5. Until the 1990s, the stated public position of successive governments in the Federal Republic was that ‘Deutschland ist kein Einwanderungsland’. **To what extent has this position changed, and what factors have contributed to this?**

The new Germany and migration in Europe

* Immigration in all categories increased dramatically after the opening of the Iron Curtain in 1989.
* Large influx of refugees and expellees from the east after WW2: CONSIDERED GERMAN.
* 1950s/60s- guest workers, ethnic Germans:
* 1970s- asylum seekers
* Steady trickle of resettlers ie Germans moving from the GDR to the FRG.
* Ethnic Germans- entitled to G citizenship despite entering FRG with foreign passports.
* **Guestworkers/ asylum seekers** came as foreigners and have remained as ‘migrants who stayed. **Basically, not welcome as Germany officially considered itself a ‘non- immigration country’.**
* Refugees and expellees:
* First post war census: 9.6 mill refugees in all four German occupation zones. Influx into Germany continued and soon a process of internal migration from east to west began.
* Next census on 13th September 1950 revealed 7.9 mill in FRG and 4 mil in GDR.
* Migration from East to West Germany ended with the construction of Berlin Wall in 1961.
* **Problems:** concerning accommodation, food and employment. Due to housing stocks in larger conurbations being destroyed, refugees initially allocated to rural areas.
* Due to rural areas being the weakest before the war, they were less suitable for the integration of refugees. Few suitable jobs, unemployment remained high.
* Reallocation of refugees to more vibrant areas was necessary.
* Tensions between destitute refugees and receiving population rose once it was clear that they had come to stay. **Their integration was one of the most difficult tasks to handle for allied and G authorities.**
* Promulgated Refugee Law on 20th May 1946 which prohibited forceable employment of refugees for work which they were over- qualified. Eg. In countryside meant they could not be recruited into agricultural work. After setting up Federal Republic in 1949 statistics showed refugees were disproportionately employed in menial work. Reflected the social decline which allies had tried to prevent.
* Refugees disproportionately hit by currency Reform of 1948, which rewarded owners of property but penalised savers.
* Series of laws addressed refugees’ equality and further integration. Article 116 of the Basic Law of 1949 guaranteed this in pol and legal fields.
* Soforthilfegesetz (SHG) (Law for the immediate assistance)/ supplemented with Fluchtlingssiedlungsgesetz (Refugee Settlement Law). SHG replaced by Lastenausgleichgesetz (LAG).
* Aim to compensate refugees for damage and losses suffered in the course of the war, expulsion and post war period. 114 billion was paid out and large resettlement schemes inside Federal Republic ensured refugees more balanced distribution.
* **In the long run, refugees able to benefit from economic upturn in the FRG. But also represented a large pool of highly trained and motivated workers and as such made a huge contribution to it.**
* **Integration of refugees into West Germany was remarkably successful. Many factors contributed:** Allied ban on separate refugee organisations not only prevented the emergence of militant refugee pressure groups in volatile conditions of the immediate post- war era, also forced the emerging political parties to take refugee interests on board, thus reducing refugees’ isolation.
* **On balance German society benefitted from refugees in many ways: their contribution to Germany’s economic miracle was essential to the country’s rapid recovery.**
* **Moreover, refugees introduced an element of social mobility and provided a ‘Modernisierungsschub (push towards modernisation) (Klessman, 1982: 243) for West Germany.**
* **Broke up the religious predominance of Protestants in the north and Catholics in the south while Germany’s overall religious balance remained unchanged.**
* **Thus, contributed to opening up the country and to overcoming some of its provincialism and narrow conception of ‘Heimat’, which up until WW2 had been centred on an individuals immediate surrounding areas and which the National socialists had been able to exploit by linking it to ‘blood and soil’ with its racial overtones.**

