially dramatic among children and juveniles).⁵⁸

The introduction of ALG II has also negatively affected the level of wages by changing the structure of employment relationships with promoting so-called “one-euro” and mini jobs, limited part time and temp jobs.⁵⁹ On a different level, the construction of the negative stereotype of the “lazy

⁵⁶ For a single person the rate is at present 351 €/month. This money is meant to be spent for food, clothing asf., to cover the “cultural needs” of a person, but also for covering electricity and warm water bills. Additionally, ALG II recipients do receive housing benefits, yet rent is only fully paid if the space of the apartment is “adequate” (45m² for a single, 60m² for 2, 15m² for every other person living in a household) and if the m²/rent is “adequate” (with many communes and counties actually calculating with lower than market price rents); in practice this has meant that many ALG II receivers also need to use their transfer money to cover parts of their rent (or move out, if they manage to find a cheaper apartment). Grotesquely enough, many receivers of ALG II (and their children) hence are already indebted to the Bundesagentur für Arbeit. See Martin Staiger, Hartz-IV-Hetze, in: Blätter für deutsche und internationale Politik, 10/2008, p. 17-20. Online available at:

www.blaetter.de/archiv/jahrgaenge/2008/oktober/hartz-iv-hetze

⁵⁷ See www.500-euro-eckregelsatz.de/23-2010032385.html

⁵⁸ In 2009, about 15 per cent of the German population were considered to be threatened by poverty, the high risk groups being with 54 per cent unemployed, followed with 40 per cent by single parents and children.

⁵⁹ See Heribert Prantl’s commentary in Süddeutsche Zeitung, 21.12.2009.

unemployed” and an (imaginary) “large scale abuse”⁶⁰ have created a highly stigmatized public image threatening the dignity of ALG II recipients; what once was meant as a safety net grounded in the principle of mutual solidarity, is nowadays a highly stigmatized “pittance” – the more so, if the recipients are foreigners or do have a migrant background as recent media campaigns against migrant ALG II recipients have shown.

Migrants and ALG II

Due to the more vulnerable labour market position, the percentage of migrants receiving basic security for job seekers is comparatively higher than that of “ethnic” Germans. As mentioned, more than 25 per cent of ALG II recipients do have a migrant background. Given this fact, it is highly surprising that precisely the group of migrants has not been thought of at all in the context of the recent welfare reform⁶¹. Whereas juveniles, elderly and women have been named as target groups with special needs, migrants have not been mentioned. This can be partly explained by the practice of non-discrimination and the goal of equal treatment; however precisely this practice can also lead in practice to a situation in which equal treatment in procedures can lead to institutional discrimination, given that there are unequal preconditions for initial disadvantage.⁶²

As mentioned, in case of migrants, there are mainly two factors responsible for the vulnerable position on the labour market: a low level of qualification and the non-recognition of foreign obtained qualifications. About a fourth of all unemployed ALG II recipients with a migrant background do have a vocational qualification or a university degree not being recognised in Germany! Without formal recognition of a degree, the given qualifications of the person are not taken into account by the job center and they do not appear in the person’s profiles. As a consequence, the employment perspectives of those migrants with a non-recognised degree are as bad as the perspectives for those with no degree at all (and they are about 50 per cent worse if compared to those people whose foreign-obtained degree has been recognised).⁶³ So far, job centers have been lacking the capacities and competence in aiding and supporting degree-holders in the process of recognition, thus inadvertently re-enforcing the person’s vulnerable status.

Also in respect to other aspects concerning the promotion of migrant needs, job centers have often performed poorly. According to the migrant helpdesk at DGB Berlin, almost every single one of the 614 migrants counseled there in 2010 had received faulty assessments by their job center, among the mistakes made were mostly wrong calculations of costs e.g. for rent, or faulty denials of financing qualification measures.⁶⁴

Problems at the job centers are a lack of specifically trained personell, understaffing (too many cases for one case worker), a lack of foreign language skills, and also the usage of wrong (or unfit) measures in qualification programmes – an interesting study of the *Zentrum für Europäische*

⁶⁰ All recent studies show that abuse in the realm of ALG II recipients is marginal, with about 2-5 per cent. See Martin Staiger, Hartz-IV-Hetze.

