

Immigration, Asylum and Citizenship in Germany: The Impact of Unification and the Berlin Republic

SIMON GREEN

In recent years, there has been much debate over whether post-unification Germany, often termed the 'Berlin Republic', represents a substantive change from the 'Bonn Republic', that is, West Germany. This article analyses Germany's immigration and citizenship policy against this background by examining various dimensions of immigration before and after unification. The article argues that both unification itself and Germany's changed international environment have resulted in far-reaching changes in policy, which have forced a reappraisal of Germany's traditional self-image as a 'non-immigration country'.

Since the end of the Cold War and the unification of Germany in 1990, there has been a lively academic and journalistic debate over the differences, real or otherwise, between the internal political and economic structure of pre- and post-unification Germany. In the context of this debate, the term 'Bonn Republic' has been used to denote the 'old' Federal Republic of Germany's (FRG) political system, with its emphasis on political stability, consensus politics, high welfare expenditure and a multilateral foreign and defence policy. By contrast, the new 'Berlin Republic', which arose out of German unification on 3 October 1990, is seen to refer to a more fluid polity, in which traditional patterns of domestic politics and policy are called into question, and whose foreign policy is 'normalising' in terms of pursuing clearly-defined national interests.¹

Certainly, the use of the 'Bonn' and 'Berlin Republic' labels themselves is by no means uncontroversial.² Yet notwithstanding the inevitable structural changes to the German polity brought about by unification to reflect the addition of the former German Democratic Republic (GDR), the evidence to suggest that Germany has changed fundamentally is inconclusive. On the one hand, Manfred Schmidt, William Paterson and Douglas Webber have all highlighted the broad continuities that have persisted in post-unification Germany's political economy, foreign policy

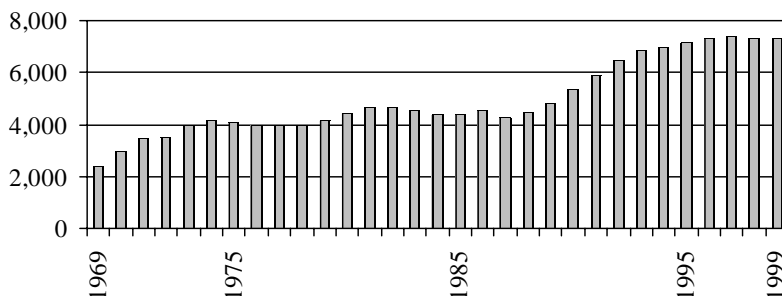
and consensus-oriented policy-making respectively.³ On the other hand, the Berlin Republic has undeniably witnessed some significant changes: for instance, Germany's collective bargaining structures have weakened since 1990, the electorate's voting patterns have become less predictable and there has been a considerable fragmentation of interests at the level of individual federal states, the *Länder*.⁴ While these changes are generally acknowledged to have taken place, the Berlin Republic's role in bringing about these changes remains a point of contention, given that many of them actually predate unification.⁵

Simultaneously, the period since 1990 has seen the confirmation of immigration as one of the key policy themes in western Europe, a development which itself is widely reflected in the academic literature.⁶ It is against this dual background that this article examines Germany's immigration and citizenship policy, which have been two of the hitherto less well-covered policy areas in the Bonn/Berlin Republic debate. That these areas should not have received greater attention is perhaps surprising, given their importance throughout the EU and their status as two of the most enduring and contested policy issues of both West and united Germany. Immigration to Germany has also been unique in two principal ways when compared with other EU member-states. On the one hand, the number of non-German residents (*Ausländer*) in Germany is far higher than in any other country of the EU, and on 31 December 1999 stood at over 7.3 million, representing nine per cent of the population (Figure 1).⁷ On the other hand, immigration to the FRG since 1945 has come from a variety of sources. Whereas the influx in the late 1940s and early 1950s consisted mainly of German refugees in the aftermath of the Second World War, the focus during the 1960s and 1970s was on labour recruitment from Mediterranean countries. By contrast, from the 1980s onwards, it was asylum seekers who were coming to west Germany in increasing numbers. As a result, united Germany's immigrant population is not only large, but also heterogeneous in its origins, and consisted of over two million Turks and around one million citizens from the countries of former Yugoslavia in 1999.

Yet, both before and after unification, successive governments have maintained that 'Germany is not a country of immigration' (*Deutschland ist kein Einwanderungsland*), arguing that because Germany did not actively seek permanent new immigration, the established tools of immigration policy (for example, quotas and an inclusive citizenship law) were unnecessary.⁸ This received wisdom persisted despite the fact that there was net immigration by foreigners in all except ten years between 1955 and 1999.⁹ It was this contradiction which prompted Dietrich Thränhardt to famously characterise Germany as an 'undeclared immigration country'.¹⁰

This contradiction had its roots in West Germany's domestic and

FIGURE 1
NON-GERMAN POPULATION IN GERMANY, 1969–99, THOUSANDS



Source: Statistisches Bundesamt.

international environment, in which immigration and citizenship policy was defined by the end of the Second World War, economic reconstruction and the country's partition. In united Germany, by contrast, policy has been formulated in reply to the end of the bi-polar world, economic globalisation and the disintegration of Yugoslavia. As this article argues, these externalities, combined with changes in the domestic political arena, have resulted in a fundamental reorientation of both immigration and citizenship policy, including the political reappraisal of Germany's conceptualisation as a 'non-immigration country'.¹¹ To illustrate this transformation, three key themes of immigration and citizenship are examined, each of which has arisen in different forms both in the Bonn and Berlin Republics: immigration by war refugees and ethnic Germans, by labour migrants and by asylum seekers. The concluding section identifies new agendas, in particular the agenda of Europeanisation, which will determine the direction and shape of immigration policy in the new Millennium.

IMMIGRATION AND CITIZENSHIP IN THE BONN REPUBLIC

The key to understanding the changes brought about by the Berlin Republic in immigration and citizenship lies in establishing the development of the issues during the Bonn Republic's lifespan from 1949 to 1990. During this period, the three themes of ethnic German refugees, labour migration and asylum seekers arose chronologically to produce the intricate and often contradictory policy which was to form the point of departure for the Berlin Republic's subsequent changes.

War Refugees and GDR Citizens, 1945–61

Although before 1945 Germany had traditionally been considered as a country of emigration,¹² immigration was, right from the outset, one of the defining characteristics of the Bonn Republic. Ironically, the first immigrants to west Germany were not *de jure* immigrants at all, but rather the millions of Germans who had fled westwards as the advancing Red Army reached Germany in late 1944/early 1945. In the aftermath of the end of the war, they were joined by many of the remaining Germans in the areas returned or ceded to Poland, the Soviet Union and Czechoslovakia, who were forcibly expelled from their homes and land. By 1950, around 12 million such refugees or expellees (*Vertriebene*) had fled to the FRG, the GDR and Austria, of which almost eight million had settled in the FRG.¹³ Although the *Vertriebene* were not always accorded the warmest of welcomes in those communities where they settled, their high degree of political organisation meant that they were quickly taken seriously by the established parties.¹⁴ Accordingly, the 1952 Equalisation of Burdens Law (*Lastenausgleichsgesetz*) and the Law for the Assessment of Damage Resulting from Expulsion and the War (*Schadenfeststellungsgesetz*) of the same year granted them generous financial assistance for the reconstruction of their livelihoods.

