IMMIGRATION TO GERMANY: THE CASE OF POLES

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An ethnographic comparative approach

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Introduction

This report first provides a brief summary of the history of migration to both parts of post war Germany in order to contextualise the immense changes regarding migration flows and policies since the opening of the borders in Eastern Europe and the German unification. Second it outlines the developments of migration and migration policy in general (chapters 2 and 3) as well as according to specific migrant groups (chapter 4). In chapter 5 the selected case of Polish migration to Germany is elaborated. Migration from Poland to Germany was and still is an important case in terms of numbers as well as in terms of various patterns of migration, like migration of *Aussiedler* and holders of the German passport, temporary labour migration, shuttle migration and the shape of transnational households. Moreover, due to historical developments and changes of migration policies especially during the last about twenty years both, in the sending and in the receiving state, Polish-German migration underwent several specific changes. The report concludes with some suggestions for further research regarding the impact of migration policies on decisions to migrate and integration patterns.

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1 Brief History of Migration to Post War Germany

The history of migration to post war Germany until the opening of the Iron Curtain can shortly be sketched in different patterns. From the end of World War II to 1950 about 12.5 million German refugees were expelled and fled from the pre-war German regions and settlements in Eastern Europe to East and – in the majority – West Germany. Moreover, thousands of refugees from the newly establishing communist countries flew to the West, often using West Germany as a transit country. From 1950 to 1961, when the Berlin Wall was built, about three million *Übersiedler* from East Germany moved to West Germany. In the following years, ethnic Germans – *Übersiedler* as well as *Aussiedler* from Eastern Europe, esp. from Poland – still managed to move to West Germany, but on a smaller scale depending on the migrations policies of the sending countries.[1] In the 1950s and 1960s the combination of high economic growth with internal labour shortages led to an extensive recruitment of workers mainly from Southern Europe and North Africa. Between 1960 and 1973, some 18.5 million people arrived in the Federal Republic of Germany (FRG), and about four million settled there. Because of the economic recession the recruitment of foreign workers, called guest workers (*Gastarbeiter*) to emphasize the intended temporary nature of their contracts, had been generally banned in 1973. As an unintended consequence the number of residents from foreign countries increased: Migrant workers who had planned to work only temporarily in the FRG decided to stay and to let their relatives rejoin them. Since 1973 family reunion has become a major source of immigration to West Germany. Already in the 1970s, but remarkably in the 1980s the immigration of refugees and asylum seekers from the South, and from Eastern Europe was rising. In 1980 for the first time the number of asylum seekers exceeded 100,000 (see e.g. Herbert 2001; Meier-Braun 2002).

In the 1960s the German Democratic Republic (GDR) also started to recruit workers from allied countries because of its high shortage in labourers. On the basis of bilateral agreements thousands of workers were hired on a temporary basis, officially for the purpose of further training. In fact the “contract workers” (*Vertragsarbeitnehmer*) hardly had an opportunity for further education, but often had to work under harsh conditions. In 1981 about 24,000 contract workers lived in the GDR, in 1989 about 94,000, among those 60,000 Vietnamese. In addition, about 10,000 to 30,000 workers from Poland came to the GDR in the scope of foreign trade agreements – comparable to nowadays project linked contract workers.

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[1] *Übersiedler* are East Germans who immigrated from the East to West Germany. *Aussiedler* (expatriates) are German nationals and people of German origin who emigrated from central and eastern Europe to Germany.

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Normally, the migrant workers had to leave the country at least after two years. The GDR granted asylum to political refugees from dictatorial countries. In contrast to refugees in the FRG the refugees did not have a right of asylum but the authorities decided according to their discretion. However, in 1989 only about 190,000 foreigners lived in the GDR which accounted of about one per cent of the total working population. In the period of transformation and unification of the two German states many of the former contract workers lost their jobs and had to leave the country. Moreover, migrant workers frequently became victims of xenophobic attacks especially in the new German federal states (see e.g. Krüger-Potratz 1991; Behrends et al. 2003).

2 Demography and migration flows since the 1990s

The major influx of immigration to Germany in recent years took place in the aftermath of the opening of the borders in Eastern Europe. Between 1988/1989 and the mid of the 1990s the following different groups of migrants were coming to the FRG: *Aussiedler* from Eastern Europe and *Übersiedler* from the GDR; quite large numbers of tourists and refugees from Eastern Europe, many of them looking for work and better living conditions in the West, as well as asylum-seekers from African and Asian countries, also choosing the new migration routes. Between 1989 and 1995 the number of immigrants rose from 860,000 (1988) up to more than 1.1 million annually and reached its peak in 1992 with 1.5 million.[2] In the following years immigration decreased gradually. Between 1997 and 2002 about 850,000 immigrants to Germany were registered yearly. In 2003 the number of immigrants dropped under the mark of 800,000 for the first time since 1987. In the early 1990s emigration developed similarly, although on a lower level. Between 1989 and 1993 the number of emigrants rose from 540,000 up to 820,000. It declined in the following years to a level of between 600,000 and 750,000 a year. The migration balance reached its maximum in 1990 with 680,000, and subsequently declined to about 80.000 in 2004 (BMI 2004, BAMF 2005; see also e.g. Münz 2000; Dietz 2003).

In general the range of countries of origin is broadly dispersed. The structure of the sending countries has not changed very much since the early 1990s (BAMF 2005, 15). In 2003 the main sending region was Europe with 67.7 % of all about 769,000 immigrants, another 17.5

[2] Federal Statistical Office, also in the following. The official migration statistics depend on the registration and de-registration of people with the residents' office when moving to or leaving Germany. They are required to do so after a two weeks stay in the country, nevertheless many fail to register. The statistics summarise *cases* of moving and not *persons*, meaning that one person who stays in Germany for several short term visits may appear several times in the statistic.

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% came from Asia and only 4.7 % from Africa (BMI 2004, 13f). The major sending country is Poland: In 2003 88,000 migrants resp. 14 % of all immigrants came from Poland, in 2004 – the year of EU-enlargement – their number even rose up to 139,000 (resp. 18 %).[3] Among the old EU-countries most migrants, namely 22,000 (resp. 17 % of all migrants from EU-countries) still originated from Italy, although their number has declined compared to about 48,000 in 1995. The highest number of migrants from the Commonwealth of Independent States (CIS) – mostly *(Spät-)aussiedler*[4] and their relatives – was registered in 1994/1995 with 213,000 resp. 209,000. It has subsequently declined to 172,000 (1996) and 59,000 (2004) after requirements for *Aussiedler*-immigration have been further restricted (see below) (Federal Administration Office). In 2003 still 6 % of all immigrants originated from one of the successor countries of former Yugoslavia, but their number have declined since 2000 due to the political stabilisation in the Balkan region. Turkey is still an important sending country with about 6 % of the total (2003) (BMI 2004 13f).[5] The majority of Turkish migrants are spouses and descendants of migrants immigrating within the scope of family reunion.

In 2003 the registered emigration regards mainly to the EU-region with a proportion of about a quarter of the total number of 626,330 emigrants, as well as to Poland with 13 % (ibid, also in the following). Another 8 % moved to the states of former Yugoslavia, 6 % to Turkey, 4 % to the US and 3 % to Rumania. Only a few emigrants headed for the CIS, where most of the *Aussiedler* are from who tended to stay in Germany. Between 1990 and 2004 between 39 to 43 % of all immigrants and between 32 and 38 % of all emigrants were female. In terms of age, the most mobile group were those in the working age between 25 and 40, who accounted for 39 % of all immigrants and 42 % of all emigrants (2003).

[3] Ibid; Federal Statistical Office; own calculation, also in the following.
[4] From 1993 onwards newly arriving *Aussiedler* are called “*Spätaussiedler*” (“late expatriates”).
[5] Immigrants from Ukraine 2004: 17,200 (6,600 male/10,600 female); emigrants: 6,100, Federal Statistical Office.