⁶¹ For the following, see Matthias Knuth (ed.), Arbeitsmarktintegration und Integrationspolitik – zur notwendigen Verknüpfung zweier Politikfelder: eine Untersuchung über SGB II – Leistungsbeziehende mit Migrationshintergrund, Baden-Baden 2010.

⁶² Knuth, p.4.

⁶³ See Martin Brüßig, Vera Dittmar, Matthias Knuth, Verschenkte Potenziale, IAQ-Report, 08/2009.

⁶⁴ See www.labournet.de/diskussion/arbeit/realpolitik/hilfe/asyl.html

Faulty assessments, however, are not only made if the applicant does have a migrant background. They are, in fact, a huge and general problem accompanying the welfare reform from the very onset. In Berlin alone, there have been about 115.000 lawsuits at the Social Court Berlin since the introduction of ALG II in 2005. Almost every second claim is at least partially successful. See www.sozialleistungen.info/news/30.12.2010-klagewelle-gegen-hartz-iv-erreicht-neuerlichen-hoehchststand-2/

Wirtschaftsforschung conducted in 2010 has shown that job application trainings and measures combining different aspects of trainings were absolutely ineffective for migrant participants. However, some measures have had positive effects such as specific training in certain vocational qualifications (typing, accounting), and specific job profiling assessments in which was tested what kind of job may best match a person's interests and abilities.⁶⁵

Elegibility

As the debate on ALG II is the most highly emotionalised debate on social transfers in Germany, in the following also some very brief words on eligibility for foreigners. As with other social benefits, the status of the person plays a decisive role in terms of eligibility. Foreigners with a permanent residence permit are the least complicated case as they do have the same entitlement as German citizens (as long as they meet the qualifying criteria). For those foreigners holding a limited residence permit, as well as EU citizens, the situation is highly complex and varies e.g. according to the purpose of stay, and whether a person has family ties in Germany. According to the SGB II (social code book II), those foreigners are eligible who do meet the qualifying criteria and do have their regular residence in Germany, do have a work permit or "could be allowed a work permit", and whose entitlement to residency is not solely deduced by the purpose of "looking for work".⁶⁶ Generally, foreigners are excluded from ALG II claims for the first three months of their stay; this exclusion, however, doesn't apply for employed and for self-employed foreigners.⁶⁷

Concerning the practice of exclusion, the matter at stake is obviously the case of EU citizens who make use of their right to free movement, claiming the purpose of their stay as "looking for work". As mentioned, the right to free movement does apply for a person's right of looking for work. According to the European Court of Justice this right is granted in perpetuity if the person can prove that he/she is looking for work and has "reasonable prospects" of finding work – a concrete job offer is not needed.⁶⁸ However, from ALG II normally excluded are those newly arriving EU citizens that have never worked in Germany before, do not have other relevant ties to the country (such as family members with legal residence) and to whom no other purpose of stay applies than that of "looking for work".

A totally different matter are EU citizens that have already been in an employment relationship (also in marginal employment) in Germany, have involuntarily lost their jobs and registered themselves as unemployed; to them eligibility generally applies. According to the duration of their working relationship, freedom of movement is granted for six months (if their employment lasted less than 12 months), or permanently (if their employment lasted longer than 12 months).

However, the legislation on eligibility is about to change: In a recent verdict of October 2010 the Social Court in Karlsruhe has ruled that citizens of those states that have signed the European

⁶⁵ See www.zew.de/de/presse/presse.php?action=article_show&LFDNR=1514

⁶⁶ For detailed literature on the matter see, e.g., Georg Classen, *Leistungen für Ausländer nach SGB II, SGB XII und AsylbLG*, 2009, www.fluechtlingsinfo-berlin.de/fr/pdf/Eckpunkte_SGB_II_XII_Auslaender.pdf, Georg Classen and Ralf Rothkegel, *Die Existenzsicherung für Ausländer nach der Sozialhilfereform*, 2006, http://www.fluechtlingsinfo-berlin.de/fr/pdf/Classen_Rothkegel_Hartz_IV.pdf, Kerstin Müller/ Eva Steffen, *Voraussetzungen des Freizügigkeitsrechts und Zugang zu Sozialleistungen für EU-Bürgerinnen*, 2010. A good overview according to eligibility gives Deutscher Verein für öffentliche und private Fürsorge e.V., *Erste Empfehlungen zur Verbesserung der Erwerbssituation von Menschen mit Migrationshintergrund*, 2010, einwanderer.net/fileadmin/downloads/sgb_II/DV_22-09__erwerbsintegration.pdf

⁶⁷ See Deutscher Verein für öffentliche und private Fürsorge e.V., p. 5.