**Ethnic Germans:**

* Not all former Germans from the eastern territories were able to flee west.
* Heavy restriction on emigration in all Eastern Bloc countries.
* Willy B Ostpolitik: negotiate the exodus of ethnic Germans from Poland but agreement was difficult.
* Ethnic German’s ‘bought out’ in Poland and Romania. Between 1950- 1988 1.6m ethnic Germans arrived in the Federal Republic at a steady average flow of about 40,000 per year.
* As long as the numbers coming in remained small, wasn’t much concern.
* Controversy rose from 1988 after gov passed law authorising DM 2.2 billion towards cheap housing for ethnic Germans.
* **Reception of ethnic Germans in FR compared with difficulties of resident foreigners and their integration or asylum seekers who fled to Germany, whose need for access seemed therefore greater.**
* Gov used 3 arguments: legal, hist- political and socio-economical for its continued welcome of ethnic Germans.
* Article 116 of basic Law: ethnic Germans considered Germans who ha suffered disproportionately during and after the war for their connection to Germany. Therefore, has legal claim to residence/ support in Germany. Kohl- ‘a challenge of national proportions which the FR us morally obliged to take on’.
* Disputed by experts: it is their reception in Germany which makes them Germans eg. Nationality, descent, residence.
* No prior claim to German nationality or justification for their special reception in Germany existed.
* Volkszugehorigkeit: ‘who in their home countries showed commitments to their German heritage, commitment specified by characteristics such as descent, education, language and culture’.
* Many ethnic Germans came from areas which had been occupied by G troops in WW2 and where many poles had been made G citizens to serve in Hitler’s army. Military service considered as ‘commitment to Germandom’ when decisions were taken in the FR as to whether these individuals and their family members deserved to be treated as ‘German’.
* ironic to many that those who had been loyal supporters of National Socialist Germany thus found belated reward.
* **Secondly**, the gov argued that ethnic Germans migrated because of the continued repression of their lifestyle, culture etc. due to their German background.
* **Third,** gov argued that ethnic Germans were on average younger than resident G population and that their presence would therefore have a beneficial effect on eg. The financing of the German pension funds or health insurance.
* Criticism voiced that the gov effectively treated ethnic Germans as immigrants and that if it developed a proper immigration policy it could choose exactly whom it wanted to attract. **However, principal of ‘Germany- not an immigration country’ meant that this option could not be pursued.** Many ethnic Germans arrived with unsuitable or no qualifications and their **economic integration became increasingly problematic.**
* Reservations in the German population grew. Many ethnic Germans spoke little, or no German and their different cultural background became apparent, thus many German’s could not see much evidence that the new arrivals were really German. Concerns shared by all pol parties.
* Right feared majority of ethnic Germans were exploiting their status to gain access as economic migrants who would compete with Germans for jobs and accommodation.
* Left saw in conservative and nationalistic values of the new arrivals a possible reinforcement for certain reactionary tendencies in the FR.

