



PRAGUE PROCESS
ПРАЖСКИЙ ПРОЦЕСС

Germany

Migration Profile Light

2013

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Purpose of the report and disclaimer

After the adoption of the Building Migration Partnerships Joint Declaration in Prague in April 2009, the Building Migration Partnerships initiative (BMP) started to work on establishing the BMP Knowledge Base. The Knowledge Base, nowadays known as the Prague Process Knowledge Base, consists of a set of Extended Migration Profiles¹ elaborated and endorsed in 2010-2011 and the interactive online map (i-Map), which visualises the available information.

The Prague Process Targeted Initiative (PP TI) is an EU-funded project, which builds upon the BMP initiative and implements selected priorities identified in the Prague Process Action Plan endorsed in Poznan in November 2011. One of the objectives of PP TI is to maintain the Knowledge Base, keep it up-to-date and develop it further.

While continuous attention to updating and developing Extended Migration Profiles remains, the PP TI has taken into account the feedback received from the Prague Process participating states and has proposed a concept of the Migration Profile Light. In comparison to the Extended Migration Profile, which from its name indicates that the information should be of thorough and detailed nature, the Migration Profile Light should be a handy tool with a limited number of pages clearly indicating the areas of interest. The Migration Profile Light should aim at key priorities and problems, easy annual updatability and standardised data for all countries involved.

The proposed Migration Profile Light (MPL) concept has been well received by the Prague Process participating states and Germany volunteered in testing the concept by filling in the template. The MPL on Germany has been developed and the process of its establishment has led to identification of gaps in the first template, which have been covered in cooperation with the PP TI Support Team at ICMPD.

The aim of the PP TI is to establish the Knowledge Base as a useful tool consisting of state-owned migration profiles with standard and comparable data categories. While aiming at the seven leading states of PP TI and the PP TI non-EU participating states, the interest of the Prague Process is to collect national MPLs for all 50 Prague Process participating states.

The MPL is an exercise, which targets all states, believing that this will lead to mutual understanding of migration situation in partner states, existing migratory flows, priorities, problems and interests. The MPL should serve as an informative but also policy making tool. In case of need, methodological and expert support is planned to contribute to development of MPL in states with limited experience with such exercise.

Ownership and responsibility of the content in terms of data provided in this Migration Profile resides solely with the country elaborating the report.

The PP TI Support Team within the International Centre for Migration Policy Development (ICMPD) is ready to help and can be contacted at pppti@icmpd.org. The Knowledge Base of the Prague Process is accessible at www.pragueprocess.eu and www.imap-migration.org, section Prague Process.

¹Albania (endorsed 2010), Armenia (2011), Azerbaijan (2010), Bosnia and Herzegovina (2010), Czech Republic (2010), Georgia (2011), Hungary (2011), Kazakhstan (2010), Kyrgyzstan (2011), Poland (2010), Romania (2010), Slovakia (2010), Tajikistan (2010), Ukraine (2011). Belarus, Russia, Turkmenistan and Uzbekistan worked on their Extended Migration Profiles but the work has not been completed.

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1. Background information on the country

1.1. Size, population, bordering countries and length of borders

Official name	Germany
Capital	Berlin
Size	357,121.41 km ²
Population	81,751,602 (21.12.2010)
Year of accession to the EU	1952
Member of the Schengen area	Yes
Neighbouring countries	Denmark, Poland, Czech Republic, Austria, Switzerland, France, Luxembourg, Belgium, Netherlands
Length of border	3757 kilometres (excluding border in Lake Constance)

1.2. Short characteristic of the country

The Federal Republic of Germany is a democratic and social federal state. Legislative and executive powers are divided up between the Federation and the 16 federated states (in German, Länder). Administrative powers in the area of migration and asylum are highly intertwined and spread over Federation, federated states and local authority levels, resulting in a three-tier executive and administrative structure.

The Immigration Act from 2005 led to a centralisation of the integration policy, with powers in this area shifting from the federated states to the Federation. However, each of the federated states is involved in the majority of administrative functions relating to migration, as their respective departments dealing with foreigners are responsible for decision-making on related issues, such as residence and citizenship.

2. General migration flows and stocks of immigrants

2.1. Migration Flows

Between 1991 and 2010, around 18 million immigration cases were recorded in Germany. This figure includes a high number of repatriates and asylum-seekers, war and civil war refugees from the former Yugoslavia during the 1990s, most of whom have returned to their native countries. Moreover this number also includes data for labour migration of limited duration from non-EU countries. During the same period, 13.7 million emigrants were recorded from Germany to other countries. This resulted in a net migration figure for the period under review of around 4.3 million.

During the 1990s, immigration to Germany was affected by the fall of the “Iron Curtain”, which made it easier for people to leave the countries in Eastern Europe, and by the civil war situation in Yugoslavia. At the beginning of the 21st century, migration stabilised at a lower level.

Table 1: Inflow and outflow to and from Germany, 2005–2011

Year	Inflow			Outflow			Net migration	
	total	of which: foreign nationals	%	total	of which: foreign nationals	%	total	of which: foreign nationals
2005	707,352	579,301	81.9	628,399	483,584	77.0	+78,953	+95,717
2006	661,855	558,467	84.4	639,064	483,774	75.7	+22,791	+74,693
2007	680,766	574,752	84.4	636,854	475,749	74.7	+43,912	+99,003
2008	682,146	573,815	84.1	737,889	563,130	76.3	-55,743	+10,685
2009	721,014	606,314	84.1	733,796	578,808	78.9	-12,782	+27,506
2010	798,282	683,530	85.6	670,605	529,605	79.0	+127,677	+153,925
2011	958,299	841,695	87.8	678,969	538,837	79.4	+279,330	+302,858

Source: Federal Statistical Office

In 2010, no less than 798,282 persons came to Germany, 683,530 of which involved foreign nationals. This represents a 10.7% rise of immigration in comparison to 2009 (721,014), with migration by foreign nationals increasing by 12.7%. At the same time, the number of people emigrating from Germany went down by 8.6% in 2010 in comparison to the previous year. 670,605 persons left Germany in 2010 (2009: 733,796), 529,605 of which involved foreign nationals.

Following a negative overall immigration balance (Germans and foreigners) in 2008 and 2009 of -55,743 and -12,782 respectively – due not only to adjustments to the residence registers – 2010 once again shows a clear positive immigration balance of +127,677. The net migration figure for 2010 comprises emigration of Germans totalling -26,248 and immigration by foreigners to a total of +153,925. The positive net migration figure among foreign nationals increased substantially in comparison to the previous year (+27,506 cases).

At the same time, emigration among Germans (including repatriates) has been in decline since 2005 (2009: -40,288), although this decline was less pronounced than in the previous year.

The percentage of foreign nationals immigrating to Germany in 2010 stood at 85.6%. Immigration of Germans thus totalled 14.4%. Overall, the share of foreigners migrating to Germany every year increased since the mid-1990s. This is due to the sustained decline in immigration by repatriates and their family members, who qualify as Germans in immigration statistics. Equally, German nationals re-emigrating to Germany from abroad are also included in the statistics. In all, around 3.925 million cases of Germans migrating to Germany were recorded in the period from 1991 to 2010, including large numbers of repatriates. Around 2.587 million German nationals left the federal territory over the same period, however, with annual emigration by Germans exceeding 100,000 as of 1992. The number of German nationals emigrating in 2010 stood at 141,000.

For some years now, immigration from other European countries and emigration to other European countries have accounted for a major proportion of migration in Germany. In 2010 almost three quarters of all persons migrating to Germany came from Europe.² 19.5% originated from the old states of the European Union (EU 14) and 38.0% came from the twelve new EU states (EU 12). This means that immigration from the EU states accounts for 57.5% of all immigration. The percentage of immigration from the EU 2 states (Romania and Bulgaria) has been rising continuously since these states acceded the EU in 2007.