⁶⁸ See Müller / Steffen, p. 6.

Convention on Social and Medical Assistance of 1953 are entitled to exactly the same social benefits as German citizens. The court had decided on the case of a Frenchman who had sued a job center in Berlin which had refused to pay him ALG II transfers (after an initial three months exclusion) for longer than a period of six months on the grounds that his sole purpose of stay was that of “looking for work”.⁶⁹ Citizens of states that signed the convention may thus enjoy in the future unlimited access to ALG II transfers (even if they have not worked in Germany before), whereas citizens of those states who have not signed this convention may face ongoing restrictions. This will affect mostly citizens of the new member states, as almost all EU-10 states have not signed this convention, whereas most “old” EU states have.

Health Insurance

Recent studies on the health situation of migrants in Germany have shown that, generally, the sickness rate of migrants with middle and older age is higher than that of Germans. Migrants tend to suffer from health risks that are generally related to and characteristic of people with a lower social background (such as a low information level, a potentially less healthy life style, health risks caused by the employment situation asf.), psychological factors caused by the “migrant situation” (discrimination, alienation asf.) and unemployment, as well as problems with the access to the health system due to language and information deficits.⁷⁰ The latter poses significant problems, even in case of existing health insurance.⁷¹

With regard to the insurance situation, there are basically two types of health insurances in Germany, private on the one hand and compulsory, statutory on the other hand. Without going much into the rather complex details, the latter generally covers all those employed and earning less than a certain monthly/annual minimum which qualifies for choosing a private insurance. Also recipients of ALG II are (normally) covered by the statutory insurance with the Bundesagentur für Arbeit covering the costs. According to a recent verdict by the Federal Social Court Kassel the job centers now also have to fully (and not only partly) cover the private health insurance of those ALG II recipients that are for specific reasons members in a private insurance.⁷² For employed members of the statutory insurance, the contribution for their health insurance are split between employer and employee. Generally, contributions to the statutory insurance are paid according to the income of a person (in total 15,5 per cent of the monthly income before tax, with a share of 8,2 per plus cent plus additional contributions carried by the employed), and not according to the age or health situation of a person as is the case in private insurances. Spouses (if their income does not exceed a certain margin) and children can be insured free of extra contribution together with the insured.⁷³

The compulsory, statutory insurance does not apply for self-employed, civil servants and, as mentioned, for those employed whose income does surpass a certain minimum margin. Until recently, those people were voluntarily insured (mostly private, yet in a number of cases also statutory). However, with the health care reform of 2007, every person with residence in Germany is obliged to have a health insurance coverage. Since 2009, this obligation applies also to those who qualify for voluntary insurance. Nevertheless, among the group of self employed with low earnings – one of the major groups of people with no health insurance coverage in Germany - many are still incapable of paying the monthly rates and thus continue to be un-insured; the official numbers of people without health insurance were estimated by the Ministry of Health to be at 45.000 in October

⁶⁹ www.tagesschau.de/inland/hartzleistungen100.html

⁷⁰ See 8. Bericht, chapter Migration und Gesundheit, p. 336 ff.

⁷¹ See *ibidem*.

⁷² See www.la-krankenversicherung.de/nachrichten/urteil-jobcenter-muessen-pkv-beitraege-bei-hartz-iv-zahlen-10797.

⁷³ For more details see, e.g. Bundesministerium für Arbeit und Soziales, Social Security at a Glance, p. 89 ff.