**Foreigners:**

* Despite large influx of refugees at end of WW2, labour shortages appeared in some sectors of German economy as early as 1953, Farmers began to recruit workers in Italy.
* Informal contracts were replaced by intergovernmental contracts between the FRG and Italy, Spain, Greece, Turkey, Portugal, Tunisia etc.
* Following practices of the agrarian ‘Wanderarbeiter’/ labour recruitment practiced in Switzerland, workers employed for a clearly defined period on the **‘rotation principle’** eg. Were to be replaced by new arrivals**. No integration intended, as suggested by name ‘guestworkers’.**
* Economic importance of these workers grew even more when the construction of the Berlin Wall cut W Germany off from the continuing flow of labour in the form of refugees from GDR.
* 1960- 73. Foreign population grew from 280,000 to 2.6 million.
* Rotation function functioned as intended indicated by fact that during recession in 66/7 no. of foreign workers declined by 30%.
* Foreign workers mainly unskilled labourers and used to serve as a buffer between effects of economic growth and decline on the German workforce.
* Flexibility provided by f workers was particularly clear in construction industry, which responds most directly to economic crises.
* **German policies towards foreigners were predominantly concerned with economic and employment considerations.**
* Overall**, foreigners perceived as a threat**, emerged from the first Foreigners Law. ‘a work permit can be granted if the presence of the foreigner does not damage the interests of the FR.’
* 1970s bought decisive change in migration policies of all W Euro states.
* Oil crises after 73/78 alongside subsequent downturn in economies necessitated a ban on further labour recruitment to alleviate growing unemployment. However economic argument only disguised the more profound official unease with the soc/ pol problems which immigration had already created, and which would get worse if they were allowed to continue unhindered. (Collision, 1994).
* Relevant law passed in 1973. Effect was tangible. Decrease in foreign workforce by 22.7% in 1978.
* **Ban was problematic**. With end of rotation system, many foreign workers who would leave and then be replaced and be able to plan for their return to Germany later were unable to so decided to stay and brought their families into the country.
* Thus, no. of workers declined, percentage of foreign workers among German population increased, more slowly after 1980.
* **Structure changed:** with legal immigration of male workers no longer possible, new immigrants were predominantly women and children, hence younger on average than previous migrant cohorts.
* **Over time**, their age, social structure and consumption patterns became similar to that of the German population, **which would remove the benefits which the German state originally derived from a young and mobile population.**
* **Further problem specific to Germany was shift in national composition among immigrants, away from south European to Turks.** Were perceived as more culturally distant from the G population and thus represented a far greater challenge than other nationalities.
* By late 70s, **Germany had effectively become an immigration country,** immigrants settled together in certain areas, cheaper areas of big cities. Areas in which they could continue their traditions abroad – typical of first gen immigrants which often served as a later transition to full integration in the host society. **(Harzig, 1993: 157).**
* In this situation, government’s response was inadequate. Article 73- only been laws regulating emigration.
* **Official tenet that Germany was ‘no country of immigration’ precluded and constructive thought in this policy area.**
* Predictably a first reaction to the continuing influx of foreigners in the 1970s was attempted to strengthen the recruitment ban (74) by not allowing newly arrived wives and families to work. Rescinded in 79, at a time the gov tried a different approach and give serious approach to the integration of its foreign minority.
* **1st December 1979, Advancement of the Integration of Foreign Workers and their Families was created.** Minister President of SPD, report of September 1979 identified Germany as a country of immigration and argued for far- reaching integration measures, including right to naturalisation for 2nd gen foreigners and right to vote in local elections.
* **However,** report published at a time of rising unemployment and anti- foreigner public opinion, which the CDU’S Chancellor candidate in the 1980 federal election was trying to exploit. A too ‘generous’ approach to foreigners might lose the gov votes in 1980 and subsequent elections.
* **One of Kuhn’s recommendations taken up:** grant 2nd gen foreigners right to naturalisation. Opposed by the CDU/ Christian Social Union.
* At the same time, introduced measures to reduce no. of foreigners who entered Germany under the principle of ‘family reunion’ which was a restrictive approach, opposed to emphasis on integration which was continued by the new CDU/FDP cabinet.
* **Kuhn replaced by Liselotte Funke (FDP).** Signalled another change to a three-pronged approach: exclusion of as many new arrivals as possible, repatriation of thos already in the country by the payment of inducements and integration of those foreigners who had definitely settled in the FRG.
* In response to wave of xenophobia, among SPD followers in German working class, Social Democratic gov declared: eg. FR not a country of immigration and should not become one. Further influx of foreigners outside of European Community should be prevented by all possible legal means, only a consistent /effective policy of limitation can the indispensable agreement of the German population for the integration of foreigners be secured.
* For the first time in history of post war Germany, asylum seekers were included in the category of undesirable aliens.
* Towards end of the 80s, 60% of foreigners had been born in the FRG and official thinking favoured the process of gradual adaptation. Reflected in Foreigners Law of 1990.
* **Moreover, no reference to the mantra like confession of ‘Germany- not an immigration country’, nor was return of foreigners demanded. In other words, immigration had taken place and was tacitly accepted.**
* Reduction in discretion of the state in granting residence entitlements or in allowing family reunion.
* Women and children granted own residence rights, independently of the head of the household.
* ‘These measures indicate the independence workings of moral obligations, not just legal constraints.’ (Joppke, 1999: 84).
* Still maintained fundamental distinction between Germans and foreigners, reference to recruitment of guestworkers as a unique event which must not be repeated. Thus, law did not represent the beginning of an official migration policy.