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Table 1: Immigration to and emigration from Germany 1991-2004

Year	Immigration			Emigration			Balance	
	Total	Of those: Foreigners	Proportion	Total	Of those: Foreigners	Proportion	Total	Of those: Foreigners
1991	1.198.978	925.345	77,2%	596.455	497.540	83,4%	+602.523	+427.805
1992	1.502.198	1.211.348	80,6%	720.127	614.956	85,4%	+782.071	+596.392
1993	1.277.408	989.847	77,5%	815.312	710.659	87,2%	+462.096	+279.188
1994	1.082.553	777.516	71,8%	767.555	629.275	82,0%	+314.998	+148.241
1995	1.096.048	792.701	72,3%	698.113	567.441	81,3%	+397.935	+225.260
1996	959.691	707.954	73,8%	677.494	559.064	82,5%	+282.197	+148.890
1997	840.633	615.298	73,2%	746.969	637.066	85,3%	+93.664	-21.768
1998	802.456	605.500	75,5%	755.358	638.955	84,6%	+47.098	-33.455
1999	874.023	673.873	77,1%	672.048	555.638	82,7%	+201.975	+118.235
2000	841.158	649.249	77,2%	674.038	562.794	83,5%	+167.120	+86.455
2001	879.217	685.259	77,9%	606.494	496.987	81,9%	+272.723	+188.272
2002	842.543	658.341	78,1%	623.255	505.572	81,1%	+219.288	+152.769
2003	768.975	601.759	78,3%	626.330	499.063	79,7%	+142.645	+102.696
2004	780.175	602.182	77,2%	697.632	546.965	78,4%	+82.543	+55.217

Source: Federal Statistical Office

The total number of registered residents without a German passport accounts for 6.7 million corresponding to 8.9 % of the total population in Germany.[6] The majority of foreign passport holders are Turks with more than 1.7 million, followed by Italians with 540,800, and Poles with 326,600 individuals (see table 2 below). The migrants from the different states of former Yugoslavia account still for more than 500,000. The gender relation of all “foreigners” is – with a slight prevalence of males – relatively balanced, although differences according to the country of origin are apparent. The composition of the foreign population reflects only roughly the migration patterns since the beginning of the recruitment of migrant workers. The figures only inform about those persons holding a foreign passport. Naturalized immigrants and *Aussiedler* are not included, whereas children and grand-children of migrants who were born in Germany may still count as “foreigners”. Micro census data show that about another 10 % of the total population are Germans with a “migration background”, meaning that either they have at least one migrant parent, are themselves *Aussiedler* or naturalized immigrants (Statistisches Bundesamt 2005).

[6] Federal Statistical Office.

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Table 2: Foreign residents in Germany by citizenship, 31.12.2005

Citizenship	Foreign Residents
EU countries[1]	**2,144,600**
France	102,200
Greece	309,800
Italy	540,800
Netherlands	118,600
Austria	174,800
Poland	326,600
Spain	107,800
Non-EU European countries[1]	**3,230,500**
Bosnia, Herzegovina	156,900
Croatia	228,900
Russian Federation	185,900
Serbia, Montenegro	297,000
Turkey	1,764,000
Ukraine	130,700
Africa[2]	**274,900**
Morocco	71,600
Asia[2]	**826,400**
Iraq	75,900
Iran	61,800
Afghanistan	55,000
China	73,800
Kazakhstan	59,400
Latin America, Caribbean	**98,400**
USA, Canada	**110,800**
Australia, Oceania	**10,200**
other (without or unknown citizenship)	**60,900**
Total	**6,755,800**

Source: Federal Statistical Office
1) Selected figures above 100,000.
2) Selected figures above 50,000.

The roughly sketched migration flows and population figures do not include the migration of not registered or documented migrants. There is evidence that their number significantly rose in the 1990s, which will be further elaborated below.

3 Recent Changes in German migration policies

The decline of registered migration flows has to be analysed within the context not only of the stabilisation of the political situation in some main sending countries during the 1990s, but more generally in the distinct changes of migration policies within the EU and Germany. In the 1990s the German government restricted options of legal entry and permanent settlement.

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This mainly applies to asylum seekers and refugees, but – although less rigidly – also to so called *Aussiedler.* Alongside, a new system of recruiting migrant workers has been installed, giving seasonal workers, project bound contract workers, border commuters, and some specialists the opportunity to work in Germany for a limited period of time on an exemptional basis. After EU-extension in May 2004 the German migration policies towards the new member states regarding to labour migration only slightly shifted, as Germany opted for a transmission period of seven years before granting foreigners of the new EU-countries free choice of employed work. A significant change concerning migration and integration policies was announced by the Social democratic-Green coalition which gained power in 1998. In fact, the new government launched a new Citizenship Law, enacted in January 2000, the so called Green Card for IT specialists in 2000, and the new *Immigration Act (Zuwanderungsgesetz)*, which came into effect in January 2005. By these changes the government finally recognised that immigration had been taken place for years and requires deliberate pro-active management, after the former governments had insisted that Germany was "no immigration country" ("Deutschland ist kein Einwanderungsland") (Bommes 2001; Heckmann 2003; Bade et al. 2004). However, after long debates the new Citizenship Act and the Immigration Act had been decisively modified and were in the end less progressive than earlier drafts (BMI 2001). Recently, the government suggested further restrictions of those policies.

The new Citizenship Act (2000)

Since January 2000 children of foreigners acquire German citizenship if one parent legally lives in Germany for at least eight years. The new born children are allowed to hold a double passport until the age of 23, when they have to opt for one of the citizenships. Since 1913 German citizenship had – apart from naturalisation – only been based on the German descent following the principle of the ‚ius sanguinis'. Eventually, since 2000 the ‚ius soli' is in part in effect, meaning the place of birth is also relevant for German citizenship. Nevertheless, the previous plan for the new law, which had envisioned allowing double citizenship in general, had been abolished after the conservative parties had launched a campaign against it. Further, the new law facilitates the naturalisation of foreigners in Germany and therefore takes into account that thousands of foreigners and their children are permanent immigrants (Hailbronner/Renner 2005). Naturalisation figures rose up to 187,000 in 2000 compared to 143,000 in the year before.[7] Recently, the Federal States agreed about formulating further

[7] Federal Statistical Office.

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testable criteria for the naturalisation of foreigners. Applicants will have to participate in special courses preparing for the German citizenship.[8] It is to be seen if those courses will overcome former quite traditional and static views of a so called German "Leitkultur", German norms and values (see e.g. Leggewie 2000).

The new Immigration Act (2005)

The *Immigration Act (at length: „Law for Controlling and Restricting Immigration and for the Regulation of the Residence and Integration of EU-Citizens and Foreigners"* summarises the variety of migration related acts and ordinances, namely the Residence Act (*Aufenthaltsgesetz*), which regulates the entry and stay of third country nationals, the Act on General Freedom of Movement for EU Citizens, and amendments to various additional legislation (concerning Asylum Procedure Act, (Social) Welfare Law for Asylum Seekers Citizenship Act etc.).[9] It provides a legislative framework for controlling and restricting immigration as a whole for the first time. It also contains measures to promote the integration of legal immigrants in Germany which used to be only the case for *Aussiedler*. In general the Immigration Act reduces the former five types of residence permits to only two – the (temporary) residence permit and the (permanent) settlement permit – and links them explicitly with the purpose of stay. The right of residence is based on the purpose of residence, in particular: employment, training and education, humanitarian reasons, and subsequent immigration of family members. The general ban on recruiting foreign labour and its exceptions remain in effect. The Immigration Act does provide some channels for labour market immigration as a regular option, but only for high-skilled and self-employed immigrants. Vogel/Wüst (2003) point out, that the actual policy instruments remained basically the same (see also Oberndörfer 2005; Schönwälder 2004). The Act includes further decisive changes in respect to refugees and asylum seekers. Moreover, new legislation on internal security and counter-terrorism has been integrated into the Immigration Act broadening the possibilities of deporting and monitoring foreigners. Details on the various aspects of the Immigration Act and further planned amendments are elaborated below.

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[8] Kompromiß beim Einbürgerungstest, 5/5/2006, http://www.faz.net/s/Rub594835B672714A1DB1A121534F010EE1/Doc~E801055D62B1149BAA0410E2CA6EF37EC~ATpl~Ecommon~Scontent.html, access June 10, 2006.