However, after 1950, with the Cold War taking hold in Europe, ethnic German immigration from what was now the Eastern Bloc was reduced to a trickle. It was not to reemerge as a significant form of immigration until the late 1980s, and is discussed subsequently. Instead, the focus of migration to west Germany shifted to east Germans fleeing the GDR. Between 1949 and 1961, when the construction of the Berlin Wall and the comprehensive sealing of the GDR physically prevented any more refugees from reaching the west, 2.5–3 million GDR residents (*Übersiedler*) settled in the FRG: in the latter stages of this development, up to 3,000 were arriving daily. Fortunately, these too could be quickly integrated into an economy hungry for labour.

In addition to generous financial provisions, the integration of these two groups of immigrants was facilitated by the fact that, technically, they were Germans. In drafting west Germany's Basic Law, the Parliamentary Council had, in Article 116, defined as German (but *not* West German) all those of German cultural and ethnic descent (*Volkszugehörigkeit*) who had settled within Germany's boundaries of 31 December 1937. This expansive definition therefore included all the *Vertriebene*, as the provision of cultural descent covered them even if they did not actually hold formal German nationality at the time. Moreover, because Article 116 included the territory of the GDR, all its citizens were automatically German citizens too.

The constitutional provision in Article 116 built on Germany's existing citizenship law, the *Wilhelmine Reichs- und Staatsangehörigkeitsgesetz* (RuStAG) of 22 July 1913. This in turn bore the hallmarks of that era's ethnocultural nationalism and stipulated that German citizenship could only be inherited by descent (the principle of *jus sanguinis*). The combined effect of these laws was threefold. First, it provided the FRG with the legal justification for taking in the refugees and expellees of the early post-war years, a rationale which the Allies actively encouraged. Second, and more importantly in the long-term, it cemented Konrad Adenauer's claim that only west Germany represented all Germans (*Alleinvertretungsanspruch*). In consequence, it was crucial that the FRG did not establish a separate West German citizenship, and that its existing definition of nationality included all east Germans, which Article 116 achieved. When combined with the RuStAG's provision for *jus sanguinis*, it meant that all East German citizens also passed their German citizenship on to their descendants, despite the GDR establishing its own citizenship law.¹⁵ Third, it precluded a revision of citizenship as long as the GDR existed, thereby effectively institutionalising the ethnocultural inflexions of the RuStAG. This was to have important implications for the second main group of immigrants to West Germany – labour migrants.

Gastarbeiter – Temporary Migrants into Permanent Residents

In contrast to war refugees and ethnic Germans, labour migrants did not enjoy this privilege of automatic admission to membership of the German citizenry. Indeed, the original intention was that labour migrants should not even settle permanently in west Germany – hence the use of the somewhat euphemistic label 'guestworkers' (*Gastarbeiter*).

The principle behind the recruitment of guestworkers was the temporary alleviation of labour shortages in specific sectors.¹⁶ Refugees, expellees and *Übersiedler* had been easily absorbed by the labour market and, by the mid-1950s, the Adenauer government was looking to the Mediterranean countries for labour to meet the economy's demands for rapid expansion. In December 1955, the federal government signed a formal recruitment treaty with Italy, which permitted the Federal Labour Office to open recruitment centres in that country.¹⁷

Initially, the recruitment of guestworkers was small-scale. Between 1951 and 1960, the number of foreigners in Germany had only risen marginally in absolute terms from 506,000 to 686,000. However, with the end of refugee flows from the east following the construction of the Berlin Wall in 1961, and with the newly established Bundeswehr removing a further 500,000 men from the labour market, recruitment was expanded massively in the 1960s. Already by 1964 the one-millionth guestworker had

arrived in Germany. The basis of this and subsequent rapid increases was further recruitment treaties, signed with Spain and Greece (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968). Initially, Italians predominated among guestworkers, but from 1971 Turks constituted the single largest nationality.

The idea behind such labour recruitment was simple. Young males would be hired to work in west Germany for two to three years, after which they would return home, to be replaced by fresh labour. This principle of rotation (*Rotationsprinzip*) had the aim of avoiding social costs associated with permanent migration (for instance via the education of immigrant children), and was initially highly successful: of the 14 million guestworkers who came to Germany between 1955 and 1973, 11 million returned home.¹⁸ However, industry quickly came to prefer longer term or even permanent work contracts, which avoided the costly need of constantly having to train new employees, and by the early 1970s the transformation of temporary migrants into permanent residents had begun.

This transformation was decisively influenced by the decision of the federal government under Willy Brandt, consisting of the social-democratic and liberal parties (SPD and FDP), to impose a ban on all further recruitment (*Anwerbestopp*) on 23 November 1973, in anticipation of the impending oil shock. Although the ban, which remains in force to this day, had the desired effect of preventing new recruitment, it also encouraged the remaining guestworkers, many of whom already had long-term contracts, to remain in Germany and bring their families over to join them. Ironically, therefore, the *Anwerbestopp* had the unintentional side-effect of creating a permanent immigrant minority.¹⁹

The government and political parties were slow to react to this changed reality. Not until 1977 did a government commission define a broader policy framework for foreigners (*Ausländerpolitik*) which did not consider their presence purely as a function of the labour market.²⁰ However, even then, the report's conclusions were effectively contradictory: as well as explicitly confirming that Germany was not a country of immigration, it recommended that foreign workers should be encouraged to return to their countries of origin and simultaneously integrated into German society. This fudge reflected the different priorities of the SPD, which held the reins of power in the Bundestag, and the Christian-democratic CDU/CSU, which dominated the upper chamber of parliament, the Bundesrat. While the SPD favoured the integration of existing immigrants, the CDU/CSU gave priority to voluntary repatriation in order to reduce the numbers of foreigners. Both parties agreed on the need to prevent further labour migration, albeit for different reasons: the SPD (and unions) wanted to protect jobs while the CDU/CSU was more concerned about the effect of immigration on German identity.

However, external events soon overtook this policy framework. Despite the *Anwerbestopp*, immigration continued to take place. On the one hand, this was in the form of wives and children joining the largely male guestworker generation which had remained after 1973. On the other hand, from 1980 onwards, asylum seekers also came in greater numbers, which will be discussed further below. The effect of both these migrations was to increase the foreign population from almost four million at the time of the *Anwerbestopp* to over 4.6 million in 1981.

The continuation of immigration even after it had ostensibly been terminated caused consternation among the population. Between 1979 and 1982, the issue exploded onto the political scene for the first time in a wave of popular xenophobia (see also below).²¹ Such fears were skilfully exploited by Helmut Kohl's CDU/CSU, which placed great pressure on Helmut Schmidt's government to appear tough on immigration.²² Hastily instituted measures to restrict immigration of dependants in December 1981 and a revision of asylum procedural laws in 1982 temporarily silenced the SPD-FDP coalition's critics, but ultimately, *Ausländerpolitik* remained a thorn in the Schmidt government's side until its downfall on 1 October 1982.