Health insurance for foreigners temporarily or permanently working in Germany is mandatory and follows the above mentioned regulations. Citizens of third countries have to prove that they are in possession of a sufficient health insurance if applying for a visa in Germany. EU citizens that are not covered by a German insurance are generally covered for treatment (and not only emergency treatment) if they are insured in their country of origin and do still have a registered residency there. This is also the case with Bulgarian and Romanian citizens as in both states regular state insurances for all citizens do exist via which claims for treatment in Germany can be realised.⁷⁵ In practice, a problem however exists, with a growing number of EU-10 citizens who *de facto* do neither have a health insurance in their mother countries, nor in Germany. Reasons for that may be that an existing insurance may have expired, residency has changed, or as may be the case with e.g. Roma because of missing personal documents. A great deal of insecurity also exists if and how treatments in Germany are financed by the insurances in the mother countries.⁷⁶

The above-mentioned official number of people without health insurance coverage obviously does not take into account the number of undocumented migrants who basically do not have any access to regular medical treatment at all. If one takes into account those undocumented migrants, the number of people living in Germany without health insurance coverage may very well be exceeding one million. The health care situation of these undocumented migrants is highly problematic. In theory, people with no residence status are, like other groups of foreigners who are subject to the *Asylbewerberleistungsgesetz*, insured at the social assistance offices. There, they need to apply for medical treatment. If the authority deems treatment necessary they issue a health insurance certificate.⁷⁷ The problem with undocumented migrants is that those offices (as part of the public administration) are obliged to denounce illegal stays to the the Aliens Department. As a result of this practice, obviously, undocumented migrants do not make use of their rights as they are afraid of possible deportation. In practice, they are hence excluded from any regular ambulant treatment.

In practice, thus, medical treatment for undocumented migrants (all others with no health insurance coverage) is a matter of donation-funded charity. Several organisations, such as e.g. *Malteser Migranten Medizin*, *Cafe 104*, or *Büro für Medizinische Flüchtlingshilfe* do provide such services to those migrants, granting anonymity to their patients, thereby often operating in a legal greyzone.⁷⁸ In cases of emergency all hospitals and doctors are obliged to take patients regardless of their insurance status. In such cases, the treating party later can apply to the social assistance office for funding of treatment. Since October 2009, hospital administrations are not required any more to pass on data to authorities in case of treatment of undocumented migrants. Also social assistance office staff involved in re-imbursements are not obliged to denounce any more.

5. Economic crises and the migrant communities

Germany's export-oriented economy was heavily hit by the impact of the crisis. The country's

⁷⁴ See e.g. *Süddeutsche Zeitung* 7.2.2009. With the introduction of a general compulsory insurance the group of people with no health insurance coverage has significantly decreased and went down from more than 200.000 in 2007.

⁷⁵ See Georg Classen, *Problematisches Infoblatt des Berliner Senats zu den Rechten der Roma aus Osteuropa*, www.fluechtlingsinfo-berlin.de/fr/pdf/Anmerkungen_Infoblatt_Roma_EU.pdf

⁷⁶ See for more info on the special case of EU-10 citizens the very detailed article of Susann Huschke, Joanna Twarowska, *Legal, aber nicht versichert., Medizinische Versorgung von neuen EU-BürgerInnen*, in Dr. med. Mabuse 189/2011. Online at: www.medibuero.de/attachment/39b520617b75d0e45fa5eb4f5da202aa/e3d838c8ad6ffdcdf21652f61ace45c0/2011_Huschke-und-Twarowska_Medizinische-Versorgung-neuer-EU-BürgerInnen_Dr.med.Mabuse.pdf

⁷⁷ This practice is highly problematic as authorities may deny issuing such a certificate, another problem is the missing coverage for many treatments. For more details see e.g. www.nds-fluerat.org/leitfaden/12-fluechtlinge-mit-aufenthaltsurlaub-nach-25-abs-4/105-medizinische-versorgung/

⁷⁸ Doctors need not denounce any of their patients, however, treatment without payment is formally an offence against the Medical Association's professional code of conduct. See Eugenie Wulfert, *Ohne Angst zum Arzt – medizinische Versorgung außerhalb des sozialen Netzes*, in *KV-Blatt* 12/2010. Online at: http://www.kvberlin.de/40presse/30kvblatt/2010/12/24_verschiedenes/kvbm.pdf

economic output sank dramatically, with the GDP dropping by 6,5 per cent.⁷⁹ Affected by the crisis were especially those sectors and companies that produce the number one German export goods - machines and cars –, whereas the impact on other sectors, e.g. the construction sector was comparatively low.