[9] ZuWG, Bundesgesetzblatt 2004, I No. 41, Bonn 5/8/2004, see also http://www.zuwanderung.de/english/2_zuwanderungsgesetz.html

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4 Migration Policies according to different migrant groups

In the following I will outline the migration policies according to different legal groups and options of entry to Germany, and will give further details on the quantitative degree of the particular migrant groups.

4.1 Subsequent immigration of dependent family members

Since the options of labour migration, political asylum and *Aussiedler* migration have been restricted, one of the most common options for citizens of non EU-countries for entry and settlement in Germany has been the migration in the scope of family reunion. The regulation depends on the status and nationality of the person already living in Germany. The right to family reunion with Germans or non-EU-citizens applies, apart from cases of hardship, only to the nucleus family, i.e. to underage children in the first generation and spouses of Germans.[10] Since 2005 children of non-EU-citizens between 16 and 18 have to prove German language skills and their previous education and living condition should indicate that they will adapt to life in Germany without problems.[11] Furthermore, a foreign parent of an underaged German child is allowed to enter. In contrast to that, regarding EU-citizens the family includes also children younger than 21, as well as grand-children, parents or grand-parents, if the EU-citizen can afford to support them.[12] Since 2005 the term family reunion also applies to registered homosexual partnerships. Children of Germans may migrate until the age of 18 whereas children of other foreigners are only allowed to immigrate when they are younger than 16 years. Family reunion to a non-EU-foreigner requires that s/he has a relatively consolidated legal residence status, can prove sufficient housing and is able to make a living without depending on social benefits. The residence permit of the subsequently immigrating family member depends on that of the person already living in Germany for up to two years, apart from cases of hardship. Various authors pointed to the fact that the legal dependency of new migrants, especially female migrants, from their spouses may maintain patriarchal or exploitative relationships (e.g. Morokvasic-Müller et al. 2003). Recently**,** plans to restrict the age of rejoining spouses to a minimum age of 21 are under consideration, apparently to reduce forced marriages and human smuggling.[13] The issue of forced marriages and violent

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[10] ZuWG, Art. 1, §§ 27ff. In comparison the definition of the family of German *Aussiedler* also includes grand-children.

[11] This is not required, if the foreigner living in Germany is an entitled political refugee.

[12] ZuWG, Art. 2, § 3.

[13] Netzzeitung 2006, Koalition uneins über Pläne gegen Zwangsehen, 17.3.2006, http://www.netzzeitung.de/deutschland/387572.html, access, May 18, 2006.

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patriarchal relationships in Turkish or Muslim families has been controversially discussed within a broader debate about citizenship for Muslims and the alleged failure of multiculturalism (see e.g. Schiffauer 2006). However, it is to doubt, that further immigration restrictions are an appropriate means to solve the complex problems of forced migration.[14] Exact figures on family reunion are not available. The only source is the statistic on visas, conducted by the Office of the Exterior since 1996. Visas are required before entry from citizens of all countries apart from EU-member states, European Economic Area (EEA) countries, Switzerland, USA, Australia, Israel, Japan, Canada, New Zealand, and Republic of Korea. The internal authorities may only exceptionally grant, for example, a tourist the permit to stay in the scope of family reunion. Since 1996 until 2002 the number of visas granted for family reunion rose from 55,900 to 85,300, and again declined to 65,900 (2004) (BAMF 2005, 61, also in the following). The number of visa for minor children increased from 11,600 (1996) to 21,300 (2002), and also dropped down to 14,300 in 2004. Women who followed their German husbands accounted for the highest proportion with 31 %, women following foreigners accounted for 22.3 % (2004). Generally, since 2000 family members more frequently joined Germans than foreigners, probably due to an increased degree of naturalisations. The most important sending country in terms of family reunion is Turkey, where between 1996 and 2002 about 21,000 to 27,000 visas each year were granted. Until 2004, the number declined to 17,500, but its proportion still accounted for 27 % of the total amount. All in all, the structure of the sending countries is becoming more diverse: In 2003 9 % of all visas were allowed in Serbia/Montenegro, 7 % in the Russian Federation, furthermore in Thailand (5%), Poland (4 %), Morocco (3 %), Czech Republic, Ukrainia, India, and Pakistan (each 2 %).

4.2 Ethnic Germans: Aussiedler and double passport holders

German law allows persons of German descent living in Eastern Europe, so called *Aussiedler*, to move to Germany and acquire German citizenship. The law is codified in Article 116 of the Basic Law for the FRG, which provides access to German citizenship for anyone “who has been admitted to the territory of the German Reich within the boundaries of December 31, 1937 as a refugee or expellee of German ethnic origin or as the spouse or descendant of such person”. Until 2005 in contrast to any other immigrant group *Aussiedler* were broadly

[14] Zwangsverheiratung und Gewalt gegen Frauen, Stellungnahme zum aktuellen Stand der Debatte um Zwangsverheiratung und Gewalt gegen Frauen , Bundesverband der Migrantinnen in Deutschland e.V, Frankfurt am Main, 17.02.2006, http://www.migrantinnen.org/sayfalar/deutsch_text.htm#8, access June 10, 2006.

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supported by official integration measures concerning housing, language and general orientation courses, vocational training and financial help (see e.g. Koller 1997). Confronted with the high influx of *Aussiedler* the German government tightened the requirements to be accepted as an *Aussiedler*. Since 1990 the appeals have to be made from the home country of the applicant and not after arriving in Germany. Also, authorities have tended to handle the appeals more strictly since then. Since January 1993 ethnic Germans from foreign countries apart from the former Soviet Union have had to prove that they were still suffering disadvantages due to their German ethnicity (*Volkszugehörigkeit*).[15] Subsequently, the numbers of *Aussiedler* from Poland declined noticeably, from 143,700 in 1992 to 81,700 in 1993. Furthermore, in 1993 a yearly quota for immigrating ethnic Germans was adopted for the first time, allowing only around 225,000 *Aussiedler* p.a. resp. since 1998 100,000 *Aussiedler* p.a. to immigrate. Since 1996 it is required that applicants prove their German language skills. As a consequence the number of *Aussiedler* from the CIS has significantly declined from 209,000 in 1995 to 59,000 in 2004 (see table 3). Since the implementation of the new Immigration Act in 2005 German skills are also required from spouses and descedants of *Aussiedler* who wish to immigrate to Germany. If they do not comply with these requirements they account as foreigners *(Ausländer)*, and need to apply for family reunion if willing to join their spouses or parents in Germany. Apart from the restrictions in the regulation of entry the measures supporting the social and economic integration of *Aussiedler* have been gradually reduced since 1990 (e.g. Dietz 2003).

[15] Kriegsfolgenbereinigungsgesetz, Bundesvertriebenengesetz 1993, BGBl. 1993 I S. 829.

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Table 3: Immigration of (Spät-)Aussiedler to Germany[1] according to countries of origin, 1990-2004

Country of origin	**1990**	**1991**	**1992**	**1993**	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**
Poland	133,872	40,129	17,742	5,431	2,440	1,677	1,175	687	488	428	484	623	553	444	278
Former Soviet Union	147,950	147,320	195,576	207,347	213,214	209,409	172,181	131,895	101,550	103,599	94,558	97,434	90,587	72,289	58,728
among those:															
Estonia				*283*	*366*	*363*	*337*	*136*	*69*	*116*	*80*	*77*	*79*	*69*	
Latvia				*266*	*267*	*360*	*248*	*124*	*147*	*183*	*182*	*115*	*44*	*45*	
Lithuania				*166*	*243*	*230*	*302*	*176*	*163*	*161*	*193*	*97*	*178*	*123*	
Kazakhstan				*113,288*	*121,517*	*117,148*	*92,125*	*73,967*	*51,132*	*49,391*	*45,657*	*46,178*	*38,653*	*26,391*	
Kirgizstan				*12,373*	*10,847*	*8,858*	*7,467*	*4,010*	*3,253*	*2,742*	*2,317*	*2,020*	*2,047*	*2,040*	
Moldova				*1,139*	*965*	*748*	*447*	*243*	*369*	*413*	*361*	*186*	*449*	*281*	
Russian Federation				*67,365*	*68,397*	*71,685*	*63,311*	*47,055*	*41,054*	*45,951*	*41,478*	*43,885*	*44,493*	*39,404*	
Ukraine				*2,711*	*3,139*	*3,650*	*3,460*	*3,153*	*2,983*	*2,762*	*2,773*	*3,176*	*3,179*	*2,711*	
Uzbekistan				*3,882*	*3,757*	*3,468*	*2,797*	*1,885*	*1,528*	*1,193*	*920*	*990*	*844*	*714*	
Belarus				*176*	*136*	*227*	*186*	*168*	*161*	*172*	*189*	*331*	*313*	*273*	
Yugoslavia[2]	961	450	199	120	182	178	77	34	14	19	0	17	4	8	
Rumania	111,150	32,178	16,146	5,811	6,615	6,519	4,284	1,777	1,005	855	547	380	256	137	76
(former) Czechoslovakia	1,708	927	460	134	97	62	14	8	16	11	18	22	13	2	0
Hungary	1,336	952	354	37	40	43	14	18	4	4	2	2	3	5	0
Other	96	39	88	8	3	10	6	0	3	0	6	6	0	0	11
Total	**397,073**	**221,995**	**230,565**	**218,888**	**222,591**	**217,898**	**177,751**	**134,419**	**103,080**	**104,916**	**95,615**	**98,484**	**91,416**	**72,885**	**59,093**