However, notwithstanding the new CDU/CSU-FDP government's tough rhetoric, there was little substantive variation in *Ausländerpolitik* following the change of government in 1982, a feature which was also reflected in other policy areas.²³ A temporary law to promote voluntary repatriation was passed in 1983, which was aimed principally at unemployed foreigners and offered them what Peter O'Brien termed a 'get-lost premium'.²⁴ However, despite encouraging almost 200,000 to leave in 1984, its impact was rather limited and the law was unceremoniously dropped when it came up for renewal. By 1989, the number of foreigners had again exceeded the previous peak, in 1982, to stand at 4.85 million, representing 7.7 per cent of the population.

Politically, the 1980s were characterised by fundamental party political differences over the future direction of *Ausländerpolitik*. These were not only between the two large parties (*Volksparteien*), but also within the CDU/CSU, where a vocal minority rejected both the non-immigration dogma and the ethnocultural inflexion of citizenship that still dominated the party.²⁵ Nonetheless, the CDU/CSU-FDP government in 1984 took the significant step of conceding that 'no state can in the long run accept that a significant part of its population remain outside the political community'.²⁶ By 1989, there was even a general consensus that the guestworker generation and their dependants would, in all probability, remain in Germany permanently. Remarkably, it had taken 34 years since the first recruitment treaty was signed and 16 since the imposition of the

Anwerbestopp for this fact to dawn on the most conservative sections of west Germany's political elite. By then, the second generation of immigrants was already growing up, and the birth of the third generation was, in many cases, imminent.

Yet despite the fact that by 1989 50 per cent of all foreigners had lived in Germany for over ten years, and in spite of their undisputed economic contribution to Germany,²⁷ few foreigners enjoyed the kind of security of residence that was common in other countries. Initially, their residence had even been regulated by a leftover from the Third Reich, the Foreigners' Police Decree of 1938 (*Ausländerpolizeiverordnung*), and only in 1965 was a dedicated 'foreigners' law' (*Ausländergesetz*) enacted. However, this legislation rapidly became the focus of vociferous criticisms, as it not only accorded the bureaucracy wide discretion in the implementation of the law, but the guidance that was given in the secondary legislation (*Verwaltungsvorschriften*) made few concessions to the interests of foreigners.²⁸ In addition, the exclusive reliance of German citizenship law on *jus sanguinis* as the principle of ascription at birth meant that children of foreigners born in Germany remained foreigners – unless they chose to naturalise as Germans later in life. The momentum for reform was painfully slow; as late as 1988, the Federal Interior Ministry still attempted to impose a draconian set of residence restrictions on immigrants.²⁹ It was not until 1990, and after yet more controversy, that a new *Ausländergesetz* was passed, which gave foreigners a number of important legal entitlements, as well as introducing a new simplified procedure for naturalisation.

Asylum Seekers in West Germany

However, in many respects it is asylum migration to Germany which has defined much of the content of the public debate on immigration during the life of the Bonn Republic, despite being formally separate from labour migration.³⁰ As a deliberate measure of atonement for the persecution of Jews during the National Socialist era, the right to political asylum had been laid down in Article 16 of the Basic Law. This was a remarkable innovation, encompassing as it did a general *right* to asylum, which *de jure* went over and above the international obligations of the Federal Republic: in the 1951 Geneva Convention, asylum was merely to be *granted* by signatory states. Asylum seekers were accorded generous welfare benefits and, crucially, were allowed to work while their applications were being processed.

For the great part of the post-war era, West Germany could afford to be generous in its provision of this right to political asylum, as the number of applicants remained low, averaging only 7,100 per annum between 1953 and 1978.³¹ However, the situation changed dramatically from the late 1970s onwards. Applications shot up between 1976 and 1980, the year when they

first exceeded 100,000. The rise in asylum applications had a major effect on the wave of anti-immigrant sentiments around that time. Even though Turkey had experienced a military coup in 1980, the fact that over half of the asylum applications for that year came from Turks led some commentators to suspect that the real motive of some applicants for asylum was to circumvent the *Anwerbestopp* of 1973.³² The problem was complicated by the fact that most of the ex-guestworkers (legal residents in Germany) were also from Turkey. As a result, all Turks, irrespective of either the legal basis or the length of their residence, were effectively tarred with the same brush. Popular fears of *Überfremdung* (excessive immigration by alien cultures), were given a respectable edge by various contributions in the quality press, especially the so-called 'Heidelberg Manifesto' of June 1981, which not only called for an end to immigration, but also for the maintenance of the cultural and linguistic purity of the German people.³³

In reply, the SPD-FDP government announced a set of emergency measures, which included the first of a series of laws to tighten asylum procedure. As a result, asylum applications did drop sharply between 1981 and 1983, but by 1988, the 100,000 mark had been reached again. This rapid increase had two main effects. On the one hand, it provided an early incentive for Germany to support a European-level solution to asylum, pressure for which had in part emerged out of the Schengen Agreement of 1985. On the other hand, the rising levels of asylum applications also carried a political price in the form of renewed electoral success for the extreme right: the Republikaner secured representation at the 1989 West Berlin election and again at the European Parliament election later that same year on an overtly anti-immigration platform. With the CDU/CSU beginning to demand an amendment of Article 16 of the Basic Law in order to restrict this immigration, asylum as a political issue was clearly not going to go away.

Nonetheless, by the time the Bonn Republic drew to a close in 1990, Germany's immigrant minorities had developed stable residence patterns. They were concentrated in the big industrial Länder and cities, and accounted for up to 30 per cent of the population in cities such as Frankfurt am Main. They enjoyed the same rights of social citizenship as Germans, but had almost no political rights and, in common with non-white immigrants in other European countries, tended towards a generally poorer socio-economic situation than the indigenous population.³⁴ The former *Gastarbeiter* generation constituted the core of this minority, with their dependants and asylum seekers providing most of the new arrivals. Politically, the situation was also uncertain. Not only did the Kohl government continue to propagate that Germany was not a country of

immigration, but the very existence of the GDR prevented the fundamental realignment of citizenship policy that the stability of immigrants' residence so patently demanded. Only with the advent of the Berlin Republic following unification would these cardinal principles of the Bonn Republic be called into question.

IMMIGRATION AND CITIZENSHIP IN THE BERLIN REPUBLIC

When Germany was reunified in 1990, it was, therefore, left with a complex legacy in this area, which had arisen not only out of the different types of immigration that had hitherto developed but also out of the political responses to them. Yet on the surface unification actually changed very little. Although the GDR had also employed guestworkers, principally from Vietnam, this had never even approached the scale of West German recruitment, and the regime actively discouraged those who did come to work from building contacts with the East German population.³⁵ As a result, not only was the number of foreigners in the new Länder much lower than in the west, but few in the population there had any experience of contact with immigrants. With over 96 per cent of Germany's immigrants living in the old Länder in 1998, *Ausländerpolitik* remained essentially a western German issue.

