



**MIGRATION AND HOMELESSNESS IN GERMANY**  
**NATIONAL REPORT 2002 FOR THE EUROPEAN**  
**OBSERVATORY ON HOMELESSNESS**  
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A Report for the *European Observatory on Homelessness*, coordinated by FEANTSA, the European Federation of National Organisations Working with the Homeless

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## SUMMARY

1. After a long period of political resistance, the fact that Germany is an immigration country was finally acknowledged recently – by an independent committee of enquiry on migration working on behalf of the government, and even by a commission of the conservative parties (*CDU/CSU*), but also by the general public (or at least a large part of it). The political and legal situation and prospects for the future are still unclear, however. A new Immigration Act has passed through the legislative process and is expected to become law as of 1 January 2003. The future role of immigration for Germany and measures to regulate the flow of immigrants are still highly controversial issues.

The national report provides an overview of current migrant figures and the structure of migrant groups living in Germany and outlines the historical development of different phases of immigration policies in Germany. It discusses the general housing situation of foreigners in Germany and the very different reactions towards the housing needs of different groups of immigrants. In particular, two extremely different policy approaches concerning the (non) integration of migrants into housing and society as a whole are compared and contrasted. These are the relatively successful integration of millions of repatriates or resettlers (*“Aussiedler”*) who have long been seen as “deserving” migrants, on the one hand, and repellent measures designed to deter asylum seekers and other refugees from coming into Germany on the other.

It is hard to get a clearer picture on the proportion of migrants and their particular situation among users of those services for the homeless, which are not especially designed to provide temporary accommodation for the two special groups mentioned before, namely repatriates and asylum seekers. The report nevertheless attempts to draw some tentative conclusions from the scarce data and information available.

2. In December 2000 the stock number of foreigners living in Germany amounted to 7.3 million, of whom 5.8 million were born outside Germany and 1.5 million were born in Germany. The ratio of foreigners among the total population of Germany has been constant at 8.9 per cent since 1996. In 1999, this was the third highest proportion of foreign residents in an EU member state after Luxembourg and Austria (according to OECD data). On the one hand this is partly due to a traditional reluctance to grant nationality even to those immigrants who have been living in the country for many years or were even born in Germany.<sup>1</sup> (Countries with a more liberal practice in granting nationality to immigrants or at least to the children born in the country can have a lower proportion of foreigners despite having higher immigration numbers). On the other hand, the proportion of migrants living in Germany is also much higher than data on nationality can show. Apart from approximately one million additional immigrants who have been granted nationality in Germany, there is another group of much greater quantitative

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<sup>1</sup> More than half of all foreigners living in Germany at the end of 2000 had been living there for at least ten years. Under a recent amendment which took effect on 1s January 2000, German nationality can, under certain conditions, be granted to children of foreigners born in Germany.

significance, namely repatriates – people of German origin coming from different Eastern European countries (predominantly the territory of the former Soviet Union). Repatriates have a legal claim to German citizenship. Their immigration to Germany was approved for political reasons until the late 1980s, and supported and promoted through numerous forms of state financial assistance. However, when their numbers increased sharply after the political changes in Eastern Europe and the former Soviet Union, reaching a peak in 1990 with almost 400,000 repatriates entering Germany per year, legal procedures were changed, and a maximum contingency of around 100,000 to 200,000 repatriates were allowed to enter Germany every year. In the year 2000, approximately 3.2 Million repatriates were living in Germany. If repatriates are included, the overall ratio of migrants among the German population (of 82.3 million) amounted to about 12 to 14 per cent (depending on whether foreigners born in Germany are included). Estimates of the number of undocumented immigrants living in Germany vary widely between 150.000 and 1 million people.

3. Much of the data on the structure and living conditions of “migrants” in Germany in fact exclusively deal with documented foreigners (not including repatriates and other immigrants who have been granted German nationality and – understandably – those foreigners without legal status). Bearing this in mind the report offers a structural analysis of foreigners living in Germany. In the year 2000 around a quarter of this group were nationals of other EU countries (more than half coming from Italy and Greece). An additional four million foreigners are of other European nationality, the largest group being Turks (almost 2 million) and immigrants from Yugoslavia, Poland, Croatia and from Bosnia and Herzegovina (1.3 million altogether). All in all, almost 80 per cent of foreigners in Germany originate from another European country. Consequently, immigration from Asia, Africa and North and South America is of less quantitative significance, despite recent efforts to attract Asian IT-experts in a “green-card initiative”.