Table 2: Inflow and outflow to and from Germany in 2010

Region	Outflow	Inflow	Net Migration
Africa	21748	30664	8916
America, Australia and Oceania	66176	64875	-1301
Asia	81549	110265	28716
Europe without EU	126776	125864	-912
European Union (EU-12)	221530	303193	81663
European Union (EU-14)	145013	156055	11042
Total	670605	798282	127677

Source: Federal Statistical Office

In 2010, 15.8% of all immigrants came from non-EU countries in Europe. A further 13.8% of immigrants originated from an Asian country. Only 3.8% emigrated to Germany from African countries, while 8.1% came from America, Australia and Oceania. Europe was also the main region of destination for those emigrating from Germany, with almost three quarters emigrating from Germany to another country in Europe (73.6%). Around one fifth (21.6%) emigrated to one of the old EU member states and one third (33.0%) moved to one of the new member states (EU 10: 22.2%; EU 2: 10.8%). 18.9% of the emigrants

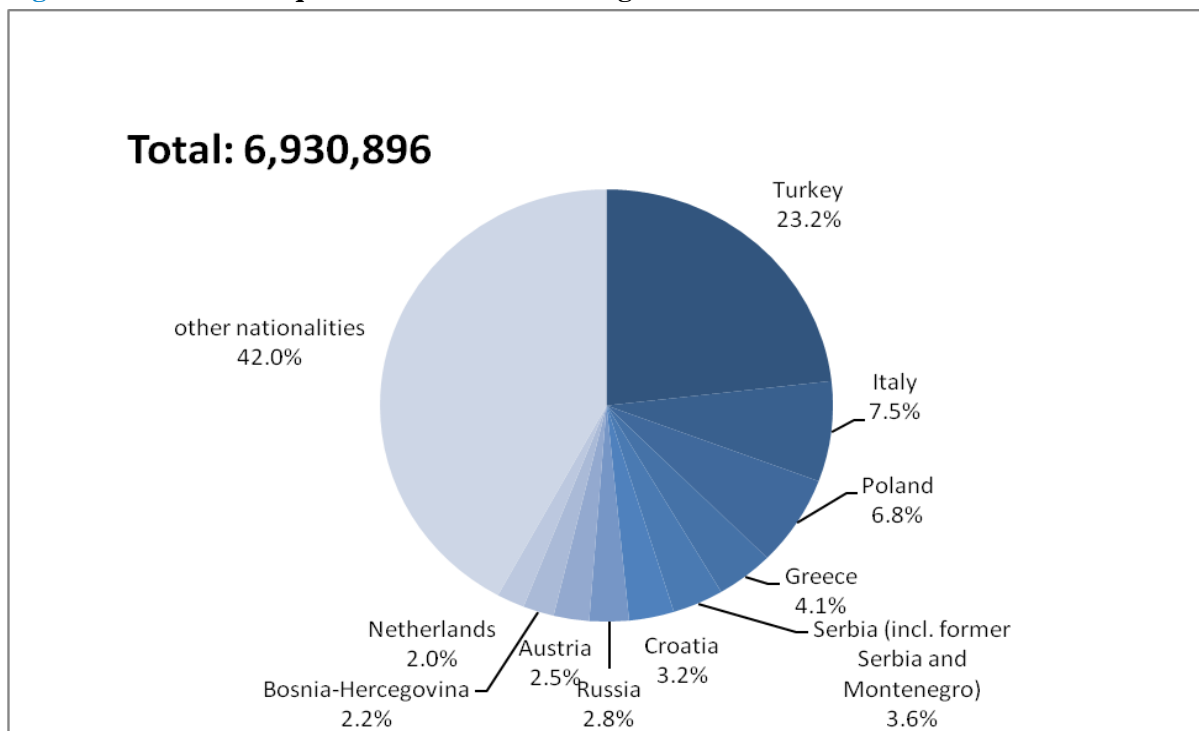
² Data covering migrants from the EU and third country nationals including Turkey and the Russian Federation

moved to a non-EU country in Europe. The share of emigration to Asia stood at 12.2%, while 9.9% moved to America, Australia and Oceania. Only 3.2% emigrated to Africa.

2.2. Migrant stock

According to the Central Register of Foreigners, Turkish nationals constituted the largest group of foreign nationals by far on 31 December 2011, at 23.2%. The second largest nationality group in Germany comprised Italian nationals, at 520,159 (7.5%), followed by Polish nationals, at 468,481 (6.8%). Of the 6.93 million foreigners resident on 31 December 2011, almost 2.6 million (37.5%) were nationals of an EU member state. Especially the figures of nationals from the EU-10 (Poland, the Czech Republic, Slovakia, Hungary, Estonia, Latvia, Lithuania, Slovenia, Malta and Cyprus) and from the EU-2 countries (Romania, Bulgaria) has grown sharply (+56% resp. +125%).

Figure 1: The most frequent nationalities of foreigners on 31.12.2011



Source: Central Register of Foreigners

3. Legal migration with special focus on labour migration

3.1. Responsible state authorities

The Federal Ministry of the Interior (www.bmi.bund.de) has a broad range of tasks, which is reflected in its highly differentiated structure. Main tasks of the Ministry are: protection from violence (be it criminal or terrorist), improvement of foreigners' integration in Germany, modernising public administration, protecting data privacy etc.

The main tasks of the Federal Ministry of Labour and Social Affairs (www.bmas.de) are: safeguarding jobs and reducing unemployment, implementation of labour law, initial and continuing training of workers, social security, inclusion of persons with disabilities into the labour market, pensions etc.

The Federal Employment Agency (www.arbeitsagentur.de) is the largest provider of labour market services in Germany. The most important tasks of the Agency are: job and training placement, career counselling and providing benefits (such as unemployment benefits).

Together with these Federal institutional bodies, authorities dealing with foreigners at the level of federate states' administration have also a role in implementing the policies addressing labour migration.

3.2. Policies

Bilateral intergovernmental agreements with central and eastern European states have established employment opportunities for temporary, guest and seasonal workers and for cross-border commuters as of the 1980s. These bilateral employment opportunities initiated by Germany represented an important early step on the way to the opening-up of the labour markets which was scheduled to take place after corresponding transition periods in connection with the enlargement of the European Union from 1 May 2004 and 1 January 2007.

In order to avoid excessive strain on the labour markets of the old member states, a transition period of up to seven years with regard to the freedom of movement for workers was agreed in the accession treaties. In this context, a transition period was granted exclusively to Germany and Austria for the cross-border provision of services in certain sectors of industry (for Germany: construction, industrial cleaning and interior decoration). This restriction on the free movement of services applies for workers who are sent by employers to work in another country in the context of the cross-border provision of services, but does not apply to self-employed persons. The transition period concerns all central and eastern European countries which acceded on 1 May 2004 and Bulgaria and Romania, which became member states on 1 January 2007.

The transition period for Bulgaria and Romania applied in the second phase until 31 December 2011 and was extended for a final time in a third phase running up to 31 December 2013. The transition period ended for the EU 8 countries on 1 May 2011. In parallel with the extension of the transition periods, access to the labour market for workers from the new EU member states was broadened under national law with effect from 1 January 2009, in particular for academics, for whom the requirement for a priority check was lifted.

During the period of application of transitional provisions, the old member states are required to grant nationals of accession countries priority over workers from non-EU countries (community preference). The previous fundamentals of work permit legislation continue to apply for workers from Romania and Bulgaria for the duration of the transition period. They still require a work permit, which is issued by the Federal

Employment Agency in the form of an EU work permit. As EU citizens, they do not require a visa to enter Germany or a residence title in order to stay in Germany. They are issued ex officio with a certificate confirming their right of residence.

On the Immigration Act coming into force on 1 January 2005, the dual approval procedure which required third-country nationals to apply to two different authorities for the work and residence permit respectively was replaced by an internal approval procedure. The work permit is no longer issued as a separate document. The employment permit is issued by the foreigners authority together with the residence permit, subject to internal approval from the labour authorities (one-stop government). Such approval is only possible when the individual concerned has received a concrete offer of employment. Foreign workers receive a residence permit for the duration of their employment as standard procedure (where the period of stay exceeds three months). Short-term employment is also possible with the visa issued for this purpose of residence.

In accordance with Section 18 (1) of the Residence Act, the admission of foreign workers is to be oriented to the requirements of the German economy, according due consideration to the situation on the labour market. Section 18 (2) of the Residence Act enshrines the principle that a residence permit for employment purposes may be issued to a foreigner in case the Federal Employment Agency has granted approval or in case a statutory instrument or inter-governmental agreement stipulates that the employment may be taken up without the approval of the Federal Employment Agency.

The Federal Employment Agency may approve the granting of a residence permit pursuant to Section 18 of the Residence Act where the employment of foreigners does not result in any adverse consequences for the labour market and no German workers, foreigners who possess the same legal status as German workers with regard to the right to take up employment or other foreigners who are entitled to preferential access to the labour market under the law of the European Union are available for the type of employment concerned (Residence Act, Section 39 (2), no. 1). Issuance of a residence permit is also possible in case the Federal Employment Agency has established for individual occupational groups or industries that filling the vacancies with foreign applicants is justifiable in terms of labour market policy and integration aspects (Residence Act, Section 39 (2), no. 2 – so-called positive list).

Access to the German labour market has been facilitated for highly qualified specialists (Residence Act, Section 19). The Residence Act also stipulates specific provisions on the immigration of self-employed persons (Residence Act, Section 21). For foreign researchers, in addition to the possibility of issuance of a settlement permit pursuant to Section 19 of the Residence Act or a residence permit for scientific personnel by way of the standard residence procedure (Section 18 of the Residence Act in conjunction with Section 5 of the ordinance on the admission of foreigners for the purpose of taking up employment (BeschV), a residence permit is also issuable under certain circumstances. The individual exceptional arrangements for various categories of workers from third countries have been enshrined in the Residence Act and BeschV since 1 January 2005.