However, three key factors were to change the entire dynamics of *Ausländerpolitik* in the Berlin Republic. Unprecedented immigration flows, in the form of ethnic Germans and asylum seekers, forced a political reappraisal of some of the Bonn Republic's canons of immigration policy, while the very nature of unification was also to permit a long-overdue repositioning of citizenship law.

The Return of the German Diaspora

The first exogenous factor arose out of the end of the Cold War, which made East–West migration possible for the first time in decades. Some of the first people to make use of this were ethnic Germans (*Aussiedler*) from Poland, Romania and the former Soviet Union. While few of these people had little direct link with Germany, their ancestors having left Germany centuries ago, they had also suffered for their ethnicity at the hands of the Communist regimes.³⁶ Their right to return had been enshrined in the 1953 Refugees' and Expellees' Law (*Bundesvertriebenen- und Flüchtlingsgesetz*), which extended the provisions of Article 116 of the Basic Law to these groups.

As long as this right of return was not taken up in any significant numbers, it was easy for west Germany to continue the 'state posturing' which was already evident in its approaches to asylum and citizenship.³⁷ But when the numbers of *Aussiedler* coming to Germany shot up from 43,000

in 1986 to almost 400,000 in 1990 alone, the Kohl government moved swiftly to close off this route. Significant procedural restrictions were introduced in 1990 by the Ethnic Germans' Reception Law (*Aussiedleraufnahmegesetz*), and a final line was drawn under this form of immigration in 1993 by the Law Dealing with Late Consequences of the Second World War (*Kriegsfolgenbereinigungsgesetz*). This set a *de facto* annual immigration quota of 225,000, as well as limiting the status of ethnic Germans to those born before 1993, which was justified by the argument that persecution of ethnic Germans had effectively ended. When combined with the deterrent effect of more general socio-economic difficulties in Germany, these changes have caused the number of new arrivals to drop to 105,000 by 1999, although between one and two million potential ethnic German immigrants remain in the former Soviet Union.³⁸

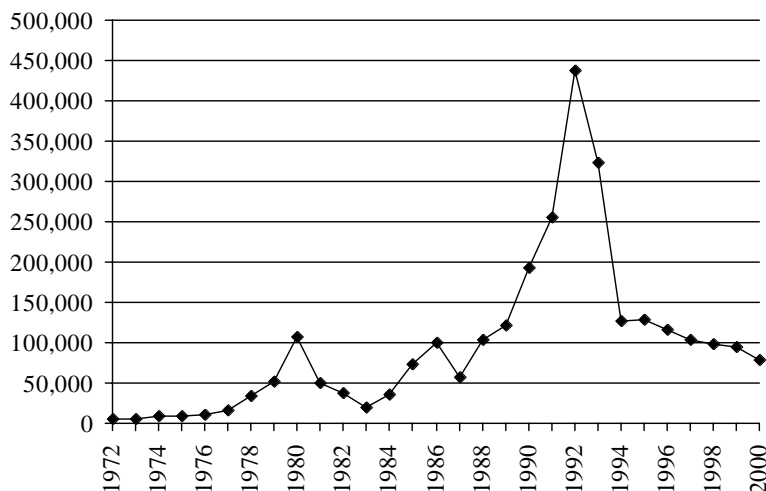
The impact of the Berlin Republic on ethnic German immigration has thus been considerable. On the one hand, the factors which permitted the establishment of the Berlin Republic in the first place simultaneously created a window of opportunity for *Aussiedler* to come to Germany. On the other hand, these same factors made the maintenance of state posturing in favour of ethnic German immigration unsustainable. The fact that the CDU/CSU still supports the principle of ethnic German immigration may thus have more to do with the clear electoral advantage the party gains from them.³⁹

The rise and fall of ethnic German immigration in the early 1990s has also had important implications for the ethnocultural definition of German nationhood. Initially, this was actually strengthened by the resurgence of ethnic German immigration, with its privileged access to citizenship.⁴⁰ Yet by achieving closure of this issue in 1993, the ethnocultural element in German citizenship has been effectively reduced, and the emphasis shifted firmly away from the 'long-distance' citizenry that ethnic Germans had represented.⁴¹

The Asylum Crisis, 1990–93

The second exogenous factor to change *Ausländerpolitik* also arose out of the end of the Cold War. With travel restrictions lifted from the former eastern bloc, and with the beginnings of the civil war in former Yugoslavia, a greater number of potential asylum seekers had both the motivation and the opportunity to make their way westwards. Germany's geographic position, constitutional asylum provision and above-average welfare benefits made it an obvious destination, and new applications soared from 121,318 in 1989 to a record 438,191 in 1992 (Figure 2). Most of these came from eastern Europe, especially from Poland, Yugoslavia, Romania and Bulgaria.

FIGURE 2
ASYLUM SEEKERS TO GERMANY (ANNUAL NEW APPLICATIONS, 1972–2000)



Source: Bundesamt für die Anerkennung ausländischer Flüchtlinge.

Ironically, Germany's narrow interpretation of agents of persecution to exclude non-state organisations meant that only a small percentage of applicants could expect to be formally recognised as political refugees.⁴² However, the sheer number of cases created a substantial administrative backlog, which, when combined with numerous practical difficulties in actually deporting rejected applicants, meant that a much larger number achieved *de facto* residence in Germany. Thus, in 1993, there were over 750,000 people in Germany who had not yet made an application for asylum or whose applications had been turned down (so-called *de facto* refugees). In addition, there were over 500,000 asylum seekers whose claims were being processed and a further 350,000 temporary refugees from Bosnia-Herzegovina in Germany.

With these three groups alone accounting for over 1.5 million immigrants in both 1992 and 1993, public concern rocketed. In *Politbarometer* opinion polls of the most important political issues of the day, immigration and asylum dominated, rising to record levels in 1991 and 1992. Perceptions of the 'abuse' of asylum for economic reasons were widespread, and the political failure to differentiate adequately between different types of migration meant that, as had happened before in 1980, asylum came to dominate the image of permanent residents in society.

Unsurprisingly, extreme right-wing parties again stood to benefit electorally. Although unable to make an impact at the first post-unification Bundestag election in 1990, they returned in 1991 and 1992 to poll over five per cent in Land elections in Bremen, Baden-Württemberg and Schleswig-Holstein. More worryingly, the political success of such parties was accompanied by a dramatic increase in violence against foreigners, of which the anti-asylum riots in the east German towns of Hoyerswerda (1991) and Rostock (1992), and the firebombing of Turkish families in Mölln (1992) and Solingen (1993), which caused eight deaths, were the most tragic instances. Although the number of racially motivated attacks dropped off again in the mid-1990s, their higher incidence in the new Länder, where the number of immigrants is far lower than in the west, remains a matter of considerable concern.