About 1.1 million (14.1 per cent) of the overall 7.3 million foreigners living in Germany in 2001 were refugees. By far not all of these were asylum seekers. Some groups possessed long-term residence permits (276,000 persons granted asylum and dependents of such persons, 154,000 Jewish immigrants from the former Soviet Union, 7,000 quota refugees, 69,000 convention refugees and 157,000 refugees with a residence permit on humanitarian grounds), while the long-term prospects of other groups are more insecure (207,000 de-facto refugees, 40,000 refugees from Bosnia and Herzegovina). 191,000 refugees (approximately 18 per cent of all refugees) were asylum seekers in December 2001. If we compare the quota of asylum seekers per 1000 inhabitants between the different EU member states, Germany held a lower-middle position (9) in 2001. The influx of asylum seekers in Germany had increased sharply in the late 1980s and reached a peak of 438,000 during the year 1992, but decreased sharply from 1993 onwards and has levelled out at around 100,000 persons per year since 1998. Among the reasons for the strong decrease since 1993 are the political developments in former Yugoslavia, but also important legislative changes in Germany. The most important countries of origin of

asylum seekers in Germany in 2001 were Iraq, Turkey, Yugoslavia, Afghanistan, and Russia.

4. A comparison of macro-data on the housing situation of Germans and of foreigners living in Germany show that on average foreigners have a lower housing standard. The Federal Statistical Office summarizes the results of an analysis of the available data as follows: *“A greater percentage of foreign households live in rented accommodation than German households. In contrast to most Germans they mainly live in larger buildings (with three or more dwellings), they have been living for a shorter period in their present dwelling than the average population, have smaller dwellings but pay more rent for them and have to spend a larger proportion of their income on housing”* (Statistisches Bundesamt 2001, our translation). While 42.0 % of all Germans were owner-occupiers in 1998, the proportion among foreigners was only 12.2 %. While 51.6 % of all Germans lived in larger buildings, this was the case with 80.4 %, of all foreigners. The average housing space per capita was 40.4 m<sup>2</sup> for Germans, but only 25.0 m<sup>2</sup> for foreigners. The proportion of foreign households living in dwellings without a bath/shower and inside toilet was 2.2 %, compared with only 0.5 % of the total population. A rent burden (on the net household income) of more than 35 % affected 24.4 % of all Germans, but 30.5 % of all foreign households (all data from the micro-census carried out in 1998).
5. A number of studies have provided evidence that it is more difficult for most foreigners to gain access to affordable housing than for Germans. In a recent study, municipalities and housing associations all over Germany were asked which groups of households are the most difficult to provide with housing. Foreigners took the third position in a frequency scale of answers. Foreigners were also one of the groups named as having the greatest problems of gaining access to housing in a large-scale empirical study on chances of access to housing in Dortmund in 1996. Many foreigners are not only excluded from a large proportion of housing because of financial barriers, but also from a large section of affordable housing because of social/ethnic discrimination by landlords. In many cases, however, the result is not homelessness, but low-standard housing at relatively high rent prices, pressure to pay a “discrimination supplement” and enforced overcrowding. Experts see a recent rise in owner-occupation among foreigners at least partly as a consequence of their existing problems with access to rented housing. A kind of “enforced owner-occupation” thus increases the risk of escalating financial problems and overcrowding.

One of the problems with the macro-data which are frequently used to describe the housing situation of “foreigners” is, that foreigners in Germany are far from being an homogeneous population, and that some of them are well integrated while others have to suffer much more from social exclusion and exclusion from mainstream housing. This is also an important aspect when it comes to the topic of segregation and measures for securing a “social (and ethnic) mix” in housing areas. Frequently the proportion of foreigners in specific areas is taken as an indicator for their “burden” and their risk to become a “ghetto”. In the 1980s and 90s anti-segregation strategies were recommended with maximum quotas of 10-15 % foreigners per “street” and 25 – 33 % per house. The discourse on the “social mix” showed parallels to one on ph-neutral liquids and foreigners were (and still are) treated like a harmful substance for which damage thresholds have to