3.3. Statistics

Nationals of the new EU member states

According to information from the Federal Employment Agency, 77,512 EU work permits (excluding seasonal workers, assistant showmen, domestic helps and temporary contract workers) were issued to workers from the new EU member states in 2010, including 14,721 to qualified specialists and specialists in accordance with Section 39 (6) of the Residence Act.

89,713 EU work permits were issued in 2009. The number of EU work permits issued thus fell by 13.6% in 2010. The main country of origin was Poland. 32.4% of all EU work permits were issued to Polish nationals (25,113 EU work permits), 26.3% to Romanian nationals (20,421 EU work permits). While the share of Polish workers has been on the decline since 2007 (54.0%; 2008: 48.4%; 2009: 45.2%), the percentage of Romanian workers has been on an upward tangent (2007: 17.2%; 2008: 21.3%; 2009: 23.5%). The share of EU work permits issued to Bulgarian nationals has also continued to rise. 11,130 work permits were granted to Bulgarians in 2010 (2009: 9,312). This corresponded to a share of 14.4%. 9.8% of EU work permits were issued to Hungarian nationals.

Table 3: Work permits for nationals of the new EU member states 2010

Nationality	Work permits
Bulgaria	11,130
Estonia	401
Latvia	1,429
Lithuania	2,119
Poland	25,113
Romania	20,421
Slovakia	3,886
Slovenia	458
Czech Republic	4,298
Hungary	7,587
Others*	670
Total	77,512

Source: Federal Labour Office

*Family members of EU citizens.

Third-country nationals

61,238 approvals were granted for third-country nationals in 2010, including 38,356 approvals in accordance with the provisions of BeschV. This represented a slight increase of 2.0% over the previous year (2009: 60,0028 approvals). The number of approvals in accordance with the exceptions defined in BeschV rose by 8.6% (2009: 35,329 approvals in accordance with BeschV).

28,298 residence permits were issued to third-country nationals for the purpose of taking up employment pursuant to Section 18 of the Residence Act in 2010. This represented an increase of 13.0% over the previous year (2009: 25,053 residence permits issued). As in the previous year, the largest group of foreign workers entering the federal territory were nationals from India (3,404 persons), the United States (3,368 persons), China (2,707 persons) and Croatia (2,008 persons).

A breakdown of the third-country nationals entering the federal territory for employment purposes in 2010 according to their level of qualifications shows that almost two thirds took up qualified employment in Germany in accordance with Section 18 (4) of the Residence Act. One third received a residence permit to

take up employment which does not require a vocational qualification (Section 18 (3) of the Residence Act). While the majority of nationals from India, Japan, Korea, China and Turkey received a residence permit to take up qualified employment, the majority of Ukrainian and Russian nationals took up employment which does not require vocational qualifications.

Table 4: Migration of the most often third-country nationals to perform labour activities according to § 18 Residence Act since 2010

	Non-qualified employment (§ 18 para. 3 Residence Act)		Qualified employment according to statutory interest (§ 18 para. 4 S. 1 Residence Act)		Qualified employment according to the public interest (§ 18 para. 4 S. 2 Residence Act)		Employment in general (§ 18 Residence Act)		Employment according to § 18 Residence Act in total
	absolutely	in %	absolutely	in %	absolutely	in %	absolutely	in %	
India	123	3,6	3.165	93,0	103	3,0	13	0,4	3.404
United States	1.062	31,5	2.208	65,6	73	2,2	25	0,7	3.368
China	361	13,3	2.232	82,5	110	4,1	4	0,1	2.707
Croatia	718	35,8	1.180	58,8	30	1,5	80	4,0	2.008
Serbia (incl. formerly Serbia and Montenegro)	658	40,6	945	58,3	9	0,6	9	0,6	1.621
Bosnia and Herzegovina	835	49,5	827	49,0	21	1,2	5	0,3	1.688
Japan	112	7,1	1.438	90,7	29	1,8	6	0,4	1.585
Russian Federation	820	58,1	552	39,1	26	1,8	13	0,9	1.411
Ukraine	947	76,9	276	22,4	4	0,3	4	0,3	1.231
Turkey	171	18,8	698	76,5	40	4,4	3	0,3	912
Brazil	269	45,1	318	53,3	6	1,0	4	0,7	597
Canada	201	34,7	352	60,8	18	3,1	8	1,4	579
Korea (Republic)	45	8,8	449	88,0	15	2,9	1	0,2	510
Other foreign nationals	3.619	54,2	2.502	37,5	263	3,9	293	4,4	6.677
In total	9.941	35,1	17.142	60,6	747	2,6	468	1,7	28.298

Source: Central Register of Foreigners

Almost one third (31.9%) of the residence permits for employment purposes were issued to women. Among third-country nationals from the Russian Federation and Ukraine, women accounted for more than two thirds of all workers entering the federal territory in 2010. Conversely, in the case of Croatia, Serbia and Bosnia and Herzegovina women are clearly under-represented.

Women are clearly overrepresented with regard to employment which does not require any vocational qualifications (proportion of women: 54.5%). In contrast, the share of women taking up qualified employment stands at around only one fifth.

On 31 December 2010 a total of 79,615 foreign nationals were living in Germany with a residence title pursuant to Section 18 of the Residence Act. Two thirds of these held a residence title for qualified employment. At the end of 2009, 77,650 held a residence title pursuant to Section 18 of the Residence Act.

Third-country nationals entering Germany to take up employment in accordance with Section 18 of the Residence Act in 2010

Temporary contract workers

The number of temporary contract workers dropped from approximately 95,000 in 1992 to around 33,000 in 1998, subsequently rising again to over 40,000 as of 1999. Up to 2003, the number of temporary contract workers averaged between 40,000 and 47,000. Thereafter, the number of temporary contract workers fell steadily, bottoming out at 16,209 in 2009. 2010 witnessed a renewed rise of 10.9% in comparison to the previous year, to 17,981 temporary contract workers. This represented only around 38% of the quota of 46,740 which was set for the fiscal period from October 2009 to September 2010. 7,367 temporary contract workers (41.0%) were employed in the construction industry.

Seasonal workers

Since the beginning of the 1990s, increasing use has been made of the possibility of employing foreign seasonal workers. The number of placements rose continuously each year from 1994 to 2004, with 137,819 seasonal workers and assistant showmen placed in employment at the beginning of this period, compared to a figure of 333,690 at the end of the period. Since 2004, annual placements have totalled around 300,000 annually. At 293,711, the number of placements in 2010 corresponded roughly to the previous year's level. This figure included 285,995 seasonal workers in accordance with Section 18 of BeschV and 7,716 assistant showmen in accordance with Section 19 of BeschV.

Highly qualified persons

On 31 December 2010, 2,165 foreigners (of whom one fifth (424) were women) held a settlement permit as highly qualified persons in accordance with Section 19 of the Residence Act (end of 2009: 1,782). 219 of these highly qualified persons entered the federal territory in 2010 (2009: 169 highly qualified persons). This represents a 29.6% rise in the number of highly qualified persons entering the country in comparison to the previous year. Overall, the majority of highly qualified persons were already in Germany prior to the Immigration Act entering into force on 1 January 2005. As in the previous years, United States nationals made up the largest group of newly immigrating highly qualified persons. With a total of 69 issued settlement permits, they accounted for 31.5% of the newly immigrating highly qualified persons. The share of women among the newly immigrating highly qualified persons stood at 22.8%.

Table 5: Immigration of highly skilled persons, (Section 19 of the German Residence Act), 2005–2010

Nationality	entered 2005	entered 2006	entered 2007	entered 2008	entered 2009	entered 2010	
						total	number of females
United States	23	45	82	71	73	69	17
India	3	3	2	10	21	17	1
Canada	6	6	13	7	10	16	6

Russian Federation	6	1	7	13	6	15	5
China	5	0	5	5	1	13	6
Turkey	3	3	3	5	5	12	1
Australia	5	2	5	7	9	11	1
Mexico	1	0	0	0	1	10	2
Brazil	2	1	4	5	2	8	1
Japan	7	5	9	4	13	5	0
Other nationalities	10	14	21	30	28	43	10
Total	71	80	151	157	169	219	50

Source: Central Register of Foreigners (AZR)

Self-employed persons

At the end of 2010, 5,780 third-country nationals (38.2% of whom were women (2,208)) held a settlement permit as self-employed persons in accordance with Section 21 of the Residence Act (end of 2009: 5,546). In addition 768 persons, including 244 women, held a settlement permit pursuant to Section 21 (4) of the Residence Act. 1,040 self-employed persons entered the federal territory in 2010 (2009: 1,024 self-employed persons). This represented a slight increase of 1.6% in comparison to the previous year. 36.9% of the self-employed persons immigrating to Germany in 2010 originated from the United States, while 8.2% were Chinese nationals. The share of women among the new self-employed immigrants stood at more than a third (37.4%).