Source: Federal Administration Office (Bundesverwaltungsamt)
1) Since 1991 data apply to the unified FRG.
2) Including Croatia, Slovenia, Bosnia-Herzegovina, Macedonia, since 1992 resp. 1993 autonomous states.

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Despite the restrictions concerning the immigration of ethnic Germans as *Aussiedler*, it is still legally possible to immigrate from foreign countries as a person of German descent. Holding a document testifying her/his German descent and therefore the German citizenship *(Staatsangehörigkeitsausweis)* s/he may obtain the German passport. Nevertheless, migrants with German passports do not acquire the status of a German *Aussiedler* and therefore do not qualify for the special benefits and integration measures offered to the latter. Whereas, in most cases of naturalization the applicant has to resign his/her former citizenship in order to *become* a German citizen, in these cases the German citizenship is according to the *ius sanguinis* just *confirmed*, irrespectively of the foreign citizenship. Therefore, many people who gained German citizenship through this procedure keep their first citizenship. Holding two passports they are able to live and work legally in both countries. More than 90 % of those applying for and acquiring this citizenship document are Poles, who in many cases use the double passport for commuting between Germany and Poland (Urbanek 1999). The number of citizenship documents delivered to Poles increased from 3,500 in 1991 up to 37,000 in 1994, declined in the following years and accounts for about 20,000 p.a. between 1998 and 2002, it increased again up to 31,000 in 2004.[16]

4.3 Jewish immigrants from the (former) Soviet Union

In 1990 the GDR began to take in Jewish migrants from the Soviet Union. Since 1991, after a short period of an immigration ban, the unified Germany allows Jews from the Soviet Union resp. CIS to immigrate, permamently settle and work.[17] Recently, the requirements for the status of a Jewish so called contigent refugee *(Kontingentflüchtling)* have been tightened up. From July 2006 onwards the applicant will be required to demonstrate a "realistic perspective" not to permanently rely on social welfare benefits in Germany, to have basic German language skills and to prove that a Jewish community in Germany would accept him/her.[18] Since 1991 until 2004 about 220,000 Jewish migrants from the former Soviet

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[16] Federal Administration Office (Bundesverwaltungsamt).

[17] Since 2005 according to ZuWG Art. 1, §§ 23, 101, 103.

[18] This does not apply to victims of Nazi-Germany. Beschluss der Innenministerkonferenz vom 23./24. Juni 2005 zur Neuregelung des Aufnahmeverfahrens für jüdische Zuwanderer aus der ehemaligen Sowjetunion mit Ausnahme der baltischen Staaten, Erscheinungsdatum 10.04.2006, http://www.bamf.de/cln_042/nn_566316/SharedDocs/Anlagen/DE/Integration/Downloads/JuedischeZuwanderer/imk-beschluss_2023-240605,templateId=raw,property=publicationFile.pdf/imk-beschluss%2023-240605.pdf access, May 18, 2006.

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Union migrated to Germany. Since 1995 their number remained relatively stable with between 15,000 and 20,000 p.a. resp. 11,200 in 2004.[19]

4.4 Asylum and refugees from civil war

The right for asylum for political refugees is manifested in the German constitution. After several changes mainly in order to accelerate the asylum procedure already in the 1970s and 1980s, a decisive change of the constitutional right occurred in 1993, after the number of asylum seekers had risen to its peak of 438,000 in 1992 (e.g. Angenendt 1999). Since July 1993 refugees cannot apply for asylum in Germany if they are entering the country from a "secure third country" or if they originate from a country which is considered by the legislator as not prosecuting its citizens. As Germany is surrounded by secure third countries the only remaining legal option to enter the country in order to apply for asylum is by plane which only a few can afford. Furthermore, since 1993 the appeals for asylum have been examined in an accelerated procedure in an exterritorial transit area on the airport. Only if a decision on the case is not found within 2 days the refugee is allowed to enter Germany.[20] As a consequence of these restrictions the number of asylum seekers rapidly dropped down and accounts for less than 100,000 annually since 1998 and about 29,000 in 2005.[21] The proportion of entitlement to political asylum decreased in the 1990s to less than 10% resp. to only 1.6 % in 2003 (BMI 2004). Refugee organisations criticise the low rate of entitlement as e.g. torture in Chechnya does not apply as a cause for asylum according to German authorities.[22] In the last years the main sending countries of refugees were Turkey (with more than 80 % of Kurdish descent), Iraq, Serbia/Montenegro (esp. Roma), the Russian Federation, China, Vietnam, Iran, India, Afghanistan, Azerbaijan, and Syria (ibid; BAMF 2005). Since 1993 the social benefits for asylum seekers and so called 'tolerated foreigners' – those who are not granted asylum but cannot be deported, e.g. due to humanitarian reasons – also have been cut down. The refugees partly depend on vouchers or are provided with objects of daily need and therefore have only a little amount of cash money at their disposal (Blaschke/Pfohmann 2004). The autonomy of asylum seekers and tolerated refugees is furthermore restricted, as they are obliged to stay in the district of the responsible authority, and would need to hand in a written application if

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[19] Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge – BAMF).
[20] In case of a legal summary proceeding (gerichtliches Eilverfahren) the limit is 14 days.
[21] BAMF. Figures apply to new applications, not including subsequent applications.
[22] Pro Asyl 6/4/2006, "Wo Folter geschildert wird, sehen deutsche Beamte eine ‚Beeinträchtigung'", http://www.proasyl.de/de/archiv/presseerklaerungen/presse-detail/news////wo_folter_geschildert_wird_sehen_deutsche_beamte_eine_beeintrachtigung/back/64/pS/1149169688/chash/f23979764a/index.html, access, June 6, 2006.

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they wanted to visit relatives in another district. In addition to those restrictions regarding political refugees the legislator decided to take in refugees from (civil) war regions without regarding single cases, apart from asylum right. The Immigration Act from 2005 brought some improvements in terms of the definition of political asylum, but also tightened up controlling and sanctioning measures against asylum seekers and migrants in the name of "counter-terrorism".[23] Immigration on humanitarian grounds has been restructured to bring the residence status of persons entitled to asylum more into line with that of recognized refugees under the Geneva Convention on Refugees. Members of both groups are initially granted a temporary residence permit which may be made permanent if the relevant conditions continue to apply. Apparently, authorities make increasing use of the option to revoke asylum after three years. In 2004 in 16,800 out of 18,000 re-examined cases asylum have been repealed.[24] Children of persons entitled to asylum and refugees under the Geneva Convention are allowed to immigrate until their 18th birthday in order to rejoin their parents. An important improvement is that not only persecution by the state, but also by non-state actors is now recognised as a ground for granting refugee status under the Geneva Convention. Protection from gender-specific persecution is also specifically anchored in the new law. Threat to life, health or liberty which is based solely on a person's sex may constitute persecution due to membership of a particular social group. Hardship commissions are a new instrument provided by the Immigration Act, which may be set up by the German Federal States (Länder). The commissions may petition the supreme authority at state level in individual cases of special humanitarian concern. The supreme authority may then order that a residence permit be issued, even if the usual requirements for such a permit are not met.[25] Furthermore, it is stated in the Immigration Act that successive suspensions of deportation in case of obstacles are to be avoided as far as possible. If a ban on deportation has been issued, such persons are to receive a residence permit unless it is possible and reasonable for the foreigner to go to another country within 18 months, or if the foreigner has violated obligations to cooperate, has committed human rights violations or any other serious crimes. Despite of this regulation authorities seem to be still reluctant to issue residence permits on this ground (Cyrus/Vogel 2005). Moreover, persons under subsidiary protection may not

[23] ZuWG Art. 1, §§ 22-26; 46-62, also in the following.
[24] BAMF. See also Pro Asyl, 30/5/2006, „Deutschland wird Abschiebeweltmeister", http://www.proasyl.de/de/archiv/presseerklaerungen/presse-detail/news////deutschland_wird_abschiebeweltmeister/back/64/pS/1149169688/chash/32a69e4c97/index.html, access, June 6, 2006.
[25] Such commissions may be called on only when a foreigner is legally required to leave the country after having exhausted all appeals and has not committed any serious crimes.