be defined. Meanwhile the discussion has become more differentiated. Positive aspects of segregation in the initial phase after immigration and the widespread wish of migrants to live near other migrants from the same country have been discussed. Experts argue that *“policy must seek both to reduce and to permit segregation. It must allow voluntary, ethno-culturally determined segregation while preventing imposed segregation caused by discrimination and the absence of options in the housing market. The prime objective must be to expand the options of immigrants in the housing market: by extending housing allowances, by providing allocation rights for housing in all areas of the city, and by taking steps against discriminatory occupancy practices, e.g., quotas and residence restrictions. Enforced desegregation is no better than enforced segregation.”* (Häußermann/Siebel 2001).

6. Repatriates may be seen as one group of immigrants who where (at least until the mid 1990s) generally classified as a “deserving” group and actively integrated by a range of positive measures including special financial and educational support, priority in the application of social housing and special housing programmes focussing on this group. The fact that the number of repatriates currently living in Germany was estimated at 3.2 million in 2001 and that the number of repatriates who remained in temporary accommodation reserved exclusively for this group did not exceed an estimated number of 110,000 during the year 1999, shows the enormous success of the integration of this group in ordinary housing. A number of innovative projects and strategies have shown how integration of a large number of immigrants is possible. Problems remain in relation to significant cultural differences, language difficulties and a high unemployment rate especially among young family members and the discrimination of repatriates as “foreigners” or “the Russians”. But there are no indicators of an increased quota of homelessness among this group.
  
7. The opposite example can be seen in the way asylum seekers are treated in many German regions and towns. On the national level the Asylum Seeker Benefit Federal Act (*Asylbewerberleistungsgesetz*) became law in November 1993. With the introduction of this Act asylum seekers and other refugees (those who were only tolerated for humanitarian reasons, those without a legal status) were excluded from any entitlements under the Federal Welfare Act during the first year after their arrival (or under certain conditions during their entire stay). Provisions for the target groups under the new Act were on a reduced level (the subsistence minimum was fixed at least 25 % lower than for regular social assistance), provision in kind had priority to financial support. The Act was aggravated twice (in June 1997 and in September 1998). The minimum time in which refugees cannot claim regular social assistance, was extended to three years after their arrival in Germany and a third – and even lower - level of “subsistence minimum” was introduced for those refugees who are deemed to have come to Germany for economic reasons only. According to the law they must not receive more than what is “indispensable to survive.” These new regulations constituted a new group of extremely poor households

in Germany and it was the explicit aim of the law to deter potential refugees from seeking asylum in Germany.

Part of the deterrent measures were— apart from the low level of the subsistence minimum and the special and discriminating form of providing it (in kind or as vouchers) – the forms of communal temporary accommodation provided to asylum seekers and refugees. They have to stay in barracks, in camps, in containers, settlements, on ships etc. While this is still true for the first three months after arrival in Germany greater discretion has been granted to local authorities since 1997 so that in some regions of Germany refugees are getting financial assistance for renting mainstream housing while in other regions they are still provided with communal temporary accommodation only. In those regions refugees are often accommodated in reconstructed old buildings (former factories, office buildings, hotels, restaurants, schools, departmental stores, military barracks, shelters for homeless, railway stations etc.), in houses built like containers, in railway wagons, sometimes also in new buildings. Conditions in temporary accommodation for refugees vary widely but often they are rotten, old, damp, in a bad condition in many respects and little suitable to live in. Frequently such provision is situated in isolated surroundings (in industrial areas, near railroad tracks, by big roads, motorways or in socially marginalized quarters of the town), and crowded (with 100 to 200 persons). Many rooms (in particular toilets, showers and kitchens) have to be shared by a large number of households, privacy is extremely restricted or non existent. “Inmates” of these shelters receive communal feeding or food vouchers and only little pocket money.

8. As already mentioned, information on homelessness among immigrants is scarce – except for those who are provided with special temporary accommodation in communal facilities because they came to Germany as asylum seekers or as repatriates (see above). Electronic data from non-governmental service providers for other homeless people (predominantly homeless singles) show an average proportion of non-Germans among their clients which is similar to the percentage of foreigners among the total population in Germany. A recent study on rough sleepers in Hamburg shows a slightly higher proportion. The ratio of foreigners coming from other EU-countries to those coming from countries outside the European Union seems to be similar as well.