Over two thirds (68.4%) of the self-employed persons entering the federal territory in 2010 were issued with a residence permit for the purpose of self-employment pursuant to Section 21 (5) of the Residence Act. Among the self-employed persons from the United States the share of freelancers was disproportionately high, at 82.8%.

Researchers

211 researchers from third countries entered the federal territory in 2010 and were issued with residence permits in accordance with Section 20 (1) of the Residence Act (2009: 140 persons). 28 residence permits were issued to Chinese nationals. 26 researchers originated from the United States, 24 from India and 12 from the Russian Federation. In all, 404 researchers from third countries were resident in Germany at the end of 2010 with a residence permit issued in accordance with Section 20 (1) of the Residence Act (end of 2009: 234 persons).

4. Irregular migration in the country

4.1. Responsible state authorities

Federal Ministry of the Interior www.bmi.bund.de

The Federal Office for Migration and Refugees (www.bamf.de) makes decisions or has competences in areas such as: asylum process, residence, migration data collection, integration of foreigners, naturalisations etc.

Federal Police www.bundespolizei.de

Federal Criminal Police Office www.bka.de

Financial Control section of the Federal Customs Administration³

Federal Office of Administration www.bundesverwaltungsamt.de

Together with these Federal institutional bodies, authorities dealing with foreigners at the level of federate states' administration have also a role in implementing the policies addressing labour migration as well as the Police forces of the German States (Länder) www.polizei.de.

4.2. Policies

A broad spectrum of measures is available in Germany to address the phenomenon of irregular migration. Restrictive territorial controls are a primary measure applied here, serving the essential requirements for national sovereignty, security and integrity and aimed at ensuring the consistency of the legal system. Preventive approaches serving to avoid irregular migratory movements from the outset are also to be observed. There are also solution-oriented approaches to address problems which arise for the foreigners concerned and for society in connection with sustained irregular residence. The German system of migration control is primarily based on external controls (e.g. via the visa process and external border controls) as well as on a system of internal controls employing residence and work permits. There are also control mechanisms which operate by means of data exchange, cooperation between authorities and data transfer obligations for public bodies.

Since the discontinuation of systematic checks at border crossing points (due to accession to Schengen Area of neighbouring countries), persons travelling irregularly are generally only detected after entering the federal territory, in the area behind the border or at the existing Schengen external borders (airports and seaports). Before this discontinuation, the border authorities identified such persons in general through entry checks and turned them back in case the requirements were met.

4.3. Statistics

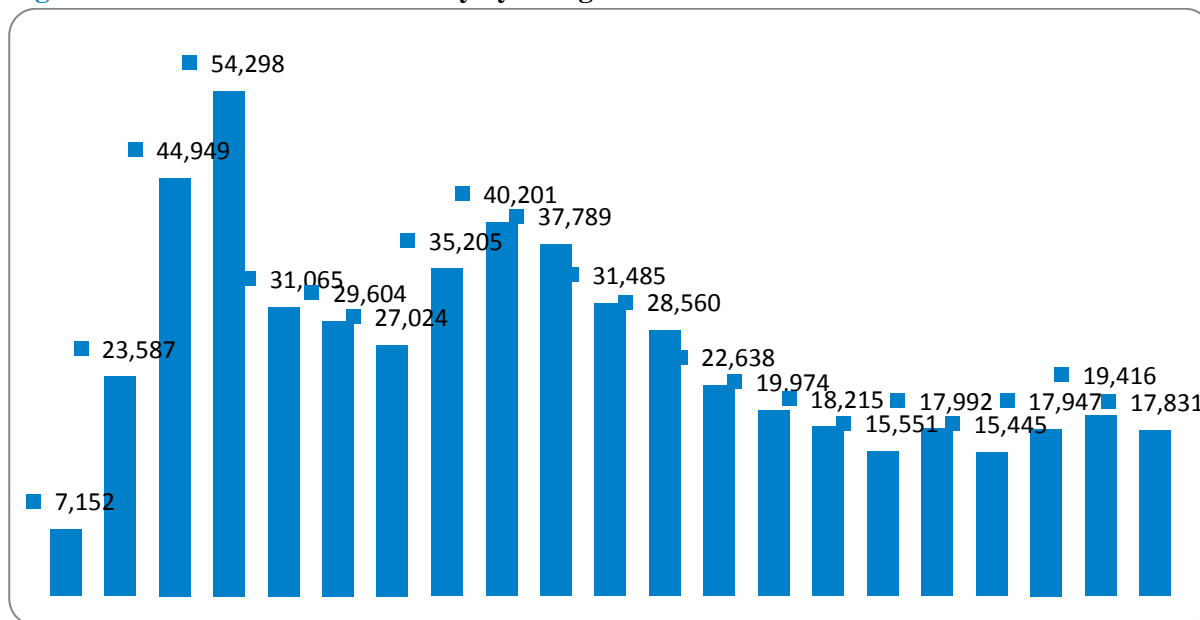
Detection of unlawful entry by foreigners at Germany's borders

Following a slight increase in the number of unlawful entries in the period from 2007 to 2009, 2010 once again witnessed a slight fall in the number of cases of unlawful entry of foreigners detected at the borders. The Federal Police and the border police authorities recorded 17,831 cases of persons entering the federal territory unlawfully in 2010 (2009: 19,416 unlawful entries) and 3,559 cases in which persons were turned back (2009: 3,305 persons turned back). In comparison to 2009, this represents an 8.2% drop in unlawful

³ Available at: www.zoll.de/DE/Der-Zoll/Aufgaben/Schutz-fuer-Wirtschaft-Buerger-und-Umwelt/Schwarzarbeitsbekaempfung/schwarzarbeitsbekaempfung_node.html.

entries and a 7.7% rise in rejections at the border. Overall, detection rates since 2003 have totalled less than 20,000 per annum, which is substantially lower than the rates which applied in the course of the 1990s.

Figure 2: Detection of unlawful entry by foreigners at the German border 1990 to 2010



Source: Federal Police

Detections in pre-frontier measures

Document and visa advisers deployed by the Federal Police abroad prevented 14,277 cases of unlawful entry into Germany and the states of the European Union in 2010 through their advisory services for visa offices of German diplomatic missions abroad and airline companies. This represents a 6.6% increase over the previous year.

Detection of human smugglers and smuggled persons at the German borders

711 human smugglers were recorded at the German borders in 2010. This corresponds to a drop of 24.9% in comparison to the previous year and indicates a continuation in 2010 of the declining trend which has been observed since 2007. A fall in the number of smuggled persons apprehended was to be observed from 2006 to 2008. The recorded number of smuggled persons rose again in 2009 and 2010. 4,050 smuggled persons were apprehended at German borders in 2010. This represents a 12.1% increase in the detection rate in comparison to 2009.

Persons suspected of being illegally/irregularly resident in Germany according to the police crime statistics

Detected cases of unlawful residence are recorded in the police crime statistics. In all, 46,487 were recorded in the police crime statistics in 2010 as unlawfully residing in Germany (this figure includes 44,570 non-Germans suspected of violations of the Residence Act, the Asylum Procedure Act and/or the Act on the General Freedom of Movement for EU Citizens). The figure further includes persons apprehended as illegal residents by the Federal Police or the competent authorities at the border or by the Federal Police inside the federal territory. The number of persons identified as illegally residing in Germany fell continuously from

1998 to 2009. In 2010 the number of persons apprehended within the federal territory on suspicion of being illegally resident rose by a minimal 0.8% in comparison to the previous year.

Estimates regarding the total irregular migrant population

A current estimate puts clandestine irregular migrants in 2010 at between 100,000 and 400,000.⁴ Irregular migrants are a highly heterogeneous group, with a higher proportion of younger age groups than applies to the average migrant population. Police information indicates that the clandestine irregular population is predominantly between 21 and 40 years of age, whereby the age breakdowns differ for men and women respectively. Men tend to be younger, while women are spread more evenly over the age groups. It is to be assumed that women make up around 36 per cent of the overall irregular migrant population. The most important nationalities among irregular migrants break down into three groups: nationals from countries with historical migrational links to Germany, nationals from the world's most densely populated countries and nationals from countries which make substantial contributions to the total worldwide volume of refugees.

⁴ http://irregular-migration.net/fileadmin/irregular-migration/dateien/4.Background_Information/4.5.Update_Reports/Vogel_2012_Update_report_Germany.pdf. (Accessed in February 2013).