**Asylum seekers:**

* Article 16, para 2 of Basic Law granted: ‘every politically persecuted individual the right to asylum’ in the FR as a Basic Right.
* Protected by Law (Article 19), involved access to the German courts at all levels, including constitutional court.
* **Asylum provision was to be proof of the new Federal Republic’s commitment to humanitarian values.**
* Unrestricted right to asylum designed to be an ‘act of generosity’, symbol of Germany’s preparedness to atone for the crimes committed by the National Socialist regime: more Jews could have been rescued if there had been nations prepared to open their frontiers to them.
* Moral link between granting of asylum in the FR and the country’s National Socialist past meant that as this past was reassessed in the 80s, **the commitment to the asylum provision began to be questioned- long before number of asylum seekers actually coming into Germany created serious practical problems.**
* Numbers coming into Germany were small, most from Eastern Europe eg. They were white and could be used for political purposes.
* Change in 1973, Genscher (FDP): abuse of the asylum provision. Change in composition of new arrivals. Shifted to also Near East and Asia.
* Increase in the numbers coming from non- European areas caused concern. (considered with the murder of eighteen Israeli athletes at Olympics, 72).
* From 74, moved from a welcoming policy to one of ‘control’. Thus, visa requirements introduced for those with most refugees eg. Palestine, Afghanistan etc.
* 1974, Permanent Conference of Minister of the Interior decided on distribution formula for asylum seekers whose applications were pending. Indicated asylum seekers beginning to be seen as an administrative ‘burden’.
* Numbers increased from late 70s, search for earnest means to control them. Policy makers constrained by constitutional provision and range of legislative measures, aimed to speed up asylum procedures.
* Reduction in overall benefit provisions, ban on permission to work, for one year, extended to two, increased accommodation in communal centres.
* Almost loss financial support for language classes. – seen as preventing integration, inline with new policy of deterring refugees.
* With exceeding numbers in 80, alleged ‘abuse of asylum’ was exploited by the opposition and put the gov under pressure to introduce tougher measures.
* **Asylum Procedure Law of 82**- legalised social deterrence from granting of Asylum under Article 16/ii of the Basic Law.
* Narrowed right to asylum to the concept that persecution had to be carried out by the state organs but the non-refoulment of the Convention ie. **The protection from deportation to countries where the safety of the refugee was not guaranteed, remained**. – allowed numerous asylum seekers to stay in Germany on an inferior legal basis, the so- called ‘little asylum’.
* However, similar to foreigners, **policies agreed at a federal level implemented and gave ample scope to the more conservative to treat refugees in a way which would deter further arrivals.**
* Conditions for asylum seekers in Germany deteriorated to such an extent that UNHCR concluded that the FR had ‘created deterrence mechanisms against asylum seekers which were unique in Europe (**Holborn, 1975).**
* **Public scandal broke loose after public suicide of Turkish asylum seeker.** This event+ UNHCR’S exposure of treatment of asylum seekers ‘on the ground’ conflicted with the official image of the FRG both abroad and at home as a ‘humanitarian country’.
* 1984, Local and Land authorities began to demand changes to Article 16/II of the constitution as the only way to gain control of this migration process. – were regularly turned down at federal level, feared this would adversely affect Germany’s image abroad. Thus, a certain schizophrenia at the heart of German asylum policies. **Germans’ wanted right to asylum without asylum seekers’.**
* In this situation, German government began to ‘externalise’ the asylum issue, enlisted help of Europeans and other governments. Thus, in 87 visa requirements harmonised at European level.
* **‘Historikerstreit’ (Historians dispute),** about interpretation of Socialism. Could Nazi crime be compared to those committed by other regimes (Soviet Union), would this not belittle the uniqueness of National Socialist atrocities?
* Chancellor Kohl represented a generation untainted by the past and W Germany entering a ‘**normalisation’ phase where the NS past had become part of the country’s history.**
* Asylum provision had not been designed to deal with thousands of ‘economic migrants.
* Change of Article 16/II. Opposed by SPD and Greens- **saw in the preservation of an unrestricted right to atonement for the past and to humanitarian values in the treatment of persecuted of the day.**
* ‘Asylum’ went to heart of Germany’s political and moral identity. **Yet, meant that no political solution could be found**. On the contrary, the very passionate and public debates helped fuel xenophobia.
* When the iron curtain opened and German unification occurred, the no. of migrants of all kinds streaming into Germany that was unimaginable in the 80s.
* Country dealt admirably with the consequences but the underlying question, how to deal with asylum provision and migration generally involved further huge arguments.
* In conclusion, ‘old’ FR migration policies revealed absence of any well considered, comprehensive approach**. Considerable confusion in this policy area and the country was ill prepared for the new challenges which unification would bring.**