Interestingly enough, as mentioned initially, the unprecedented decline in economic output was not accompanied by a significant rise in the numbers of unemployed. On the contrary, unemployment numbers remained pretty much stable. The effective tools by which companies responded to the dramatically sinking output were hence not the massive laying-off of employees, but instead grounded in what economists call the “internal flexibility” of companies. Instead of laying off workers, companies used internal tools such as the reduction of work hours, the reduction of working time accounts etc. that allowed for keeping employment among their workforce stable while simultaneously reducing output. These tools of internal flexibility (work time accounts, variations in normal working time – and its precondition, strong dismissal protection) had been negotiated prior to the crisis between labour unions and employers and can be seen as a success of the German bargaining agents which payed off well especially in the context of a relatively quick overall economic recovery.⁸⁰

However, while employment numbers among the regular workforce remained stable, a dramatic reduction of employment in the temp work segment could be observed in the immediate aftermath of the crisis. Hence, temp workers were possibly the most directly affected group, among them larger numbers of migrants.

Migrants and the crisis

In Germany, the number of unemployed foreigners slightly rose as direct result of the crisis. With economic recovery well on the way at the time of writing, these numbers are currently declining again. The sensitive response of migrant employment to economical fluctuations is, in fact, nothing new.⁸¹ Already previous recessions (such as the recession of 2000-2005) have shown a similar pattern. The employment situation of migrants (in Germany, as well as in other countries) is generally more affected by economic trends than that of non-migrants. In periods of economic boom their employment number rises quicker, in times of recession it is reduced quicker. At work here are, most importantly, structural factors that tend to make migrant work relationships on a whole more insecure. In Germany, a generally lower level of qualification among the migrant workforce, and as a direct result, a higher number of precarious employment relationships among working migrants can be identified as one of the root causes.

While the crisis did not have a direct negative impact on those migrants who were already out of the job market for longer periods of time and in the position of being recipients of transfer benefits in the form of ALG II it seems nevertheless plausible that possible employment perspectives may have been further reduced in the direct aftermath of the crisis.

However, regardless of whatever the direct effects of the economic crisis on migrant employment may have been, it needs to be stressed that the structural crisis of migrant employment in Germany long pre-dated the events of September 2008. In a nutshell, this means is that if one is interested in improving the labour market position of migrants in Germany, it is mandatory to address those structural factors that cause the overall weaker and more vulnerable status on the labour market.

⁷⁹ Alexander Herzog-Stein, Fabian Lindner, Simon Sturn, Till van Treeck: Vom Krisenherd zum Wunderwerk?, online available at: www.boeckler.de/show_product_imk.html?productfile=HBS-004840.xml

⁸⁰ See Herzog-Stein, Lindner, Sturn, van Treeck.

⁸¹ For the following see Herbert Brückner, Auswirkungen der Krise auf Migrantinnen und Migranten in Deutschland und der EU unter besonderer Berücksichtigung der Situation von Drittstaatsbürgern, 2009, p. 15f. Online available at: www.migration-online.de/data/publikationen_datei_1263975302.pdf

5. Practices to provide social protection and to prevent mistreatment

Following, I would like to conclude with a brief, non-exhaustive enumeration of measures and practices that aim at an improvement of the situation of migrants on the labour market and at a higher level of social protection among migrants in general. Again, due to space constraints, I can only hint at certain practices without fully developing them in detail.

Addressing qualification deficits: On the German labour market, the most vulnerable are the least qualified. A lack of vocational qualification and language skills drastically limits chances of finding work or does force people into precarious work relationships. Generally, this problem has been realized in the recent years. It now needs to be continued to be addressed on several levels, targeting both children and juveniles in the kindergartens and schools, as well as those adults that are out of the job market due to a lack of vocational skills. Important steps are thus continuing the current reforms of the three tier school and pre-school educational system in order to achieve an educational system allowing children of migrant background to perform well; increasing the level of vocational skills of adults by individual special trainings, language courses asf, especially among those receiving welfare according to SGB II. Here, a re-thinking and re-structuring of practices in the job centers needs to be brought onto way that takes into account the newest studies and findings on the matter. Of major importance are hence e.g. a coherent training of staff in job centers, including legal trainings in residence and social law, offering of interpreting services if necessary, recruiting and qualifying personel with a migrant background as case workers, as well as a re-evaluation and improving of qualification measures according to migrant recipients' specific needs.⁸² A possible first step in that direction may be a pilote project in three job centers in Berlin, that follows a "strategy of intercultural opening of job centers".⁸³