5. Return, readmission and reintegration

5.1. Responsible state authorities

Federal Ministry of the Interior www.bmi.bund.de

Federal Office for Migration and Refugees www.bamf.de

Federal Police www.bundespolizei.de

Ministries of the Interior of the German States (Länder)

Together with these Federal institutional bodies, authorities dealing with foreigners at the level of federate states' administration have also a role in implementing the policies addressing return, readmission and reintegration, as well as the Police forces of the German States (Länder) www.polizei.de.

5.2. Policies

Return support

Return support constitutes an instrument for controlling migration and takes account of the principle of according priority to voluntary return over forced removal (see above). Voluntary return is supported in Germany in particular through REAG (Reintegration and Emigration Programme for Asylum-Seekers in Germany) and GARP (Government Assisted Repatriation Programme), which are financed jointly by the Federation and the Länder.⁵ These programmes are carried out by the International Organisation for Migration (IOM) on behalf of the Federal Ministry of the Interior and by the competent Länder ministries, with the Federal Ministry of the Interior and the respective Länder ministries each providing half of the funding. The Federal Office for Migration and Refugees has been responsible for approving federal funding of these two programmes since 1 January 2003 (Section 75, no. 7 of the Residence Act).

Each year, several thousand persons return to their native countries or migrate on to other countries under the REAG and GARP return support programmes. The individuals concerned are for the most part asylum applicants whose applications have been rejected, asylum seekers whose application processes are still in progress and refugees. Reintegration in the country of origin is increasingly important. For this reason, the Federal Government and the states of Baden-Württemberg, Lower Saxony, North Rhine-Westphalia and Saxony-Anhalt have supported the URA 2 ("bridge" in Albanian) project for returnees to Kosovo since 2009. This project offers concrete, practical local support for all returnees from the participating states, regardless of their ethnicity or the circumstances of their return, to help them become reintegrated in Kosovar society. It offers social and psychological counselling as well as financial aid and allowances, such as for basic home furnishings, rent or wages. It also helps returnees set up their own businesses or participate in basic or advanced training.

Forced return

Forced return may be imposed where a foreigner fails to meet his or her obligation to leave the federal territory. In accordance with Section 58 (1) of the Residence Act, a foreigner is to be deported if the obligation to leave the federal territory is unappealable and voluntary fulfilment of the obligation is not assured. In addition, a foreigner who has entered the federal territory unlawfully is to be removed within six months of crossing the border.

.....
⁵ The REAG/GARP programme is a humanitarian aid programme. It supports voluntary return and onward migration and offers repatriation assistance for various migrant groups (such as (rejected) asylum applicants and civil war refugees) who voluntarily return to their native country or migrate on to a third country which is willing to admit them.

5.3. Statistics

Return support

Between 1999 and 2010, around 212,000 persons received support for voluntary return to their countries of origin under the REAG/GARP programmes. The number of persons leaving the federal territory decreased continuously from 2000 to 2008, from 75,416 to 2,799 annually. The two following years witnessed a renewed increase in the number of persons leaving Germany. 4,480 received support for their voluntary return in 2010. This represents a rise of 44.2% over the previous year. 21.5% of the returnees receiving support possessed Serbian nationality (absolute figure: 962 persons), 11.8% were citizens of the Former Yugoslav Republic of Macedonia (530 persons), 10.9% Iraqi (487 persons) and 8.4% citizens of Kosovo⁶ (377 persons). 97.3% of the voluntary returnees receiving support in 2010 returned to their countries of origin. 2.7% relocated to another country, in particular Canada and the United States. Almost half (49.0%) of those leaving Germany in 2010 had been resident in the federal territory for less than one year, while just under a third (29.6%) had been in the country for over five years.

Table 6: Number of persons who left Germany (1999–2010)

Year	Number of persons leaving Germany
1999	61.332
2000	75.416
2001	14.942
2002	11.691
2003	11.588
2004	9.961
2005	7.465
2006	5.757
2007	3.437
2008	2.799
2009	3.107
2010	4.480

Source: IOM, Federal Office for Migration and Refugees

Return

The number of deported persons has been in decline since its peak in 1994, and totalled 7,558 in 2010. This represents a drop of 3.5% in comparison to the previous year. Of the deportations in 2010, 719 concerned nationals from Kosovo, 642 Turkish nationals, 588 Serbs and 550 Vietnamese. The main countries of destination for deportations effected by air were Turkey, Kosovo, Vietnam and Serbia. 1,811 persons were deported by air to other EU member states. Most of these constituted so-called Dublin cases.

A total of 8,416 removals were also carried out in 2010. This denotes a drop of 14.0% in comparison to the previous year (9,782 removals). Removals were imposed most commonly on nationals from Turkey (730 persons), the Russian Federation (567 persons) and China (490 persons).

⁶ Under UNSCR 1244.

Table 7: Deportations (1990–2011)

Year	Deportations
1990	10.850
1991	13.668
1992	19.821
1993	47.070
1994	53.043
1995	36.455
1996	31.761
1997	38.205
1998	38.479
1999	32.929
2000	35.444
2001	27.902
2002	29.036
2003	26.487
2004	23.334
2005	17.773
2006	13.894
2007	9.617
2008	8.394
2009	7.830
2010	7.558
2011	7.917

Source: Federal Police

6. Integration

6.1. Responsible state authorities

Federal Ministry of the Interior www.bmi.bund.de

Federal Office for Migration and Refugees www.bamf.de

Ministries of Interior of the German States (Länder)

Together with these Federal institutional bodies, authorities dealing with foreigners at the level of federate states' administration have also a role in implementing the policies addressing integration as well as the Police forces of the German States (Länder) www.polizei.de.

6.2. Policies

Naturalisation

The act to reform the law on nationality entered into force on 1 January 2000. Upon the Immigration Act entering into force on 1 January 2005, the provisions previously contained in the law on foreigners were additionally modified and incorporated into the Nationality Act, which thus constitutes the central legal basis pertaining to the acquisition of German citizenship.

Foreigners are entitled to naturalisation after lawfully having their habitual place of abode in Germany for eight years, subject to certain conditions (Nationality Act, Section 10 (1)). Spouses and minor children can be naturalised together with the spouse or parent who qualifies for naturalisation, irrespective of whether they have been resident in the federal territory for eight years (Nationality Act, Section 10 (2)). Persons wishing to be naturalised must also declare their commitment to the free democratic constitutional system and confirm that they do not pursue or support any activities aimed at subverting this system. They must furthermore be in a position to support themselves and their dependents, they are required to give up their previous nationality and they must not have a criminal record. They must also possess an adequate knowledge of the German language. Since 1 September 2008, naturalisation candidates have additionally been required to have an understanding of the legal and social system and the way of life in Germany. This knowledge can also be demonstrated by means of a standard nationwide naturalisation test (Nationality Act, Section 10 (5)). The pass rate is between 98% and 99%.

Following successful attendance of an integration course, the qualification period for entitlement to naturalisation is reduced by one year to seven years (Nationality Act, Section 10 (3)). When the foreigner is able to demonstrate special integration progress, in particular language proficiency above level B 1 of the Common European Framework of Reference (CEFR), the period may be reduced to six years.

Spouses or life partners of Germans (Nationality Act, Section 9) should, as a general rule, be naturalised after being resident in Germany for only three years, provided that the marriage or life partnership has been in existence for at least two years. In addition, foreigners who are legally ordinarily resident in Germany can be naturalised at the discretion of the competent authority when there is a public interest in their naturalisation, provided that a number of minimum requirements are met (Nationality Act, Section 8).

The principle of avoiding multiple citizenship applies in connection with naturalisation. The requirement for the foreigner to give up his or her previous nationality is waived, however, where this is not possible or would entail particularly difficult conditions (Nationality Act, Section 12 (1)). This is the case, for example, where the prevailing law in the foreigner's country of origin does not make any provision for his or her

release from citizenship (Nationality Act, Section 12 (1), no. 1) or the country of origin refuses to grant such release as a matter of course (Nationality Act, Section 12 (1), no. 2). Multiple nationality is also to be accepted where a foreigner holds the citizenship of another member state of the European Union or Switzerland (Nationality Act, Section 12 (2); applicable since 28 August 2007).

Integration courses

Knowledge of German language is crucial to inclusion in the social fabric of our country and is thus vital to successful integration. The integration course to impart an understanding of the German language and German culture and society is the centrepiece of government measures to promote integration in Germany today. With a system of courses available throughout Germany, the Federation has developed an effective means of supporting immigrants in their efforts to integrate into German society. The Federal Office for Migration and Refugees is responsible for carrying out the courses. It avails itself of the services of private and public-sector institutions to this end.

As a basic service to promote integration, the integration course is aimed primarily at new immigrants with prospects of remaining in the country over the long term. Migrants immigrating from countries outside of the European Union (EU) are generally entitled to attend the course, as are repatriates. Migrants who are not formally entitled to attend the course but who lack adequate proficiency in the language may be permitted to attend after applying to the Federal Office for a place on the course. Migrants who have been living in Germany for many years show a particularly pronounced interest in the integration course and attend it voluntarily. These currently make up 42.1% of all those entitled to attend the course. In practice, the integration course has thus evolved over recent years into a valuable means of promoting "catch-up integration".