**Immigration into a non- immigration country: The German experience.**

* Empirically has been an immigration country from the beginning, Germany for a long time had difficulties accepting immigration/ integration as part of its history.
* Divergence between the empirical reality and self-description. (no immigration country)
* Roots come from Germany being an incomplete nation-state for a long time.
* Consequence of German partition and emergence of large Diasporas, Germany could not finish its nation- building project and thus renounced its immigration and integration reality. German reunification ended period of self- renunciation.
* Normalisation started after finalisation of nation building process: politics and law.
* ‘Germany is not a country of immigration’: formula of centre point of stubborn denial of Germany, characterised as an ‘undeclared’ country of immigration, one of the most important immigration countries of the world.
* Empirical evidence: (page 2). Self-description of a non- immigration country conflicts with empirical reality.
* **Political system of Germany,** CDU and Social Democratic Party, based less on division of ideologies or world- views but were able to articulate interests of different strata, resulted in immigration- induced mixing of the German population. As a consequence, this pol mass party succeeded in addressing socially heterogenous groups ‘to bind them to the newly institutionalised structures of the German democracy’ (Bommes 2006).
* **Religious sphere,** German Democratic Republics Catholics outnumbered Protestants as quantitively most important religion. ‘Mixture of Catholics and Protestants’ (Bommes 2006).
* **Guestworkers,** acted upon assumption that the stay in Germany would be temporary, which was wrong. Root of many integration problems today. Establishment of Islam.
* **Ethnic Germans,** rather successful pol and social integration.
* **Asylum seekers/ refugees,** main sources of migratory flow were pol, social and militant turbulences following collapse of the socialist countries.
* **Family migrants,** many visa applications for the purpose of family reunification.
* **Detail to explain dichotomy between empirical reality and self-declaration.** Joppke: **critics overlooked the normative dimension of this denial and its grounding in national self- definition of Germany.** From this point of view ‘no- immigration formula is overdetermined by history and culture’.
* **Self- definition of a no- immigration country found in former ethno- cultural mode of German nationhood,** was consequence of WW2. One of the side effects of the liberation of Germany from the Nazi regime was the division of Germany and thus the emergence of huge Diasporas.
* **Germany resembles Israel,** G perceived itself as the homeland of all Germans including those living in Diasporas. As a consequence, prioritised immigration of co- ethnics which was semantically disguised as return. Article 116 of the Basic Law: grants automatic citizenship to ethnic Germans fleeing from communism.
* **Main reason Germany had problems with accepting itself as an immigration country: risk of having to redefine the national identity of Germany and to weaken historical obligation.** Seen in pol semantics: immigrants between 55- 73 called guest workers, only status Germany could accept as there was still nation building to be done. **The nation building issue is done, ease in attitude towards no-** immigration formula. Relaxation seen as two side approach (exclusion of guest workers and include ethnic Germans) lost rationale. **Seen in pol and legal developments in last decade:** (page 6).
* **Act on assumption that the no- immigration semantics in material terms was much weaker than expected (Joppke, 69).** Political intention of being a non- immigration country **counteracted by strong rights and protections granted by legal system.** Strong role of the legal system has major implications for immigration policy… (p.7). **CONSIDER:** on one hand political self- denial which was a consequence of the unfinished business of nation- building and liberal and expansive mode of policy making and influencing by courts.
* **Normalisation process:** took place in various realms of society, pol and law. (Bommes, 2006).
* **Politics:** famous mantra unconvincing for 2 reasons: existence of immigrant population and rational of the denial, maintenance of the German nation- building project disappeared. Conservative party accepts country as one of immigration. **Still not easy for some. (p.8).** interesting is the emergence of a relaxed treatment of pol issue migration.
* **Law:** termination of discretionary process of naturalisation and introduction of a legal entitlement for naturalisation under certain circumstances. (p.8). (Law of Resolving Long- term effects of WW2). (New citizen law in 2000) (new immigration law of 2005). **Normalisation.**
* **Conclusion:** latecomer in many aspects. Has catching up to do but generally in the right direction. Challenge of illegal immigrants and highly skilled migrants?