These events produced a political crisis in newly united Germany. For the CDU/CSU and FDP, the asylum crisis threatened the very credibility of democracy, which vindicated the parties' long-standing proposal to amend the constitutional provision for asylum. Only this, the two parties argued, would restore the population's faith in the political system's ability to deal with their concerns. For the SPD and Greens, by contrast, any attempt to amend Article 16 of the Basic Law, which required at least the SPD's consent, constituted an unacceptable departure from what they considered to be one of the Bonn – and Berlin – Republic's core values, namely providing a safe haven for political refugees.

After a long and painful period of soul-searching, the SPD finally gave in, and on 6 December 1992 a cross-party compromise on asylum, citizenship and ethnic Germans was reached between it and the CDU/CSU–FDP governing coalition. The central component of this compromise was the overhaul of the constitutional provision for asylum. In a new Article 16a in the Basic Law, the right to asylum was to be restricted to those applicants who did not come from a so-called 'safe country of origin', and to those who had not travelled to Germany via a so-called 'safe third country'.⁴³ The Basic Law was duly amended on 28 June 1993, and since 1994, the first full year these new provisions were in force, asylum applications have dropped sharply, falling below 100,000 in 1998 for the first time in a decade. Indeed, in 2000 the UK even overtook Germany as the most popular destination for asylum seekers in the European Union.

In its impact on immigration policy in the Berlin Republic, the asylum crisis bears some similarities to the case of ethnic German immigration. Here, too, the end of the Cold War that brought unification also made it possible for hundreds of thousands of people to actually take the helping hand that Germany had officially extended to them. However, this hand was once again quickly withdrawn when immigration threatened to spiral out of

control. Certainly, the CDU/CSU was arguing in favour of an amendment of Article 16 even before the Berlin Republic. However, it is doubtful whether the SPD would ever have agreed to such an amendment without the immigration flows which were only caused by the end of the Cold War. Just like the final restriction of ethnic German immigration in the *Kriegsfolgenbereinigungsgesetz* of 1993, the wide-ranging reform of asylum policy in 1993 signalled the departure from one of the Bonn Republic's moral foundations – in this case, offering the (theoretically) unrestricted right to asylum.

The Reappraisal of Citizenship

In contrast to the exogenous nature of the previous two factors, the very existence and nature of the Berlin Republic itself also had important implications for citizenship policy, which had remained unresolved at the time of unification. The end of the partition of Germany removed the formal need for the FRG to maintain the Wilhelmine RuStAG as the basis of its citizenship. For the first time, the government's policy objective of long-term naturalisation for immigrants, which had already been laid down in 1984, could be addressed by liberalising citizenship policy. This change itself was becoming more and more necessary. Not only was the non-German population increasing because of immigration and high birth rates, but also because of mostly insignificant naturalisation rates (Table 1).

This very low number of naturalisations can be attributed principally to the legal provisions which were laid down in the RuStAG and 1977 Guidelines on Naturalisation (*Einbürgerungsrichtlinien*). These gave the authorities almost complete discretion in awarding citizenship, while simultaneously recommending minimum requirements of long residence, payment of high fees and the renunciation of the applicant's existing citizenship.⁴⁴

The 1990 *Ausländergesetz* represented a first, highly tentative step in the direction of reform. It introduced a simplified naturalisation procedure (*erleichterte Einbürgerung*) for young foreigners aged 16–23 and for those with over 15 years' residence, subject to a number of other conditions, including avoidance of dual citizenship. Yet, even then, this procedure was only available 'as a rule' (*Regelanspruch*) as well as being temporally limited to 1995. Only in 1993, as part of the 1992 cross-party deal on immigration, was this procedure turned into an unlimited legal right (*Rechtsanspruch*).⁴⁵

These procedures did have some effect by quadrupling the naturalisation rate between 1991 and 1999. Yet, overall, the impact of these changes can only be considered as marginal: naturalisation rates in other EU countries have generally been much higher.⁴⁶ Tellingly, not until 1998 did the number

TABLE 1
NATURALISATIONS OF FOREIGNERS IN GERMANY, 1976-99, AS TOTAL AND
AS PERCENTAGE OF FOREIGN POPULATION

Year	1976	1977	1978	1979	1980	1981	1982	1983
Total	13 134	13 535	14 075	15 172	14 969	13 643	13 266	14 334
Per cent	0.3	0.3	0.3	0.4	0.3	0.3	0.	30.3
Year	1984	1985	1986	1987	1988	1989	1990	1991
Total	14 695	13 894	14 030	14 029	16 660	17 742	20 237	27 295
Per cent	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.5
Year	1992	1993	1994	1995	1996	1997	1998	1999
Total	37 042	44 950	61 709	71 981	86 356	82 913	106 790	143 267
Per cent	0.6	0.6	0.9	1.0	1.2	1.1	1.5	2.0

Note: Total naturalisations exclude ethnic Germans. Figures from 1994 include simplified naturalisations under procedures first introduced in the 1990 *Ausländergesetz*.

Source: Statistisches Bundesamt; own calculations.

of naturalisations actually exceed the number of live births of foreign children in Germany for the first time. Indeed, based on recent demographic and political trends, some analysts have predicted that the non-German population would increase to 12.5 million by 2030.⁴⁷

As a result, citizenship policy moved up the political agenda in the 1990s and, during the 1994–98 legislative period, the main political parties were involved in what at times amounted to a competitive bidding process over proposals to reform the RuStAG. On the one hand, the CSU, along with most of the CDU, insisted on a form of *de facto* dual citizenship for non-German minors, but with the obligation to choose at age 18 (so-called *Kinderstaatszugehörigkeit*).⁴⁸ On the other hand, the SPD, FDP and Greens all argued for some form of full *jus soli* (territorial principle) with associated tolerance of full dual citizenship.⁴⁹ With consensus between the positions in short supply, and the opposition dominant in the Bundesrat, the ruling CDU/CSU–FDP coalition was happy to settle for a ‘non-decision’ and delay the reform until after the 1998 Bundestag election.⁵⁰

When the 1998 election produced a sensational victory for an SPD–Green alliance under Gerhard Schröder, a reform of the RuStAG became one of the new government’s top priorities. Initially, the joint SPD–Green majority in both Bundestag and Bundesrat seemed to provide the government with a practical *carte blanche* to implement their conceptions of German citizenship, and the resulting proposal represented a radical departure from existing practice, by introducing both *jus soli* and a general acceptance of dual citizenship.

However, in reply, the CDU/CSU launched an unprecedented public petition campaign against dual citizenship, which had attracted a massive five million signatures by May 1999. More importantly, the politicisation of the issue helped to bring the CDU and FDP victory in the Hesse Land election of 7 February 1999, which simultaneously cost the SPD and Greens their majority in the Bundesrat. As a result, the original proposal had to be altered in its most radical section for it to pass the Bundesrat: the acceptance of dual citizenship in naturalisations was dropped and dual citizenship arising through *jus soli* was limited until age 23. This enabled the SPD–FDP coalition in Rhineland-Palatinate to agree to the proposal and thereby re-establish the government’s majority. The final, amended version came into force on 1 January 2000.