Acknowledgement of foreign-obtained degrees: An important factor in protecting adult migrants from unemployment or in preventing them from having to work below their qualificaltional level will be utilising their vocational qualifications and experiences. The most important step would be to facilitate the acknowledgement of degrees obtained in the country of origin, and/or facilitating the "re-taking" of a degree according to German standards, flanked by a coherent system of special trainings (including legal information/trainings in vocational language). These measures should help to facilitate labour market integration and to allow taking up work in the field of one's expertise also in Germany. Actually, a new law aimed at facilitating the acknowledgment of foreign-obtained degrees is currently on the way. According to estimates about 300.000 migrants may already profit from this new law⁸⁴.

Protecting temp workers: An important factor in addressing the issues of job insecurity and mistreatment is a re-evaluation and stronger control of the practices of temp work agencies. The German Labour Union has listed as claims for legal corrections, among others, that the principle of equal treatment should be guaranteed from the first day of work on regarding payment and working conditions, that labour contracts should be applied for work in companies with lower standards or no existing tariff regulations, that tariff regulations need to be effective on the Employee Sending Act in order to be applicable to foreign workers being send to Germany, an extension of the co-determination of temp work councils, as well as measures such as not limiting contracts only to one concrete assignment and offering qualification measures for temp workers in periods of "no lease".

Legalising "private" employment relationships:

⁸² For more details see Deutscher Verein für öffentliche und private Fürsorge e.V., pages 12-27.

⁸³ See, Der Beauftragte des Berliner Senats für Integration und Migration, Interkulturelle Öffnung von drei Berliner Jobcentern – der erfolgreiche Prozess einer interkulturellen Organisationsentwicklung, 2010.

⁸⁴ See <http://www.n-tv.de/politik/Deutschland-soll-vorangehen-article2080566.html>

The illegal employment of migrant workers in private households undermines the employee's rights as well as existing social regulations. While it remains to be seen what effects the free movement for EU-8 states will have on the German labour market in facilitating and thus legalising labour market access, there needs to be, nevertheless a complete re-organising of work relations in the field of care-taking in private homes. Projects such as "Fair Care" are a first step in the right direction.⁸⁵

Special Training and information for Bulgarian and Romanian citizens

With the German borders pretty much closed to new immigration, one of the main groups of newly arrivals have been EU citizens coming from poorer southern east European states, Romania and Bulgaria. As the transition periods for Bulgarian and Romanian citizens are to continue until 2014, the special situation of these people needs to be given especial attention. Instead of pointless discrimination by police and authorities an effective training and information system needs to be established, informing authorities, as well as the affected people about their rights and helping them to find ways into legal employment or self-employed work. In the past information leaflets, e.g. by Berlin's Commissioner for Integration and Migration, who had issued leaflets to the city's administrative organs, have been flawed, depicting the legal situation incomplete and unfounded to the disadvantage of the concerned.⁸⁶

Reconsidering right of ALG II benefits according to the calculations of the Paritätischer Wohlfahrtsverband (an umbrella organisation of welfare work) to prevent poverty and allow social participation also for transfer recipients.

*Protecting the rights of refugees/asylum seekers and those of people with exceptional leave to remain by, among others, re-considering the application practice according to humanistic and solidaric principles as well as re-formulating restrictive legal regulations as advocated by refugee help organisations⁸⁷, facilitating labour market access, as well as giving stable, permanent, long-term perspectives by granting residency rights. And last not least: *Developing and introducing a coherent strategy of legalising all undocumented immigrants.*⁸⁸*

⁸⁵ See www.pflegen-online.de/nachrichten/aktuelles/initiative-faircare-gegen-schwarzarbeit-in-der-pflege.htm?PHPSESSID=2c6908abac27771158df431059d9cb15

⁸⁶ See Georg Classen, Problematisches Infoblatt.

⁸⁷ See e.g. the site of Pro Asyl (www.proasyl.de/).

⁸⁸ For details, reflections and proposals see Deutsche Caritasverband e.V., Legalisierung von Menschen ohne Aufenthaltstatus: Königsweg, Irrweg oder pragmatische Lösung, 2006, available online at: www.caritas.de/2067.html

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