Immigration and the Nation- State: Germany

* **Sovereignty and Citizenship: generic principles that are challenged by immigration.**
* **Sovereignty-** stateness of modern nation- states: final control over a bounded territory and populace. Territory the basic reference point of rule. Control over access to and stay within territory, which is the domain of immigration policy.
* **Citizenship-** modern state not as a territorial organization, but as a membership association. ‘internally inclusive’ and ‘externally exclusive’: rules bestowed equally on all members of the community, mechanism of closure, separating members and non- members.
* **Case selection:** Germany- classic type of ethnic nation, defined by common blood rather than common creed, which erects extraordinarily high barriers for the admission of new members. (Opposite to US). **Guest worker** regime recruiting temporary labour migrants. **‘immigration is considered a non- recurrent, historically unique event whose consequence are not yet fully mastered, and which is unlikely to be repeated in the future.’**
* **Denying the reality of immigration.**
* **Failure of immigration control in the area of asylum seeking.** In this case, a traumatic national past, which tabooed the questioning of the redemptive constitutional right of asylum, has obstructed effective immigration control.’
* **Challenge to citizenship as a legal status has been most dramatic in Germany.** was withheld from immigrants. Non- citizen status of later generation immigrants should not matter much. Not the case for Turks, their access to citizenships attests to unbroken relevance of national citizenship: introduction of as-of-right naturalization in 1993.
* **Multiculturalism meant to pluralize ethnic nationhood, something more modest to achieve.** Especially the case for Germany ‘**where the notion of multicultural society is addressed to the majority population, and consists of the moderate request to respect the very fact of ethnic diversity brought about by immigration’ (p.12).** Matter is complicated by the peculiarly post national thrust of German multiculturalism, which feeds on the general delegitimation of nationhood after the Nazi regime… (p.12). Ethnic groups only marginally involved.

**Not a country of migration: Germany**

* P.63, p64
* Recovering sovereignty in Asylum policy
* After unity: toward an immigration policy? P.95

WHY DID GERMANY CONSIDER ITSELF A COUNTRY OF NO IMMIGRATION? WHAT WAS ITS INITIAL POSITION? Origins of legal- pol framework, context.

* As of today, successive governments still stubbornly stick to the idea of Germany as ‘Kein Einwanderungsland’, despite being one of the largest immigrant receiving countries in the world between period of 50- 1993. (Insert statistic, p.62).
* Alongside other countries in Europe, Germany does not define itself as a ‘nation of immigrants’. However, Germany is the only country to continually repeat this notion, making it inherently apparent in its self-definition as a nation and within its public policy.
* When this maxim was officially adopted in 1977 by the federal government (reference), these principles went against the four million foreigners in Germany, who had established their presence and showed no immediate sign of leaving. The advocation of the no- immigration maxim was a response to the guest worker immigration narrative, in which the Federal Republic didn’t want to see be repeated. DETAIL OF GUESTWORKER
* The Federal Republic seemed so eager to historicize the entire guest worker ordeal as the **‘recurrent immigration was at odds with the ethnocultural mode of nationhood’** (reference, p.63). Although seemingly delegitimized of the racist ideologies of the Nazi regime, the ethnocultural mode of nationhood remained indirectly enforced and was sustained by the outcome of the second World War, alongside the dispersal of German diasporas in communist Eastern Europe and the Soviet Union and the nation being ultimately divided as well.
* With all this as a backdrop**, ‘the Federal Republic defined itself as a vicarious, incomplete nation- state, home for all Germans in the communist diaspora’**. (reference, p63).
* This concept is iterated in the preamble to the Basic Law: ‘The entire German people remains asked to complete the unity and freedom of Germany in free self- determination’. (reference?).
* Comparably, (West) Germany was the seen as the homeland to all Germans, like Jews were to Israel, thus it prioritized the immigration of co-ethnics.
* This notion has been preserved in Article 116 of the Basic Law, in which ethnic German refugees are automatically entitled to German citizenship.
* Thus, the admission of foreigners to the national community would have potentially posed a threat of having to redefine Germany’s national identity **‘and of diluting the Federal Republic’s historical obligation to its dispersed and repressed co-ethnics in the East.’** (reference, p. 63).
* Reiterated by Kay Hailbronner (1983: 2113): **‘Conceiving of the Federal Republic as a country of immigration with multiple national minorities would contradict the Basic Law’s conception of a provisional state geared toward the recovery of national unity’.**
* Thus, what can be inferred here is that only within Germany’s preservation and attempt at recovering national identity, alongside the end of communism has the attitude towards the no-immigration formula become more relaxed.
* Effectively, the resettlement process of ethnic German’s has since been limited by a quota as the rate of migration eventually became regulated.