Women’s shelters claim that especially in large cities like Berlin, Hamburg or Munich the proportion of immigrant women among their clients amounts to 50 to 80 per cent. In Berlin the first women’s shelter exclusively for immigrant women was established in 2002.

The legal regulations for providing immigrants with personal and material support under the Welfare Act (esp. under sect. 72, the “homeless section”) are very complicated and depend largely on the country of origin and the legal status of the persons concerned. While EU citizens are entitled to such support under certain conditions, most immigrants from outside the EU depend to a significant part on the discretion of the authorities (they can provide or finance such support but foreigners in need are not entitled to it) or are explicitly excluded from such measures, for example asylum seekers and other groups of



refugees who are only entitled to support under a special Act, the Asylum Seeker Benefit Federal Act.

Accordingly a greater number of immigrants, including undocumented immigrants, are found among the clientele of anonymous and low threshold services like soup kitchens, day centres, mobile medical first aid provision for homeless people etc., where users are not asked for identification papers and basic needs are provided for. The number of immigrants in traditional temporary accommodation for the homeless, in shelters and hostels appears to be relatively low and at least those persons from outside the EU and refugees in particular are frequently rejected. Apart from problems with clarification of their legal status and of claims for funding services for them there are also problems concerning language and differing cultural backgrounds. Cultural differences are sometimes also reported in relation to an increasing number of clients who are migrants of the second or third generation including repatriate families. Some of the male clients, for example, have different values relative to alcohol and drugs and the use of physical violence against other persons.

9. Undocumented immigrants are a group with specific problems. Most live as anonymously and adjusted as possible. It is essential for them not to attract any public attention. They run a great risk of becoming subject to exploitation and assaults without being able to take any legal action against it. Their situation is often highly insecure and sudden events like an accident or an illness can pose enormous problems for them and force them to disclose their status. In order to prevent that and to remain in Germany, undocumented immigrants in a crisis use predominantly anonymous services for the homeless. There is little information available on undocumented immigrants in general and on their housing situation in particular. But it is clear that they run a great risk of being exploited in this area as well, to be forced to pay high rent prices for bad accommodation and that they have no housing security at all. It is forbidden by law that official services support undocumented immigrants and they are obliged to inform the authorities if they get in contact with such persons.
10. Recommendations of the national report relate to an improvement of living conditions for refugees and undocumented immigrants, to legalising the status of hardship cases, to learning from positive measures undertaken for the integration of repatriates and transferring them into practice for other immigrant groups as well. A number of recommendations also refer to necessary improvements in the traditional services for the homeless in order to react to new requirements by socially excluded immigrants.

## INTRODUCTION

This report is part of the national reporting project for the European Observatory on Homelessness, organised by FEANTSA, the European Federation of National Organisations Working with the Homeless, with financial support from the European Commission. Reports on a predefined topic concerning homelessness are drawn up every year, and since 2000 have been supplemented by two separate reports on the quantitative development of homelessness and on new research on the widest aspects of this problem (cf. Busch-Geertsema 2002 a and b).

The topic for 2002 was the connection between migration and homelessness. The reporting on this issue is carried out in accordance with the guidelines provided by the coordinators of the Observatory established by the *Joint Centre of Scottish Housing Research* (Edgar et al. 2001). The coordinators then use the national reports to draw up a transnational report on migration and homelessness in Europe, which, like the transnational summary of the research colloquia and the reports on the quantitative development of homeless in Europe, are scheduled for publication in 2003.

An analysis of the housing problem of immigrants and in particular the connection between migration and homelessness, has proved quite a challenge: For one, migration is a highly complex phenomenon that is discussed in a plethora of literature and specialised studies. The author, who admittedly is no expert on migration research, has learnt a great deal in preparing this report, and hopes that he has avoided serious errors on general immigration matters. He nonetheless thinks that, given the short time available and the scope of the report, it is virtually impossible to do justice to the heterogeneous nature and diversity of migration and the different situations of the various groups of migrants.