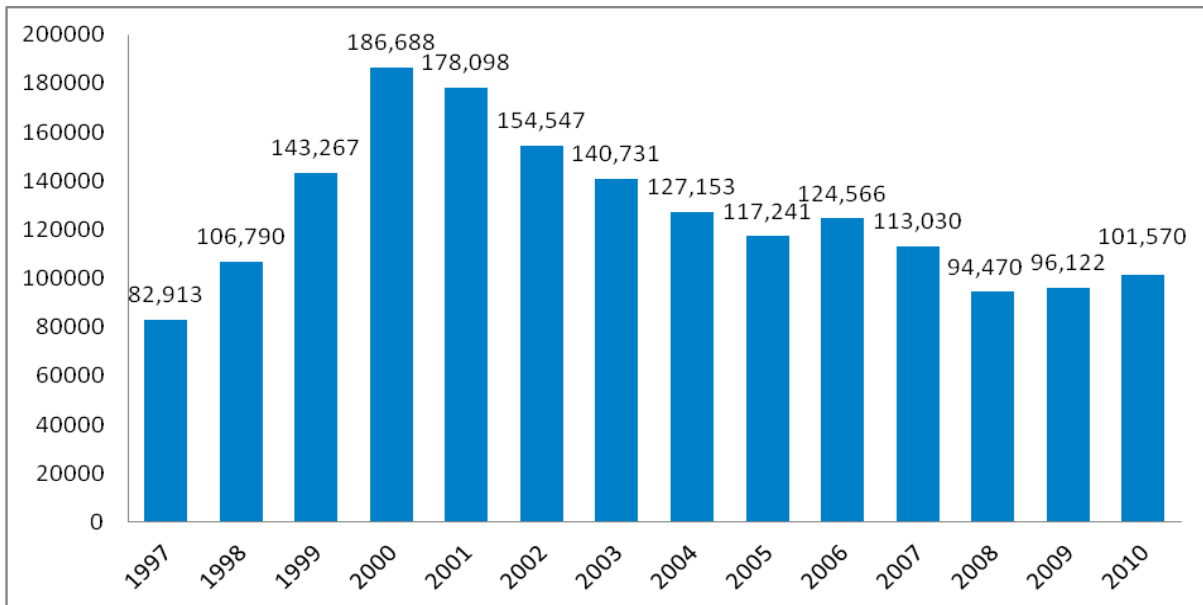
In certain circumstances, both immigrants who have already been living in Germany for some time and new immigrants may be obligated to attend an integration course. The obligation to attend the course is regulated in the Residence Act and applies both to new immigrants who are entitled to attend and to foreign persons who have been living in Germany for some time and either draw unemployment benefit II (such persons are required to attend by the institution providing basic security) or have special integration needs (such persons are required to attend by the local foreigners authority). Spouses coming to Germany to join their spouses are also required to attend the course when they are not sufficiently proficient in the German language. The authorisation to attend (= generic term covering admission, obligation to attend and confirmation of the entitlement to attend) provides access to the integration course. Around 1,037,000 authorisations to attend were issued between introduction of the integration courses on 1 January 2005 and 31 December 2011.

6.3. Statistics

Naturalisation

After peaking at 186,688 registered naturalisations in 2000, the figure declined until 2008, when it bottomed out at 94,470. The two following years witnessed a slight increase once again. 101,570 persons were naturalised in 2010. This represents a rise of 5.7% over the previous year. 51.0% of the naturalised persons were women (2009: 50.5%). In all, more than a million people (1,434,216) have been naturalised since the new law on nationality entered into force. The naturalisation rate fell between 2000 and 2010 from 2.6 to 1.4.

Figure 3: Naturalisation figures in Germany from 1997 to 2010



Source: Federal Statistical Office

Integration courses

A breakdown of participants according to nationality shows that Turkish nationals remain the largest group among the total volume of people attending the integration course. German nationals with a migrant background make up the second-largest group, followed by Polish nationals.

Table 8: New participants listed according to the most frequent nationalities (2010 and 2011)

Ranking		2010		2011		
		Absolute	Percentage	Ranking	Absolute	Percentage
1	Turkey	12.088	13.6%	1	14.372	14.8%
2	Germany	7.993	9.0%	2	8.324	8.6%
3	Poland	3.178	3.6%	4	5.947	6.1%
4	Russian Federation	3.116	3.5%	5	4.276	4.4%
5	Iraq	4.019	4.5%	3	3.613	3.7%
6	Romania	1.157	1.3%	13	3.004	3.1%
7	Kosovo	2.076	2.3%	6	2.938	3.0%
8	Afghanistan	1.400	1.6%	10	2.400	2.5%
9	Ukraine	1.715	1.9%	7	2.179	2.2%
10	Iran	1.190	1.3%	12	2.092	2.2%
	Other nationalities	49.205	55.5%		46.535	48.0%
Total		87.137	98.3%		95.680	98.8%

plus late repatriates	1.492	1.7%		1.177	1.2%
Total	88.629	100.0%		96.857	100.0%

Source: Federal Statistical Office

7. Migration and development

7.1. Responsible state authorities

Federal Ministry for Economic Cooperation and Development www.bmz.de

Federal Ministry of the Interior www.bmi.bund.de

Gesellschaft für Internationale Zusammenarbeit (German Association for International Cooperation, GIZ) www.giz.de

Centre for International Migration and Development (CIM) www.cimonline.de

7.2. Policies

The measures attributable to the field of migration and development vary according to the levels and scopes of responsibility of the respective parties involved. Measures in this field range from short-term and exploratory aid projects in the areas of return support and diaspora cooperation which are staged by organisations pursuing the implementation of development policy such as GIZ or CIM to the establishment of underlying conditions to facilitate mobility by the Federal Ministry of the Interior, for example. At Bundesland and local government level, the integration and intercultural departments play a particularly prominent role in supporting the development efforts of locally organised migrant organisations. In this context, the policy area of "migration and development" in Germany is broadened to form a complementary area of "integration and development". The empowerment of migrant organisations in the field of development policy also promotes integrative processes at local level.

7.3. Statistics

Remittances from Germany have acquired increasing importance since guest workers were first recruited in the 1960s. According to World Bank figures, they rose from around 2 billion US dollars in 1971 to around 14 billion US dollars in 2007. The increase in recent years is attributable less to sustained labour migration from developing countries, however, and rather to increased mobility in particular within the countries of Europe. In 2008, over 74% of all remittances from migrants in the Federal Republic of Germany were sent to recipients in the 27 EU member states. Around 8% of all remittances were destined for beneficiaries in Turkey. The greater Asia region received only 4.3% of all officially recorded remittances from Germany. Africa as a whole received 2% of all remittances.

Over 90% of all remittances from Germany went to recipients in countries with high and upper-middle income levels. Countries with low and lower-middle income levels received only 7.3% of all remittances effected from Germany.

Remittances to countries outside the EU from which guest workers were formerly recruited appear to be stagnant or in decline. Remittances to Turkey fell steadily up to 2006, for example. Remittances to Serbia (incl. Kosovo) and Morocco remain static at a relatively low level. According to German Bundesbank figures, remittances to Serbia have totalled between 200 and 240 million euros annually over the past five years. Morocco has received between 36 and 59 million euros annually over the past ten years. In contrast to the declining trend for remittances to the countries from which guest workers were formerly recruited, remittances to the developing regions of Asia and Africa are on the increase. The volume of remittances to Africa has almost doubled in the past ten years. The remittances from immigrants who are permanently resident in Germany play a significant role here, while remittances from temporary labour migrants from Africa are virtually irrelevant and remained below the 25 million euro threshold between 1999 and 2008.

8. Asylum and international protection

8.1. Responsible state authorities

Federal Ministry of the Interior www.bmi.bund.de

Federal Office for Migration and Refugees www.bamf.de

Ministries of Interior of the German States (Länder)

Together with these Federal institutional bodies, authorities dealing with foreigners at the level of federate states' administration have also a role in implementing the policies addressing asylum and international protection.

8.2. Policies

Foreigners who are victims of political persecution are entitled to asylum in Germany in accordance with Art. 16a (1) of the Basic Law. As such, the right of asylum is an individually enforceable legal entitlement with constitutional status. The Federal Office for Migration and Refugees is responsible for reviewing asylum applications. The review process covers the entitlement to refugee protection and to a deportation ban. An asylum applicant can refer a negative decision by the Federal Office for Migration and Refugees to an administrative court.