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receive a permanent settlement permit and therefore remain in an insecure legal status, although many of them have lived in Germany for years. The obligation to leave the country will be more strictly enforced in the case of persons who are supposed to be responsible for obstructing their return. Refugees are strongly under suspicion to deceive the authorities with regard to their identity or the destruction of their passports. Already in 1992/1993 the Ministers of the Interiors of the Federal States had agreed upon increasingly detaining migrants without legal status and refugees whose application for asylum had been denied in custody pending deportation *(Abschiebehaft)* (Hubert 2004). Minor children, not younger than 16, may also be arrested. The period of custody pending deportation may last up to 18 months; the conditions of custody differ in the federal states. It may occur that a migrant, whose embassy is not willing to certificate a passport or who comes from a country which does not keep accounts of the births of its residents, is unjustly detained in custody. Further measures in order to accelerate the asylum procedure have been implemented, especially the organisational reframing of the responsible authority, namely the Federal Office for Migration and Refugees.

The Immigration Act links migration policies with aspects of internal security and counter-terrorism (Köppe 2005). Thus it is a continuation of the policy set by the Counter-Terrorism Act from 2002. Leaders of banned organizations and human smugglers who have been sentenced to serve time in prison are subject to regular expulsion. Someone who is accused of inciting hate and violence may also be expelled if s/he endorses public acts such as war crimes in a way that could disrupt public security and order. The Act has introduced the instrument of deportation orders. The supreme authority at state level may now order a foreigner to be deported without first having to issue an official order to leave the country. A deportation order must be based on “factual evidence of potential threat”, even without the evidence of a criminal offence. Accompanying this instrument are new provisions on monitoring the activities of foreigners who have been ordered to leave the country. In addition, before issuing a permanent settlement permit or deciding on an application for naturalization, the authorities will make a standard request for information on any anti-constitutional activities of the person in question.

4.5 Labour migration

Despite the ban on recruitment of foreign migrant workers from 1973 labour migration to Germany took place on a low scale due to exceptional regulation in the following years. After

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the rise of the Iron Curtain the German government aimed to channel and control the new migration flows from Eastern Europe. In 1990 within the framework of negotiations on German unification, the German government agreed with Poland on special temporary work opportunities for Poles intending to go abroad. Bilateral agreements with almost all Eastern European countries followed (e.g. Hönekopp 1997). The new employment scheme was also supposed to support the economic development in those countries by transferring knowledge through temporary labour migration – an objective which showed not to be easily achieved. Apart from amendments of the Foreigners Law and the Employment Promotion Act (*Arbeitsförderungsgesetz*), which allowed seasonal work for the period of three months maximum, the Ordinance Governing Exemptions to the Ban on Foreign Recruitment (*Anwerbestoppausnahme-Verordnung*) from 1990 provided the most relevant legislation for a new kind of "exceptional" labour migrant recruitment. It defined the exceptions in which newly immigrating foreign workers would receive a work permit, in particular: stays for training and education, the employment on the basis of bilateral governmental agreements on the fulfilment of project linked contracts for work and labour, the temporary employment in special cases (like showmen/-women, language teachers, gastronomic specialties cooks, scientists, hospital nurses, au pair girls and the like), the employment of border commuters, as well in single cases due to a special public interest. These regulations limited the permit of stay far more consequently than those regarding the recruitment of "guest workers" in the 1960s. In so far the new scheme can be conceived as a new "improved" guest work system (Rudolph 1996). Visas have to be applied before entering Germany, which means it is not intended that migrants already living in Germany might prolong or legalise their stay through this employment scheme. Family reunion during the temporary employment is generally not allowed. In the following I will sketch the most important types of the new recruitment system as they, apart from slight modifications, still remain in place, even after the EU-enlargement, as the citizens of the new member states are not granted free choice of jobs in Germany. Since 2000 the political climate changed more in favour of an active labour migration recruitment. I will outline the newly implemented options subsequently.

Project linked contracts for work and labour on the basis of bilateral agreements

German firms are allowed to subcontract part of a project to a foreign firm, which then supplies the workers to fulfil the subcontract (Faist et al. 1999). The workers' stay in Germany is tied to the project contract between the German and the foreign firm. Generally, it

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may not exceed two years. After the stay in Germany the migrant workers have to leave the country and are only allowed to return for another project tied contract after a specific period of time. German authorities are allowed to grant individual work permits irrespectively of the so called *priority rule* (i.e. the principle examination whether a German or a privileged foreign worker is available for the job). The annual contingent depends on labour market evaluations. The contracting companies are obliged to ensure that subcontracting companies pay their workers the standard wage for that sector. Project-tied workers are not covered by social security contributions in Germany, but have to be insured in their home country. For that reason the cooperation with a foreign subcontractor is more profitable for the German contractor than with a local firm. However, in the past subcontracting companies often paid their employees much lower wages than the standard, did not care for social insurance or proper working contracts (Treichler 1998). Project tied work is mostly to be found in the construction industry or in related branches and therefore is a nearly exclusive labour migration channel for men. Germany has made corresponding agreements with Poland, Bulgaria, the Czech Republic, the Slovak Republic, Yugoslavia, Bosnia-Herzegovina, Croatia, Macedonia, Slovenia, Latvia, Rumania, Turkey and Hungary.[26] The average annual numbers of employees range between 95,000 (1992) and 33,000 (1998), in 2003 it accounted for 44,000. In 2004 its number decreased to 34,000 due to a decline of workers from the new EU-member states, esp. from Poland (2003: 21,000; 2004: 17,000).[27] During the whole period one third up to more than 50 % of these migrant workers came from Poland.

Seasonal work

Migrant workers are allowed to work in Germany for up to three, since recently up to four months a year if German or other privileged workers are not available.[28] Seasonal workers are mainly employed in agriculture and related activities (1993: 62 %; 1996: 90 %) and in hotels and restaurants (about 4 %) (Hönekopp 1997; Korczyńska 2001). Working and living conditions are quite hard and the payment, even if according to the prescribed "usual wage standard" relatively low. These conditions give reason to the fact that local workers are generally hard to recruit for seasonal work whereas for temporary migrants it is an extra payment to their comparatively small income in their home country. Since 1991 the number

[26] Agreements on a lower scale of contingents were also reached with six west and north European countries as well as with the USA.
[27] Federal Employment Service (Bundesagentur für Arbeit – BA).
[28] Showmen may receive work permits for up to nine months.