The new law is different in a number of respects from the original proposal published in early 1999, which threaten to reduce its effectiveness in encouraging more naturalisations.⁵¹ Nonetheless, its impact should not be underestimated. For three reasons, such a radical reorientation of citizenship was impossible during the division of Germany. First and foremost, the very existence of the GDR created irresistible pressure not to tamper with

existing legislation. Even renaming the RuStAG (as the new law has done) would have engendered the sense of a separate west German citizenship.

Second, the principles of *jus soli* and dual citizenship only found mainstream party political support from the mid-1980s onwards, when the SPD and FDP began to move away from ethnocultural conceptions of citizenship. By contrast, as Laura Murray has argued, many in the CDU/CSU were at this time still arguing in favour of maintaining the ethnocultural homogeneity of the German nation, which, so the argument went, precluded the multiplicity of identities that dual citizenship inherently implied.⁵² Such objections to more inclusive instruments in citizenship policy, which would have had a significant impact on actually fulfilling the 1984 policy objective, continued right through the 1990s, albeit in a different form: in 1999, the argument was that neither *jus soli* nor dual citizenship would make any contribution to the integration of immigrants.

Third, it was not until the Berlin Republic was eight years old that the conditions were created under which the most vehement opponents of citizenship reform, the CDU/CSU, could be outmanoeuvred in both the Bundestag and Bundesrat. Throughout the Bonn Republic, the CDU/CSU enjoyed a near-constant majority in the Bundesrat: not until 1991–99, that is, after the advent of the Berlin Republic, did the SPD and Greens have the upper hand in that chamber. As a result, even if the SPD and Greens had been able to form a federal government in the 1980s under the conditions of the Bonn Republic, it is almost inconceivable that the CDU/CSU Bundesrat majority incumbent at that time would have agreed to their vision of citizenship. Yet under the Berlin Republic, the situation was different. Not only did the SPD and Greens gain an absolute majority in the Bundesrat, but the addition of an eastern German electorate unburdened by the west's traditional voting patterns also gave rise to the electoral preconditions for their victory in the 1998 Bundestag election. Already in the wake of the 1990 election, Stephen Padgett had noted presciently that 'the electorate in the East contains a similar or greater potential for volatility than that in the West'.⁵³ In 1998, this cautious prediction came good, when large-scale vote changes in the new Länder handed defeat and victory to Helmut Kohl and Gerhard Schröder respectively.⁵⁴ The increase in electoral volatility which accompanied the move towards the Berlin Republic was therefore instrumental in giving power to those who wanted to see changes made to German citizenship law.

NEW AGENDAS IN GERMANY'S IMMIGRATION POLICY

The end of the Cold War, unification and the nature of the Berlin Republic have therefore had a decisive impact on immigration and citizenship policy

in Germany. New migration flows which arose out of the end of the Cold War have required Germany to substantially revise its previous commitments to providing both a homeland to the ethnic German diaspora and a safe haven to the world's political refugees. Unification also constituted the *sine qua non* for citizenship reform. As such, immigration and citizenship policies stand out from many other policy areas, such as macroeconomic and foreign policy, where greater continuity has been in evidence. The new fluidity in immigration policy since 1990 has been underlined by the development of new agendas, which will shape the way the Berlin Republic approaches the challenges of immigration in the future.

Europeanisation

Undoubtedly, the main new paradigm is the increasing importance of the EU in asylum and immigration policy. This reflects the fact that the EU as whole, rather than individual countries, is emerging as an immigration destination.⁵⁵ Certainly, Germany's preference for a communitisation of immigration and citizenship policy predates unification, as do the Schengen Agreement and the Dublin Convention, which deal with border controls and member states' jurisdiction for asylum seekers, respectively. But it was the rapid rise in asylum seekers to Germany between 1989 and 1992, itself the indirect result of unification, which encouraged Chancellor Kohl to intensify his search for a comprehensive regulation at European level.⁵⁶ This agenda was given further urgency by the arrival in 1992–93 of around 350,000 temporary refugees from Bosnia, far more than the rest of the EC put together. Of course, with some 78 per cent of asylum seekers in EC-12 coming to Germany in 1992, few other member states had anything to gain from a supranational solution, while others, especially the UK, were in any case unwilling to give up sovereignty in this area.⁵⁷

But by 1997, when the Amsterdam Treaty committed the EU to a harmonised asylum policy by 2004, Germany's agenda had moved on. Although still in favour of an EU-level asylum regime in principle, the need to secure this had become less urgent as a result of Germany's own domestic reform in 1993, after which its share of the EU's asylum seekers fell from its 1992 high to 51 per cent of EU-15 in 1996. German interests are therefore increasingly focused around the possibility that an EU asylum policy might 'hollow out' its norms, by providing for instance for a more generous standard of recognition than the bare minimum agreed by the Council of Ministers in 1995.⁵⁸

This concern over Europeanisation is also reflected in Germany's reaction to the Commission's plans to regulate family reunification: its age limit for children to join their parents (16 years) is already one of the lowest in the EU, with the CDU/CSU proposing to reduce this even further to ten.⁵⁹

In a similar vein, German support for eastern enlargement has been qualified by fears that the associated extension of free movement of labour may lead to considerable labour migration. Even though history suggests that such fears may be exaggerated, their political sensitivity has prompted Germany to lead calls for seven-year transition periods.⁶⁰ Ironically, the Berlin Republic has therefore indirectly tempered Germany's support for a harmonised EU asylum and immigration policy, with its enthusiasm in principle set off against an ambivalence over the compromises that this will inevitably involve.

Labour Migration

A second key agenda of the Berlin Republic has been the recruitment and management of labour migration. Formally, the 1973 *Anwerbestopp* for guest workers remains in force. However, since 21 December 1990, when the Berlin Republic was still in its infancy, the *Anwerbestoppausnahme-Verordnung* has allowed temporary labour migration from non-EU countries for a range of reasons, especially from central and east European countries (CEECs). In 1998, over 250,000 labour migrants from CEECs worked in Germany, the vast majority of whom were employed as seasonal workers in agriculture.⁶¹

While these significant exceptions have been politically uncontroversial, labour migration moved up several notches in the public awareness stakes during 2000 with the so-called 'Green Card' debate, under which the SPD-Green government agreed to permit the immigration of up to 20,000 IT specialists to make good a skills shortage in industry.⁶² This prompted broader discussions over the value of a formal immigration regime to replace the fragmented and sometimes contradictory legal framework in operation.⁶³ Indeed, with a maximum quota for ethnic German immigration, numerous possibilities for labour migration, extensive secondary migration and a highly restrictive asylum provision, a comprehensive *de facto* regime for managing immigration is already in place.