Entitlement to asylum and recognition of refugee status

The basic right to asylum applies solely to victims of political persecution, i.e. persons who have suffered state persecution entailing characteristics of relevance to asylum and/or who face a threat of such persecution on return to their country of origin. Quasi-state organisations which have ousted a country's government or to which a government has yielded power are considered as being equivalent to the state in this context (quasi-state persecution). Political persecution is defined by reference to the characteristics stipulated in the Geneva Convention on Refugees (Geneva Convention). In accordance with this convention, the granting of asylum depends on whether a person will be exposed to persecutory measures entailing a risk of harm or restrictions to their personal freedom or has a well-founded fear of such persecutory measures "for reasons of race, religion, nationality, members of a particular social group or political opinion" (Geneva Convention, Art. 1 A, no. 2).

In addition to the right to political asylum pursuant to Art. 16a (1) of the Basic Law, refugee status may also be acknowledged in accordance with the Geneva Convention. According to Art. 3 (4) of the Asylum Procedure Act in conjunction with Section 60 (1) of the Residence Act, by virtue of the Geneva Convention a foreigner must not be deported to a state "in which his or her life or liberty is under threat on account of his or her race, religion, nationality, membership of a certain social group or political convictions." In this context, persecution may be instigated by the state and by quasi-state actors such as parties and organisations which control the state or substantial parts of the national territory (quasi-state persecution). Persecution may additionally emanate from non-state actors, where state or quasi-state actors (including international organisations) are demonstrably unable or unwilling to offer protection from persecution. This provision applies only when there is no alternative means of flight within the state concerned, however. Section 60 (1), sentence 3 expressly stipulates that when a person is at threat solely on account of their gender, this may also qualify as persecution due to membership of a certain social group (gender-specific persecution). Section 60 (1), sentence 5 stipulates that Article 4 (4) and Articles 7 to 10 of the so-called Qualification Directive are additionally to be invoked for the purposes of establishing whether persecution pursuant to Section 60 (1), sentence 1 applies.

The Immigration Act which entered into force on 1 January 2005 harmonised the residence status of persons entitled to asylum and refugees recognised under the Geneva Convention (Residence Act, Section 25 (1) and (2)). Under the new provisions, both persons entitled to asylum in accordance with Art. 16a (1) of the Basic Law and foreigners who have been granted refugee status (Section 3 of the Asylum Procedure Act in conjunction with Section 60 (1) of the Residence Act) initially receive a (temporary) residence permit. After holding a residence permit for three years, they are to be granted a settlement permit, unless the conditions for the revocation or withdrawal of recognition apply (Residence Act, Section 26 (3)). The residence permit for both these groups entitles the holder to pursue an economic activity.

Persons who do not qualify as being entitled to asylum or do not meet the requirements for refugee status may receive subsidiary protection if they face dangers in their country of origin. In these cases it is to be established whether the conditions pertaining to prohibition of deportation apply in accordance with Section 60 (2), (3), (5) or (7) of the Residence Act. This subsidiary protection applies in particular in cases in which a foreigner faces a threat of torture, the death penalty, inhuman or degrading punishment or treatment and other substantial concrete dangers to life and limb or their liberty. In certain circumstances, subsidiary protection is also granted to persons facing dangers in connection with armed conflicts (Residence Act, Section 60 (7), sentence 2). The prohibition of deportation pursuant to Section 60 (2), (3), (5) or (7) of the Residence Act applies solely to dangers which the applicant faces in the country of destination in case of deportation (destination-specific prohibition of deportation). The dangers in question may emanate from state and/or non-state actors.

In connection with an intended deportation, the foreigners authority is also required to consider impending dangers as a result of the foreigner leaving the federal territory (internal impediments to enforcement), e.g. health-related prohibitions of deportation (a substantial deterioration in an illness which will arise in the country of origin constitutes grounds for a destination-specific prohibition of deportation).

A foreigner for whom a destination-specific prohibition of deportation is established pursuant to Section 60 (2), (3), (5) or (7) of the Residence Act receives a residence permit in accordance with Section 25 (3) of the Residence Act.

Other forms of granting protection

In accordance with Section 22, sentence 1 of the Residence Act, a foreigner may be granted a residence permit for the purpose of admission from abroad in accordance with international law or on urgent humanitarian grounds. Decisions on such permits are made by the Land authorities. A residence permit is to be issued in accordance with Section 22, sentence 2 when the Federal Ministry of the Interior has declared that the foreigner is to be admitted in order to uphold the political interests of the Federal Republic of Germany. The admission of Jewish immigrants from the former Soviet Union is covered by Section 23 (2) of the Residence Act.

In accordance with Section 25 (4) of the Residence Act, a foreigner who is non-enforceable required to leave the federal territory may be granted a residence permit for a temporary stay if his or her continued presence in the federal territory is necessary on urgent humanitarian or personal grounds or due to substantial public interests.

Section 25 (4a), which was incorporated into the Residence Act by virtue of the Directives Implementation Act which entered into force on 28 August 2007, enables a residence permit for a temporary stay in the federal territory to be issued to a foreigner who has been a victim of human trafficking, even if he or she is

unappealably obliged to leave the territory. The residence permit may only be issued if the foreigner's presence in the federal territory is considered to be appropriate in connection with criminal proceedings, he or she has broken off all links with the accused persons and has declared his or her willingness to testify as a witness in the criminal proceedings.

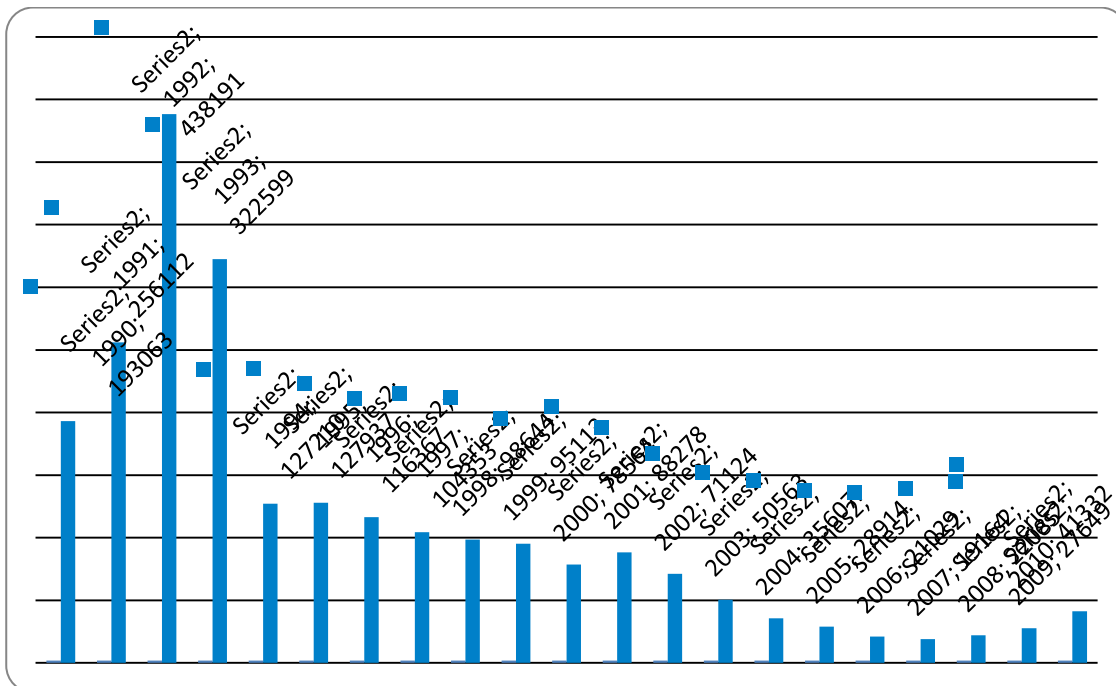
In accordance with Section 25 (5) of the Residence Act, a foreigner who is unappealably obliged to leave the federal territory may be granted a residence permit if his or her departure is impossible in fact or in law and the obstacle to deportation is not likely to be removed in the foreseeable future. The residence permit is to be issued if deportation has been suspended for 18 months. The residence permit may only be issued if the foreigner is prevented from leaving the federal territory through no fault of his or her own, however.

8.3. Statistics

Between 1990 and 2010, 2.364 million persons (figures for initial asylum applications) applied for political asylum in Germany.⁷ Up to the end of the 1990s the majority of asylum applicants originated from Europe (including Turkey and the USSR/later Russian Federation). As of 2000, the number of asylum applicants from Asian countries exceeded those from European countries each year, against the background of an overall marked decline in asylum application figures. In 2010, 52.2% of all applicants originated from Asia (2009: 64.3%), as compared to 29.7% from Europe (2009: 18.0%) and 16.5% from Africa (2009: 16.0%).