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of seasonal workers is gradually rising from 127,000 up to 334,000 (2004). About 80-90 % of the annual seasonal workers come from Poland, others from Rumania, Hungary, Slovak Republic, Czech Republic, Croatia, Slovenia, and Bulgaria.[29]

Border commuters

Polish and Czech residents living close to the German border are permitted to work in Germany, if local workers are not available. Border commuters must continue to reside in their country of origin and return home daily, or they can work in Germany for a maximum of two days a week before returning to their respective countries. As unemployment is very high in the German border region the total numbers of border commuters are quite small (1996: about 6,000 Czech and 1,500 Polish commuters, 2003 total: 7,100).[30]

"Guest employees" (*Gastarbeitnehmer*)

Exchange programme agreements permit eastern Europeans aged 18-40 to come to Germany to enhance their occupational skills or knowledge of language through work stays.[31] The participants are required to have completed some vocational training, and have a basic knowledge of the German language. They earn regular wages and may remain abroad for up to 18 months. The number of participants is restricted, e.g. a maximum of 1,400 from the Czech Republic and the Slovak Republic, 1,000 from Poland and 2,000 from Hungary, totalling 10,000. The number of "guest employees" even remains below this quota. In 2003 3,500 took part in this programme, with 680 each from the Slovak Republic and from Poland.[32]

Green Card

In 2000 the Social democrat-Green government launched the so-called "Green-Card" for recruiting up to 20,000 IT specialists from outside the EEA for up to five years. The prerequisite for such work permits was a degree in information and communications

[29] BA.
AFG, § 19; AEVO, § 1. vgl. Bundesanstalt für Arbeit/Zentralstelle für Arbeitsvermittlung (BA/ZAV): Merkblatt für Arbeitgeber zur Vermittlung und Beschäftigung ausländischer Saisonarbeitnehmer und Schaustellergehilfen, o.O. Januar 1995. Mittlerweile ist die Saisonarbeit bis zu vier Monate zulässig.
[30] BA.
[31] Gastarbeitnehmer-Vereinbarung, BGBl. 1991 II S. 501, Concerning to "guest employees" German authorities may grant individual work permits irrespectively the so called *priority rule*, like in the cases of project linked contract workers.
[32] The programme also applies to Germans intending to go to Eastern European countries, but is rarely used by them.

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technology from a university or technical university, or proof of a salary offer of at least €51,000 a year (gross). The initiative was not a fundamental change of migration policies but its significance should rather be seen in its symbolic impact signalling a positive view on high-skilled immigration (Kolb 2005). With the Immigration Act now in effect, residence permits granted to IT specialists remain valid until their original expiration date. The work permit remains in effect with no expiration date for the designated employment, ensuring that holders may continue to work at the same job even after the five years have elapsed.[33] Between 2000 and 2004 18,000 work permits were granted, the majority of which were Indians (32 %), another third came from Eastern European countries, only 12 % were women.[34]

Domestic workers

Another step towards a new regulation of legal migration was the implementation of the recruitment scheme for temporary domestic workers in 2002.[35] Migrants from Poland, Slovak Republic, Slovenia, Czech Republic, Hungary, Bulgaria, and Rumania are allowed to work as domestic workers in households where a person lives, who is officially proved to be in need of care, for up to 3 years maximum. The foreign domestic worker is not allowed to do caring work; s/he lives in the home of her/his employer or in a house nearby, provided by the employer. The recruitment scheme mostly applies to women who have already illegally worked in that field for years. In 2002 about 1,100; in 2005 about 1,700; and in 2006 (until July) 1,300 work permits had been delivered. Between 85 and 98 per of the domestic workers cent were women and about 80 per cent were Poles.[36]

Highly skilled and self-employed migrants

The Immigration Act brought further options for labour migration only for highly skilled and self-employed migrants. Scientists, specialists, teachers, researchers in senior position or with a high income are eligible for a permanent settlement permit upon entering Germany. Self-

[33] (BMI, http://www.zuwanderung.de/english/2_neues-gesetz-a-z/greencard.html)

[34] BA, http://www.bamf.de/cln_042/nn_566316/SharedDocs/Anlagen/DE/DasBAMF/Downloads/statistik-1-migration-asyl,templateId=raw,property=publicationFile.pdf/statistik-1-migration-asyl.pdf p. 66.

[35] Merkblatt zur Vermittlung von Haushaltshilfen in Haushalte mit Pflegebedürftigen nach Deutschland, Hinweise für Arbeitgeber, gültig ab Januar 2006 (http://www.arbeitsagentur.de/content/de_DE/hauptstelle/a-04/importierter_inhalt/pdf/mb_Haushaltshilfenvermittlung.pdf, access March 5, 2006. This option was first limited by the end of 2002 as it was supposed to be included into the Immigration Law in 2003. As the Imigration Law only came into effect in 2005 the recruitment scheme for domestic workers was interrupted in 2003/2004.

[36] BA/ZAV, own calculation.

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employed persons are eligible for a residence permit if exceptional economic interest or special regional needs exist, if the planned business would have a positive economic effect, and if it has secure financing. They are eligible for a settlement permit after three years if their business is successful and their livelihood is assured.[37] Foreign students may remain in Germany for one year following graduation to find a job commensurate with their academic degree.[38]

4.6 Undocumented migrants

As a consequence of fewer legal options of entry and residence in Germany the number of undocumented migrants rose in the 1990s. The term "undocumented" or "illegal" migrant encompasses persons who entered the country without a permit, rejected asylum seekers who stay in the country, other migrants with limited residence permits, who use their permit for other purposes, e.g. tourists who get employed, or who overstay their permitted stay (Alt 1999; Cyrus 2004). Official policies regarding undocumented migrants focus on measures of control within the country, especially in the context of general labour market controls, and on detaining and deporting undocumented migrants, as already pointed out. Since Germany is surrounded by EU-member states border controls are less relevant than in the 1990s. Entry to Germany is mainly regulated by visa policy. In respect to short term visas for tourism, business or transit, authorities do not only take into account the necessities of control and avoidance of undocumented migration or human smuggling but also the objectives of openness to sending countries and economic interest (Alt 2004; Vogel 2000). In 2003 the number of granted Schengen visa accounted for about 2.1 million.[39] As a matter of fact, exact figures about undocumented migrants are not available. Estimates range between a half and one million (Cyrus/Düvell/Vogel 2004). The annual reports of the Federal Criminal Office may only provide selective data, as they only reflect suspects of criminal offences which moreover often rely on selective hints. The number of "illegal" suspects significantly rose in the 1990s, but slightly declined since 1998, in 2004 they accounted for 81,000 (BKA 2004, 120).[40] Undocumented migrants rely on the support of charities, social networks and individuals. In contrast to former drafts the Immigration Act does not provide any legal or social improvements of their situation.

[37] ZuWG, Art. 1, §§ 19, 21.
[38] ZuWG, Art. 1, § 16.
[39] Office for the Exterior.
[40] The figure includes persons caught at the border because of illegal entry. In 2003 their number accounts for about 20,000 with a total of suspects of 96,000, BAMF 2004, 56ff, 111.

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5 Migration from Poland

In this chapter I will first indicate some general aspects regarding the migration from Poland to Germany. Second, I will briefly sketch the history of Polish migration to Germany until the opening of Polish borders. I will continue with a summary of the migration policies towards Polish migrants as well as migration and integration patterns of this group since the late 1980s. Within that chapter I will suggest some research questions relevant to the project.
In order to qualify the selection of the Polish case one has to keep in mind that in Germany within the broad debate on integration and internal security Poles are rarely mentioned, as these issues are closely linked with Turkish and Muslim migrants. Poles count as easily to integrate into the German society because of their similar religious and cultural background. Yet, research on integration should try not to focus on single categories but to take into account the various and intersected factors which are relevant for processes of social inclusion and exclusion.

5.1 The Polish-German case

As pointed out above from the end of the 1980s the major immigrating group in Germany in terms of officially registered numbers, irrespective of their length of stay, has come from Poland. Poles are the major group within the scheme of temporary labour recruitment. Thousands have made and are still making use of the possibility of a double passport. Registered Polish residents are with 326,600 among the largest groups of foreign residents.[41] One has to add at least the same number of *Aussiedler* and naturalised Poles who are not explicitly shown in the statistics of residents; as well as an unknown number of undocumented Polish migrants.
As stated by Triandafyllidou/Gropas (2006) in their report on Greece Poles are a very mobile population within the European context.[42] Since the early 1990s thousands of Poles have taken part in transnational networks and households, commuting between Poland and Germany and/or other European countries, or have settled there for good. The case of Germany as a country of destination is specific compared to other European countries for the following reasons: German-Polish migration policies and processes have to be analysed within the context of the sensitive relationship between Germany and Poland because of the history of the occupation of Poland by Germany under the national socialist regime, and in the

[41] Federal Statistical Office, see table 1.
[42] See Greece country report prepared for the MIGSYS meeting.