This reality has not gone unnoticed by the political parties: immigration regimes in various forms have been proposed by the Greens, FDP and SPD since the mid-1980s. However, with labour shortages in key sectors increasing, and with the United Nations calculating that Germany requires 458,000 immigrants annually just to stabilise the size of its working population, the agenda has switched from preventing to managing labour migration.⁶⁴ By 2001, both the opposition CDU/CSU and the SPD-Green government had established commissions to develop recommendations for a full-scale immigration law.⁶⁵ This represents a remarkable political *volte-face* for both parties when compared with the 1977 policy framework, which emphasised Germany's status as a 'non-immigration country'.

However, new labour immigration remains a contentious issue among both main political parties. With the effect of the 1999 petition campaign against dual citizenship still fresh in its mind, the SPD–Green government is unlikely to seek a radical reform of policy without a cross-party consensus, which in this field can by no means be taken for granted.

CONCLUSION

This article has argued that, because of external and internal pressures associated with the coming of the Berlin Republic, Germany has undergone considerable change in its immigration, asylum and citizenship policy. With the notable exception of the asylum compromise, many of the changes have arguably been moderate, but the cumulative effect has been to comprehensively redefine Germany's policy. Most recently, demographic factors and labour market imperatives have confirmed that the continued conceptualisation of Germany as a 'non-country of immigration' has thus come to look rather jaded under the Berlin Republic.

Of course, in the final analysis it remains a moot point to what extent any of these changes ultimately might or might not have occurred under the Bonn Republic. But, as this contribution has argued, the case for pinpointing unification and the conditions created in the Berlin Republic as critically influential variables is strong.

NOTES

1. For a summary of the debate over Germany's normalising European policy, see S. Bulmer, C. Jeffery and W. Paterson, *Germany's European Diplomacy: Shaping the Regional Milieu* (Manchester: MUP 2000), pp.4–9.
2. Cf. W. Paterson, 'From the Bonn to the Berlin Republic', *German Politics* 9/1 (2000), pp.23–40; also R. Czada, 'Nach 1989. Reflexionen zur Rede von der Berliner Republik', in R. Czada and H. Wollmann (eds.), *Von der Bonner zur Berliner Republik. 10 Jahre Deutsche Einheit* (Opladen: Westdeutscher Verlag 2000), pp.28–30.
3. M. Schmidt, 'Immer noch auf dem "mittleren Weg"? Deutschlands politische Ökonomie am Ende des 20. Jahrhunderts', in Czada and Wollmann, *Von der Bonner zur Berliner Republik*; W. Paterson, 'Beyond Semi-Sovereignty: The New Germany in the New Europe', *German Politics* 5/2 (1996), pp.167–84; D. Webber, 'The Second Coming of the Bonn Republic' (Birmingham: Institute for German Studies Discussion Paper 95/1, 1995). For an overview of the development of the 'Berlin Republic', see W. Paterson and J. Grix (eds.), *The Making of the Berlin Republic* (Birmingham: University of Birmingham Press 2002, forthcoming).
4. Schmidt, 'Immer noch auf dem "mittleren Weg"?', p.503; C. Jeffery, 'From Cooperative Federalism to a "Sinatra Doctrine" of the Länder?', in C. Jeffery (ed.), *Recasting German Federalism* (London: Pinter 1999).
5. Both the dealignment of the party system and the fragmentation of Länder interests was already in evidence by the mid-1980s. See R. Dalton, 'A Divided Electorate?', in G. Smith, W. Paterson and S. Padgett (eds.), *Developments in German Politics 2* (Basingstoke: Macmillan 1996), and C. Jeffery, 'Party Politics and Territorial Representation in the Federal Republic of Germany', *West European Politics* 22/4 (1999).

6. See, for instance, S. Collinson, *Europe and International Migration* (London: Pinter/RIIA 1993); C. Joppke (ed.), *Challenge to the Nation State* (Oxford: OUP 1998); S. Castles and A. Davidson, *Citizenship and Migration* (Basingstoke: Palgrave 2000); D. Cesarini and M. Fulbrook (eds.), *Citizenship, Nationality and Migration in Europe* (London: Routledge 1996).
7. However, the foreign share of the German population is by no means the highest in the EU: in 1996, it was higher in Belgium, Luxembourg and Austria. See S. Angenendt (ed.), *Asylum and Migration Policies in the European Union* (Bonn: Europa Union Verlag 1999).
8. For a nuanced and stimulating discussion of whether Germany really is a country of immigration, see V. Ronge, 'Auf dem Weg zum "Einwanderungsland"?' in Czada and Wollmann, *Von der Bonner zur Berliner Republik*.
9. Cf. R. Münz and R. Ulrich, 'Immigration and Citizenship in Germany', *German Politics and Society* 17/4 (Winter 1999), pp.16–20.
10. D. Thränhardt, 'Die Bundesrepublik Deutschland – ein unerklärtes Einwanderungsland', *Aus Politik und Zeitgeschichte* B24/88 (1988), pp.3–13.
11. Cf. Rogers Brubaker, who notes that the question of Germany as a country of immigration 'articulates not a social or demographic fact but a political-cultural norm, an element of self-understanding'. R. Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press 1992), p.174.
12. K. Bade, 'From Emigration to Immigration: The German Experience in the Nineteenth and Twentieth Centuries', in K. Bade and M. Weiner (eds.), *Migration Past, Migration Future: Germany and the United States* (Oxford: Berghahn 1997). Ronge also notes that emigration from Germany continues in substantial numbers; see Ronge, 'Auf dem Weg', p.383.
13. R. Münz and R. Ulrich, 'Changing Patterns of Immigration to Germany, 1945–1995: Ethnic Origins, Demographic Structure, Future Prospects', in K. Bade and M. Weiner (eds.), *Migration Past, Migration Future: Germany and the United States* (Oxford: Berghahn 1997).
14. Cf. S. Lee, 'CDU Refugee Policies and the Landesverband Oder/Neiße: Electoral Tool or Instrument of Integration', *German Politics* 8/1 (1999), pp.131–49.
15. Brubaker, *Citizenship and Nationhood*, p.169.
16. P. Katzenstein, *Policy and Politics in West Germany. The Growth of a Semisovereign State* (Philadelphia: Temple University Press 1987).
17. Early recruitment practices are discussed in K.-H. Meier-Braun, '40 Jahre Gastarbeiter und Ausländerpolitik in Deutschland', in *Aus Politik und Zeitgeschichte* B35/95 (1995), pp.14–22.
18. K. Bade, *Ausländer, Aussiedler, Asyl. Eine Bestandsaufnahme* (München: Verlag C.H. Beck 1994), p.54.
19. *Ibid.*, p.46.
20. M. Frey, 'Ausländerpolitik in der Bundesrepublik Deutschland', in M. Frey and U. Müller (eds.), *Ausländer bei uns – Fremde oder Mitbürger?* (Bonn: Bundeszentrale für politische Bildung 1982), pp.92–4.
21. Thränhardt, 'Die Bundesrepublik Deutschland'.
22. P. O'Brien, *Beyond the Swastika* (London: Routledge 1996), pp.77–8.
23. Katzenstein, *Policy and Politics*.
24. O'Brien, *Beyond the Swastika*, p.81.
25. L. Murray, 'Einwanderungsland Bundesrepublik Deutschland? Explaining the Evolving Positions of German Political Parties on Citizenship Policy', *German Politics and Society* 33 (1994), pp.23–56.
26. Quoted in Brubaker, *Citizenship and Nationhood*, p.78.
27. S. Spencer (ed.), *Immigration as an Economic Asset: the German Experience* (Stoke-on-Trent: Trentham Books 1994).
28. F. Franz, 'Zwischenbilanz des deutschen Ausländerrechts', *Zeitschrift für Ausländerrecht* 4 (1992), pp.154–61.
29. S. Green, 'The Politics of Exclusion: Immigration, Residence and Citizenship Policy in Germany, 1955–1998' (Ph.D. thesis, University of Birmingham 1999).
30. For a discussion of asylum policy in the 1970s and 1980s, see U. Münch, *Asylpolitik in der*