This task is even more difficult when analysing the living conditions of migrants. The sources are more than sketchy, and often pertain exclusively to foreigners and to macro-analytical, cross-sectional considerations. Relatively little is known of the living situation of repatriates, all the more so as this large group of immigrants is insufficiently represented in most statistics.<sup>2</sup> And finally, the situation of foreigners within the traditional institutions working with the homeless of non-governmental service providers has been broached separately only in recent times (cf. Hammel 2000, Kunz 2001, Kretzschmar 2002). Little is known also about the proportion of foreigners among the clients of the municipal emergency housing services (prevention, accommodation). The limited means and resources for drawing up national reports on homelessness do not permit us to conduct our own primary surveys. We consequently have to rely predominantly on the analysis and evaluation of studies and materials already available.

Admittedly, recently arrived immigrants, in particular refugees and repatriates, are accommodated to a considerable extent in municipal temporary housing and thus do not have

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<sup>2</sup> An earlier study on the accommodation of repatriates, analysed and evaluated in connection of a publication of the EUROHOME project, which was also supported by the Commission, is now outdated (cf. Heller et al. 1993, Busch-Geertsema 1999).

their own dwelling. Repatriates and refugees are as rule temporarily accommodated completely separately in administrative, organisational, and spatial terms, from “indigenous” homeless people. Data on the accommodation conditions of immigrants are likewise more than scarce.

Part I of this report provides a summary of the quantitative scope of immigration to Germany, regarding both migrants currently living in Germany as well as migration since the 1950s, and in particular in the past decade. Essential basic information is provided as to place of origin, spatial dispersion, sex and period of stay of the foreign population, and particular attention is focused on the two most discussed groups of immigrants: asylum seekers and repatriates.

Part II analyses macro-data on the housing for foreigners in Germany compared with the German population, and examines access barriers and the debate on the segregation of foreigners, which often contribute to enhance the exclusion of foreigners from the housing segments accessible to them. The report then deals with the relatively high number of women in women’s shelters and with support specifically for homeless women, before broaching the frequency, legal position and problem situations of migrants who avail themselves in particular of non-governmental institutions for the homeless.

Part III examines the example of two opposing poles of integration and exclusion policy on migrants. Efforts to integrate repatriates have long been held up as an exemplary practice for active and successful endeavours to integrate a large number of immigrants, whereas practices on asylum seeking refugees bear all the elements of a deliberate deterrence and exclusion policy. A modern variation of the long-established distinction between deserving and non-deserving poor (here, the immigrants) will be discussed by way of example.

Part IV summarises essential results of the analysis and refers to a series of recommendations which pertain to both the policy and to traditional assistance for the homeless.

Part V provides a list of the literature consulted.

## **PART I: THE CONTEXT OF MIGRATION IN GERMANY**

### **1. Scope and structure of immigration in Germany**

#### **1.1. On the quantitative scope of migrants living in Germany**

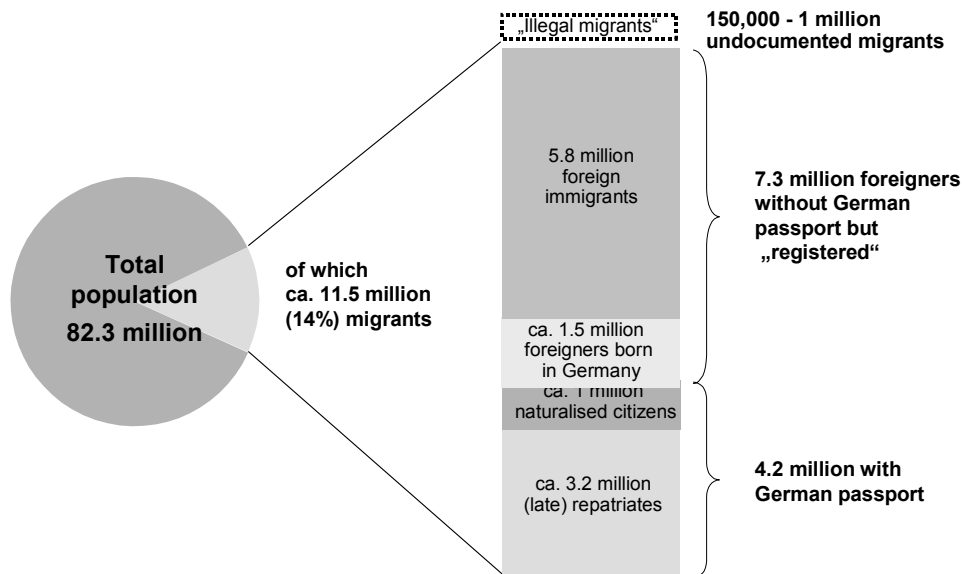
At the end of the year 2000, there were 7.3 million foreigners living in Germany, comprising 5.8 million foreign-born immigrants, and 1.5 million foreigners born in Germany. The proportion of foreigners in the country's overall population (82.3 million) amounted to 8.9%. More than half of them have lived in Germany for over ten years, while many came as "guest workers" (Spaniards, Italians, and above all, Turks). Furthermore, at the end of 2000, an estimated 3.2 million people in Germany had immigrated as repatriates or late repatriates, and another million or so had been naturalised. Consequently, an additional 4.2 million people living in Germany have immigrated recently, but they hold a German passport and are often not taken sufficiently into account in statistics on the migrant population. In what follows, we too will more often than not refer exclusively to the population without German passport, for the simple reason that relevant differentiated data are often available only for these people.