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end of World War II the displacement of Germans from Polish territory. Second, today there are still different types of Polish migrants in terms of citizenship also due to historical developments, in particular Poles and *Aussiedler* as well as Poles of German descent, who often hold double passports, as explained above. Third, the East-West confrontation had had a decisive impact on migration policies and patterns during the Cold War. Subsequently, the unification of the two German states brought together two different Polish communities with different migration histories. Fourth, the close geographic distance facilitates the migration from Poland, and especially, commuting between both countries.

5.2 Brief history of Polish migration to Germany until the opening of the Polish borders

In the immediate post war period many Polish Displaced Persons – former forced labourers, prisoners of concentration camps, and prisoners of war under the Nazi regime – lived in the allied zones of occupation. Subsequently, refugees of the newly establishing communist Polish state and of anti-Semite pogroms in Poland moved to Germany. The majority of the Displaced Persons and refugees were either repatriated to Poland or moved further to other countries until the beginning of the 1950s. A smaller number of Poles stayed in West Germany and lived there more or less invisible – apart from some associations they founded – and were often relatively poor (Ruchniewicz 2001; Stepień 1989). Besides, the members of the pre-war Polish minority – descendants from Polish migrants and the Polish minority who had lived in the German Reich since the late 19th century and were holding German citizenship – lived in the country. They re-organised themselves in some Polish clubs, but their claim of being accepted as a national minority had been rejected. In the years during the Cold War migration from Poland to West Germany was nearly impossible. Only as a result of bilateral compromise the Polish government allowed Polish *Aussiedler* of German descent and their relatives to leave the country. In the aftermath of an agreement in 1956 about 250,000 ethnic Germans moved to the FRG (1956-1959), and after negotiations 1970 and 1975 about 280,000 *Aussiedler* came (1970-1979).[43] Concerning Polish citizens, the government only delivered long term visas in periods of social and political crisis, as in 1968, or during periods of liberalisation, as in the end of the 1970s until the imposition of Martial Law in December 1981, and again from the end of the 1980s onwards. Nevertheless, migration from Poland to Germany took place, although on a small scale, as many of those Poles who had received a passport with a short term visa used it for permanent emigration.

[43] Bundesausgleichsamt, own calculations.

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Between 1979 and the imposition of Martial Law in 1981 migration from Poland to West Germany increased. After December 1981 many of those who had originally planned to stay only for temporary work now remained in the FRG because of the insecure political situation in Poland. In the early 1980s Poles had mainly moved for political reasons, later on also because of the generally miserable social and economic situation in the country (Oschlies 1982; Kupiszewski 1993; Okólski 1994; Stola 2005).

Already in the 1960s, the GDR agreed with Poland on a scheme for migrant worker recruitment on a temporary basis. Between 1972 and 1990 yearly about 10,000 to 30,000 workers came to the GDR in the scope of foreign trade agreements; the majority of those were male, young and highly qualified. Additionally, 3,000 to 11,500 "contract workers" and some thousands seasonal workers worked there, often under harsh conditions, many of those women. Whereas those migrant workers had to leave the country after a certain time, some specialists and Polish spouses of German citizens who often had got to know each other in student exchange programmes lived permanently in the GDR. As migrants in general, they were not allowed to organise themselves in any clubs. During the Martial Law Poles were severely observed by the GDR secret service. In the period of the German unification Poles had to face insecure future perspectives in the GDR as well as with increasing xenophobia, a reason why now some founded their own associations (Marek 1991; Röhr 2001; Miera 2006).

5.3 Migration from Poland to Germany since the late 1980s

Change of migration Policies towards migrants from Poland

As the Polish authorities gradually liberalised their passport policies since 1987, immigration to West Germany significantly increased. In 1988 the number of Polish citizens and *Aussiedler* from Poland had with 313,800 nearly doubled compared to 1987. In 1989 the immigration figure from Poland reached its peak with 455,100.[44] In this period also the number of tourists who commuted between Poland and West Germany in order to do petty trade or to work in the informal market for only a few days, weeks or months rose (e.g. Weber 2002).

During the Cold War German authorities had generally encouraged the migration of Polish *Aussiedler*; and they had accepted or 'tolerated' Polish citizens as political refugees and not evicted them even if their appeal for asylum had been rejected. As entitled as political

[44] Federal Statistical Office.

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refugees they had to wait for two or more years to get a work permit which meant that the majority initially worked in the informal labour market. Many migrants decided not to apply for political asylum but to be entitled as a 'tolerated refugee', because in that position they had quicker access to the formal labour market. In 1988/89 the general attitude towards migrants from Poland changed, as they were now increasingly regarded as "economic refugees" by the broader public, associated with illegal work and even seen as a threat to social welfare. In April 1989 the principle decision that migrants from the Eastern bloc would be 'tolerated' was cancelled. Subsequently thousands of migrants, especially those depending on social benefit, lost their legal status and were sent back to Poland, apart from a transitory solution for people who had lived for several years in the FRG. The situation tightened with the amendment of the Foreigners Law coming into effect in January 1991, which meant that holders of a 'toleration document' could not prolong or improve their legal status, but were forced to leave the country – or to hide undocumented. Moreover, people with an insecure residence permit who were receiving social benefits were loosing their permit to stay, which applied especially to single mothers. Apart from the restrictions regarding the consolidation of the residence and work permit, legal entry to Germany has been reframed. In April 1989 the visa requirements for tourist entry from Poland to Germany exempt from West Berlin had been tightened until in April 1991 the Polish and German government agreed on a mutual regulation that citizens from each country may visit the other country for at most three months without a visa. Although tourists lost their legal status as soon as they were employed, thousands of Poles used the status as a tourist to work in the informal sector in Germany (Jazwinska/Okólski 2001; Meister 1992; Miera 2006; Morokvasic 1994).

In the early 1990s Poles, who had been „warmly welcomed“[45] in the 1980s, had been sent back to Poland, or pushed in a legal position which hampered their social and economic integration. In this period, apart from the high immigration figures, thousands Poles also left Germany for Poland or other countries. As a consequence of fewer options for a legal long term stay in Germany, but also because of gender specific role schemes, the number of Polish women who married a German citizen rose significantly (Miera 2006). Many of the women had to endure problematic or even violent relationships, as their husbands abused the legal dependency of the women. Meanwhile, Polish migrants from the 1980s who had not had to leave the country managed to consolidate their legal position. Many of them integrated quite well into the labour market, although normally downgraded as the educational training, they

[45] Flyer greeting the „Polish guests“, Senate of West Berlin 1982 (quote from Meister 1992, 548).

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had completed in Poland, was not fully accepted in Germany. This also applies to *Aussiedler* who, nevertheless, faced better legal and material conditions and could make use of further education and training programmes. Whereas the generation of *Aussiedler* of the 1980s managed to find relatively quickly decent jobs, the generation of legal long term migrants entering Germany since the 1990s faced far more difficulties, because on the one hand the support measures were reduced and on the other, the labour market in general underwent a recession (Koller 1997; Pallaske 2002).

Self-employed migrants

As far back as in the 1980s but significantly increasing since the 1990s, Polish migrants have chosen to set up their own business, first especially in the trade sector, subsequently in the construction sector and in the service sector. In the construction and cleaning sector many run only one-person-businesses, often at the end of a chain of subcontractors facing all the financial risks and deadline pressure. Some of them recruit other temporary migrants from Poland, especially those with double passports as they may work legally in Germany but often do not claim high payments. Some of the self-employed in the trade and service sector increasingly focus on Polish migrants as potential customers. Compared to other migrant groups relatively late and on a smaller scale, they start to form an ethnic community with Polish restaurants, shops, and service businesses. Remarkable is the large group of Polish medical professionals in Berlin listed in a kind of Polish yellow pages. Some of the self-employed make use of their bi-national knowledge and build up further branches in Poland (Miera 2006; Smolenski 2000). Subsequently to the EU-enlargement the number of newly arriving Poles applying for permit to set up a business has sharply risen. In Berlin in 2004 ten times as much businesses run by Poles (2,600) were registered as in 2003.[46] As the legal requirements are very low and other possibilities of labour migrations are restricted self-employment seems a promising option. First hints suggest that these entrepreneurs are often lacking well reasoned planning.[47] It would be worth analysing the backgrounds and outcome of these projects.