Figure 4: Asylum applicants (initial applications) 1990–2010

⁷ The Federal Office for Migration and Refugees only began to differentiate between initial and follow-up applications in its statistics in 1995. Consequently, the asylum application figures for the period from 1990 to 1994 are slightly inflated. In the presently available statistics, the figures for initial applications were applied for the years from 1995 onward.



Source: Federal Office for Migration and Refugees

A virtually continual decline in the figures for initial asylum applications is to be observed from 1993 to 2007. The number of asylum applicants picked up again substantially from 2008. In 2010 the number of initial applications rose by 49.5% over the previous year, to 41,332 persons (2009: 27,649 initial asylum applications).

There was a particularly sharp rise in the number of first-time asylum applicants from European countries (from 4,972 to 12,279 initial applications). This is primarily attributable to the marked rise in the number of Serbian and Macedonian applicants. The further increase in the number of initial applications from Asian countries (from 17,765 to 21,591 initial applications) is accountable to the renewed substantial rise in the number of Afghan asylum applicants. The number of initial applications from Iran and Syria also increased markedly. Despite the increase in the past three years, the figures remain overall well below the application figures for 1992, when asylum applications peaked at 400,000.

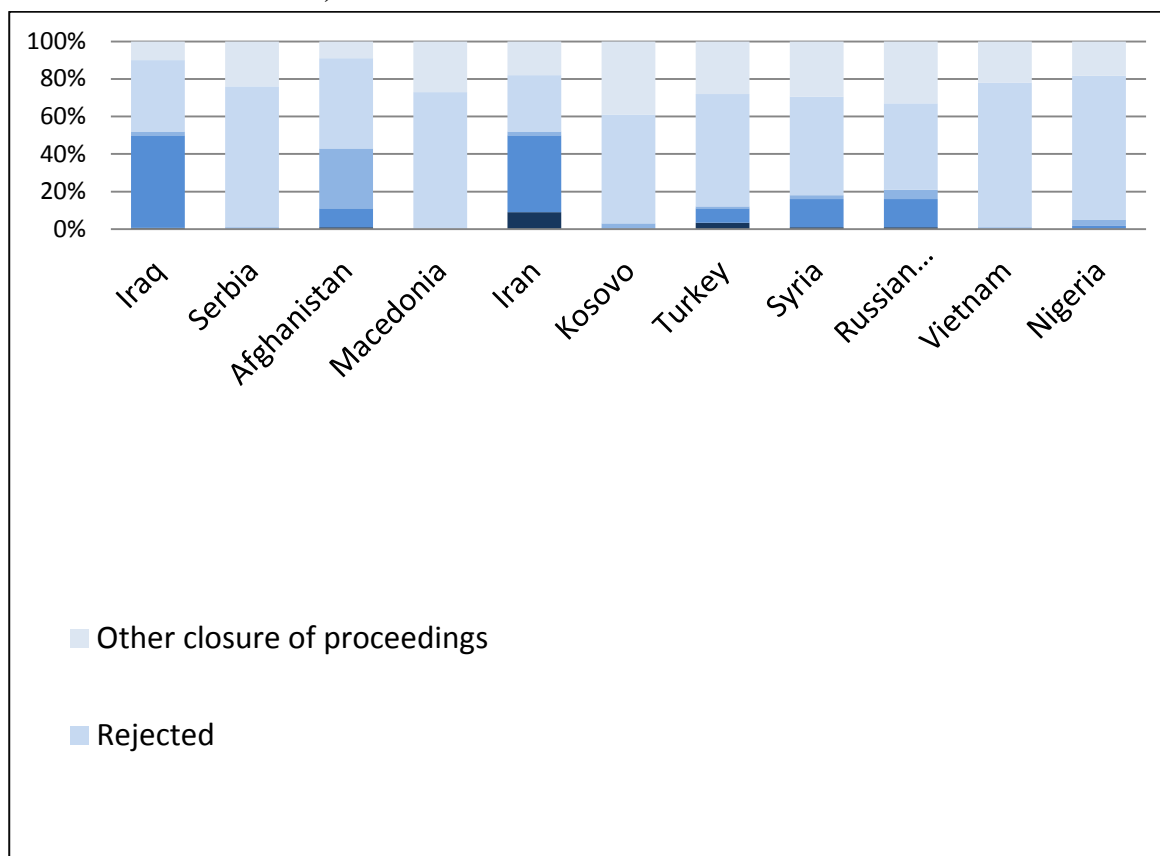
Asylum applicants (initial applications) according to countries of origin, 2010

The Federal Office for Migration and Refugees decided on almost 3 million asylum applications between the beginning of 1990 and the end of 2010. The asylum recognition rate – that is, the ratio of applications recognised solely in accordance with Art. 16 (2), sentence 2 of the Basic Law, old version or Art. 16a, (1) of the Basic Law to all of the Federal Office's content-related and formal decisions on asylum applications – remained below 10% throughout this period, and below 6% from 1997. The lowest recognition rate for asylum applications was recorded in 2006, at 0.8%. In 2010, the recognition rate stood at 1.3%.

In addition to deciding on applicants' entitlement to asylum in accordance with Art. 16a of the Basic Law, the Federal Office for Migration and Refugees also decides on the recognition of refugee status pursuant to the Geneva Convention in accordance with Section 3 (4) of the Asylum Procedure Act in conjunction with Section 60 (1) of the Residence Act and, when neither asylum nor refugee protection is granted, on the

prohibition of deportation in accordance with Section 60 (2), (3), (5) or (7) of the Residence Act. In 2010 the rate for the recognition of refugee status pursuant to Section 3 (4) of the Asylum Procedure Act in conjunction with Section 60 (1) of the Residence Act stood at 14.7%. In addition, deportation was prohibited for 5.6% of asylum applicants in 2010 in accordance with Section 60 (2), (3), (5) or (7).

Figure 5: 2010 Federal Office decisions according to selected countries of origin (percentage of the total number of decisions)



Source: Federal Office for Migration and Refugees

At 21.6% (10,395 persons), a lower protection rate (all positive decisions pursuant to Art. 16a (1) of the Basic Law, pursuant to Section 3 (4) of the Asylum Procedure Act in conjunction with Section 60 (1) of the Residence Act and pursuant to Section 60 (2), (3), (5) and (7) of the Residence Act) was recorded in 2010 than in the previous year (2009: 33.8%; 2008: 37.7%; 2007: 27.5%; 2006: 6.3%). This decline in the protection rate is attributable in particular to the large number of decisions on applicants from Serbia and Macedonia, for whom protection rates of under one per cent were recorded, while the protection rates for asylum applicants from Afghanistan, Iraq and Iran remained at the previous year's level. 21.9% of application procedures were concluded by other means. This latter category primarily concerns decisions according to the Dublin regulation where another EU member state is responsible for the asylum procedure, proceedings which are discontinued following withdrawal of the application by the asylum seeker and decisions ruling out any further asylum proceedings in response to subsequent applications. In 2010, the share of rejected applications in the total number of decisions stood at 56.6%.

A breakdown of decisions according to the asylum applicants' countries of origin reveals an above-average asylum recognition rate pursuant to Art. 16a of the Basic Law for asylum applicants from Iran (9.0%), Turkey (3.6%) and Sri Lanka (13.8%).

Other forms of granting protection

55 foreigners were admitted to Germany from abroad in accordance with international law or on humanitarian grounds in accordance with Section 22 of the Residence Act in 2010 (2009: 47). 33 of these persons originated from Iran, corresponding to 60.0% of all persons admitted in accordance with Section 22 of the Residence Act. 10 persons came from Yemen. In all, 507 third-country nationals held a residence permit pursuant to Section 22 of the Residence Act on 31 December 2010.

In 2010, 2,856 foreign nationals came to Germany after being granted a residence permit pursuant to Section 25 (4) of the Residence Act. This represented an increase of almost one quarter (23.9%) over the previous year (2009: 2,305). The main countries of origin were the Russian Federation (453 persons), the United Arab Emirates (408 persons), Kuwait (177 persons) and Saudi Arabia (165 persons). 41.5% of the persons entering the federal territory in accordance with Section 25 (4) were women. As per 31 December 2010, a total of 15,332 third-country nationals were resident in Germany with a residence permit issued in accordance with Section 25 (4) of the Residence Act.

In all, 363 persons who entered Germany in 2010 received a residence permit in accordance with Section 25 (5) of the Residence Act (2009: 246). This represents a rise of 47.6% over the previous year. 49 residence permits were issued to Kosovo nationals, 38 to nationals of Serbia and the former Serbia and Montenegro, and 34 residence permits were issued to persons who were stateless or whose nationality had yet to be established. 26 residence permits went to Turkish nationals. 43.5% of the residence permits pursuant to Section 25 (5) of the Residence Act were issued to women. As per 31 December 2010, a total of 49,276 third-country nationals were living in Germany with a residence permit issued in accordance with Section 25 (5) of the Residence Act.



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