- Bundesrepublik Deutschland* (Opladen: Leske + Budrich 1992).
31. Münz and Ulrich, 'Changing Patterns of Immigration', p.85.
 32. F. Pirkel, 'Berufliche Eingliederung ausländischer Jugendlicher in der aktuellen ausländerpolitischen Diskussion', *Zeitschrift für Ausländerrecht* 1 (1982), pp.12–14.
 33. Cf. Thränhardt, 'Die Bundesrepublik Deutschland', pp.11–12. The text of the Heidelberg Manifesto is reprinted in Katzenstein, *Policy and Politics*, pp.243–5.
 34. Despite these deficits, the degree of settlement of immigrant minorities in Europe prompted one contribution to ask, perhaps prematurely, whether national citizenship had been superseded by a form of 'postnational membership'. See Y. Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press 1994).
 35. A. Stach and S. Hussain, *Ausländer in der DDR: Ein Rückblick* (Berlin: Die Ausländerbeauftragte des Senats 1994).
 36. R. Münz and R. Ohliger, 'Long Distance Citizens: Ethnic Germans and Their Immigration to Germany', in P. Schuck and R. Münz (eds.), *Paths to Inclusion. The Integration of Migrants in the United States and Germany* (Oxford: Berghahn 1998), pp.161–7.
 37. P. Hogwood, 'Citizenship Controversies in Germany: The Twin Legacy of Völkisch Nationalism and the Alleinvertretungsanspruch', *German Politics* 9/3 (2000), pp.125–44.
 38. Münz and Ohliger, 'Long Distance Citizens', p.189.
 39. *Ibid.*, p.179.
 40. Brubaker, *Citizenship and Nationhood*.
 41. Münz and Ohliger, 'Long Distance Citizens'.
 42. Between 1995 and 2000, only ten per cent of asylum applicants were granted protection under either the Basic Law or the Geneva Convention. See Bundesamt für die Anerkennung ausländischer Flüchtlinge, *Zuwanderung und Asyl in Zahlen* (Nürnberg: BAFI 7th edn. 2000).
 43. Safe third countries were defined as the EU member states and all other countries bordering on Germany. Safe countries of origin are countries where political persecution is considered not to take place. The current 'white list' of such countries consists of Bulgaria, Ghana, Poland, Romania, Senegal, the Czech Republic, Hungary and Slovakia.
 44. S. Green, 'Citizenship Policy in Germany: The Case of Ethnicity over Residence?', in R. Hansen and P. Weil (eds.), *Towards a European Nationality: Citizenship, Immigration and Nationality Law in the EU* (London: Palgrave 2001).
 45. In other words, an application for citizenship cannot be refused if the applicant fulfils the criteria laid down in the legislation.
 46. R. Bauböck and D. Çinar, 'Briefing Paper: Naturalisation Policies in Western Europe', in M. Baldwin-Edwards and M. Schain (eds.), *The Politics of Immigration in Western Europe* (London: Frank Cass 1994).
 47. R. Münz, W. Seifert and R. Ulrich, *Zuwanderung nach Deutschland. Strukturen, Wirkungen, Perspektiven* (Frankfurt a.M.: Campus 1997), pp.131–65.
 48. It should be noted that the *Kinderstaatszugehörigkeit* did not constitute German citizenship. Frustration over the inadequacy of this model led a significant minority of the CDU/CSU parliamentary party (*Fraktion*) to propose full *jus soli* in 1995/1996. Cf. Green, *The Politics of Exclusion*.
 49. However, proposals varied considerably. The FDP and Greens argued for simple *jus soli* (i.e. from the second generation), while the SPD preferred double *jus soli* (i.e. from the third generation). By contrast, whereas the SPD and Greens favoured a general tolerance of dual citizenship, the FDP wanted to limit this to age 21.
 50. Green, *The Politics of Exclusion*.
 51. Cf. S. Green, 'Beyond Ethnoculturalism? German Citizenship in the New Millennium', *German Politics* 9/3 (2000), pp.105–24.
 52. Murray, 'Einwanderungsland Bundesrepublik Deutschland?', p.28.
 53. S. Padgett, 'The New German Electorate', in S. Padgett (ed.), *Parties and Party Systems in the New Germany* (Aldershot: Dartmouth/ASGP 1993), p.44.
 54. S. Green, 'The 1998 German Bundestag Election: The End of an Era', *Parliamentary Affairs* 52/2 (1999), pp.306–20.

55. Ronge, 'Auf dem Weg', p.385.
56. P. Henson and N. Malhan, 'Endeavours to Export a Migration Crisis: Policy Making and Europeanisation in the German Migration Dilemma', *German Politics* 4/3 (1995), p.139.
57. Ibid.
58. Council resolution of 20 June 1995 on minimum guarantees for asylum procedures, OJ C 274, 19 Sept. 1996.
59. CDU Deutschlands, *Zuwanderung steuern und begrenzen. Integration fördern*. Beschluss des Bundesausschusses der CDU Deutschlands vom 7. Juni 2001 in Berlin.
60. H. Grabbe, 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs* 76/3 (2000), pp.519–36, here pp.520–24. See also 'Europe's Immigrants. A Continent on the Move', *The Economist*, 6 May 2000, pp.25–31.
61. E. Erdem, 'Labour and Non-Labour Immigration in the 1990s: A Case Study of Germany', paper presented at workshop *Beyond Fortress Europe*, ECPR Joint Sessions of Workshops, 14–19 April 2000, Copenhagen.
62. In fact, the term 'Green Card' is a misnomer, as the associated work permits are limited to a five-year maximum.
63. 'Die Besten bleiben aus', *Der Spiegel* 19 (2000), pp.76–80.
64. United Nations Population Division, *Replacement Migration: Is it a Solution to Declining and Ageing Populations* (New York, 2000) at: <http://www.un.org/esa/population/migration.htm> (9 June 2000).
65. CDU, *Zuwanderung steuern*; Bericht der Unabhängigen Kommission 'Zuwanderung', *Zuwanderung gestalten, Integration fördern* (Berlin, 4 July 2001), available at: <http://bmi.bund.de/frameset/index.jsp>. See also 'Jedes Steinchen umgedreht', *Der Spiegel* 22 (2001), pp.22–85.