New "guest workers" and undocumented migrants

[46] Statistical Office of the Federal State of Berlin.
[47] Interview with a representative of the information center for self-employed migrants, Berlin, counducted by the author, 10 October 2005.

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Poland was the first and still is the most important sending country within the new "guest work" scheme. Until 2003 about 20,000 p.a. (with its peak in 1992 with 50,000) project linked contract workers, and from 1991 to 2004 around 80,000 to 287,000 seasonal workers were from Poland.[48] In comparison to local workers the majority of the new "guest workers" faced relatively bad working and living conditions, even if the legal requirements were fulfilled. In several cases subcontractors and employers abused the recruitment programme and employed the migrant workers under worse conditions. Especially seasonal work, which is also done by many women, is characterized by a very high physical burden and low payment (Kaczmarczyk/Łukowski 2004). Many of these migrants repeat their working stays in Germany for years, keeping their household and private life in Poland. They profit – or in some cases at least hope to profit – from the differences in wages and prices between Germany and Poland. Due to legislation those new "guest workers" are not allowed to work permanently in Germany. Nevertheless, some overstayed their legal residence and work permit in order to subsequently work in the informal sector (e.g. Mehrländer 1996; Kienast/Marburger 1996). Others regularly moved to further countries for additional temporary work.[49] It would be interesting to examine if and how these migration patterns have changed since the Polish accession to the EU, as residence permits are not limited anymore. The decline of the number of Polish project linked contract workers (see above) and the increasing number of Polish migrants in those EU-member states not or less restricting the access to the labour market give reason to the assumption that Poles choose new routes and migration patterns.[50]

Due to open borders on the one hand and restricted options to work and stay in Germany on the other the number of undocumented Polish migrants rose in the end 1980s and beginning 1990s (Miera 2006, Cyrus/Vogel 2002). According to the Polish Institute for Tourism in 1993 about 1.3 million short time journeys (from 2 days to 3 months) from Poland to Germany were made, of those nearly the half for the purpose of business or casual work; in 1996 the number rose up to 3.4 million (Gogolewska 1994, 1997; Zawadzki 1994). In the following years the figure remains relatively stable with between 2 and 3 million p.a.[51] Apparently, among those also the number of undocumented commuting Polish labour migrants had

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[48] BA.

[49] Frankfurter Rundschau 20/10/2003, Saisonarbeit in Europa.

[50] In the period of 2000 to 2003 about 35 per cent of all Polish migrants moved to Germany and about 4 to 7 per cent moved to the United Kingdom, whereas in 2005 only 25 per cent moved to Germany and 20 per cent to the UK. Labour Force Survey, see Kępińska 2005, 35.

[51] With two exceptions in 2000 (3.6 million) and in 2005 (1.85 million), Institute of Tourism, Warsaw, http://www.intur.com.pl/itenglish/departur.htm, access, May 18, 2006.

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reached its peak in mid of the 1990s and stayed on a relative stable level in the following years (see also Cyrus 1995). Before Poland joined the EU undocumented labour migrants depended on informal networks in order to find accommodation and jobs. They lived in overpriced and over-booked flats lacking any private sphere. Men and women worked in gender specific branches. Whereas men overwhelmingly worked on construction sites or did renovation in private houses, women worked as domestic workers and carers in private households, as waitresses or prostitutes. Working in a private household on the one hand often meant a specific personal dependency on the employer, but on the other hand granted some security of police detection (Lutz/Schwalgin 2004; Cyrus/Vogel 2002; Miera 2006). It is still to be investigated in which way these exploitative relationships have changed since 2004, as Polish migrants now have a better legal residence status, but still lack work permits. Possibly the working conditions remain more or less the same as evidence about double passport holders in the 1990s show: They commuted between Germany and Poland, and, working in the informal sector, faced similar conditions as their "undocumented" fellow countrymen/-women (ibid). Regarding domestic work it would be interesting to look at the social situation of Polish migrants who participate in the new legal recruitment scheme and to compare it with the situation of those migrants still illegally working in that field. Some ongoing research projects analyse the current migration processes and the impact of migrant networks.[52]

Both, the new "guest workers" as well as the undocumented migrants strongly depended on their own mobility, flexibility and transnational networks. They worked in Germany and had their close relatives in Poland; some of them also had a job or studied in Poland. By living a transnational life they could improve their socioeconomic position in Poland, although they were in Germany in a very low social position, because of the differences in prices and income in both countries (Kaczmarczyk 2005; Miera 2001, 2006; see also Pries 2001). Moreover the transnational household granted for their reproduction and often facilitated the recruitment of other migrant workers. However, social networks among migrants and also potential migrants were not inevitably supportive. In the context of competition and of lacking legal rights migrants – as non-migrants – used their position of better knowledge or a more secure position, in order to gain profit from newcomers or migrants in a less secure position. The new legal framework in Germany as well as in other European countries may influence

[52] University of Dortmund/University of Krakow, „Dynamik der Geschlechterkonstellationen", see Koch/Metz-Göckel (2004); Migration Research Group, Hamburg Institute of International Economics, „Expanding the Knowledge Base of European Labour Migration Policies", headed by Christina Boswell, http://www.migration-networks.org/1_about_us.htm.

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the strategies of those migrants and the shape of transnational networks and households. Possibly migrants choose further and additional destinations, extending those networks, or they decide to move with their relatives to countries where they have legal opportunities to stay, and by this lessen the dynamic of transnationalism.

Cultural and civic activities

Traditionally Polish migrants are organised in associations and clubs in Germany which is especially true for the beginning of the 20th century and the time between the wars, a fact some protagonists of the Polish community like to point to. In addition to the old traditional associations, in the 1980s Poles predominately organised in the Solidarność-movement in exile. As their legal and social position became more and more insecure Poles in Berlin organised in a "self-help" organisation, the Polska Rada Społeczna, which is still a major representative of Polish migrants in Berlin and even in the country. Cultural clubs, professional associations, the Catholic Church, various Polish newspapers and the already mentioned shops and businesses express a lively Polish community, in which Polish migrants of different social background and legal position take part in (Stach 2002; Miera 1997, 2006; Sopart 2000; Wolff-Powęska/Schulz 2000).

6 Concluding remarks

Since the late 1980s migration flows and migration policies in Germany have remarkably changed. On the one hand options for entry and long term migration have been decisively reduced. On the other hand the governmental view on migration has shifted from a restrictive rhetoric to a more positive view on migration. However, new migration channels only apply to a specific category of migrants, namely those who are supposed to contribute to the German economy. One could observe this shift towards a migration policy more in the line with economic objectives already when the new "guest work" scheme was implemented in the early 1990s; it strengthened with the Green Card in 2000 and the new Immigration Act in 2005. Migrants from Poland play an important role within temporary labour migration. Nevertheless, they are a quite heterogeneous group in terms of migration patterns, legal status, gender, and in terms of their socioeconomic integration. New legislation since 2002 and the EU-enlargement in 2004 raise further questions concerning the dynamic of their migration and integration patterns, some of which I indicated in the report. Due to the heterogenity of the group and the policy changes during the course of time it will be quite difficult to identify the factors that influence the decision to migrate. In most cases the decision to migrate is the

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result of a very complex process which develops and changes in the course of individual biografies. However, in the retrospective one can conclude that the implemented migration policies only partly had the intended effect, as migrants continued to seek ways to achieve their aims. Yet, the combination of open Polish borders, liberal entry policies and restrictive settlement regulations in Germany lead to an increase of undocumented migration and shuttle migration. Migration policies of the receiving country seem to play a decisive role, rather in respect to the shape of migration and integration patterns than in terms of the decision to migrate. Regarding further research it will be worth analysing first the impact of the still existing option for Poles with German descent to acquire a German passport, second the effects of the new legal recruitment scheme for domestic workers from Eastern Europe, and third the consequences of the Polish accession to the EU on labour migration to Germany.

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