On the whole, the proportion of those who immigrated to Germany in the post-war period in the overall German population (82.3 million) is nearly 12% (Zuwanderungskommission [Committee of Enquiry on Immigration], 2001:14); however, if foreigners born in Germany are included, this figure is 14 %.

In addition, there is an unknown number of immigrants with no valid papers because their residence permit or visa has expired, or because they went underground when their application for asylum was rejected; because they have walked out of a marriage with a German partner, or because they had already arrived in the country without valid papers. Understandably, there are no official figures on the number of these people, and rough estimates vary widely, from 150,000 to 1 million.

Chart 1

GISS

**Migrants in Germany in the year 2000**

Source: Zuwanderungskommission 2001:14

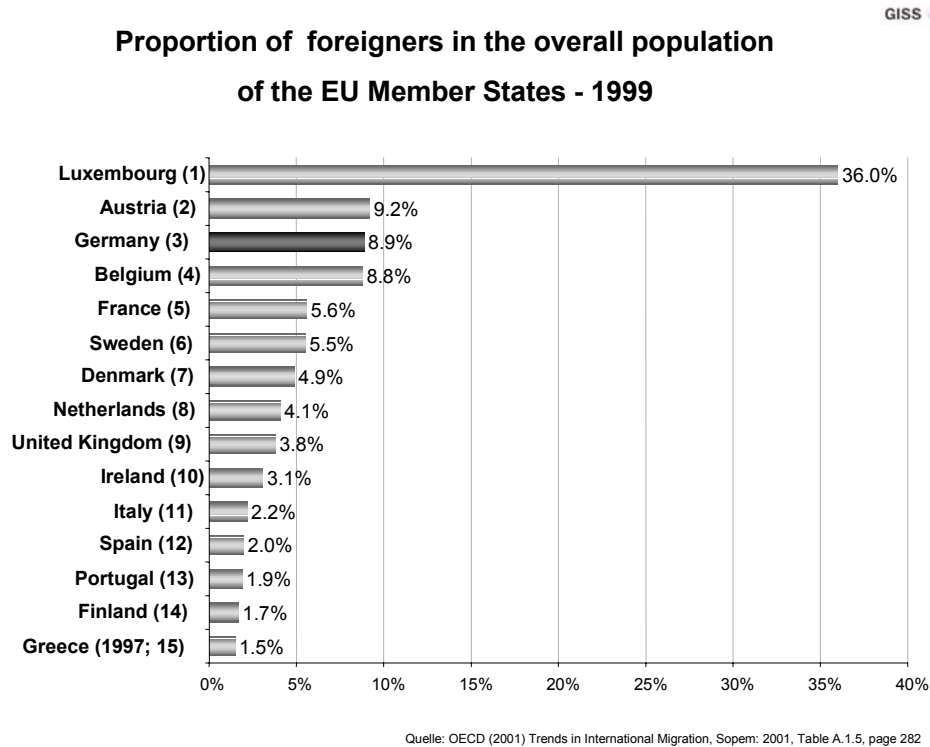
The overwhelming majority of foreigners without legal status lives in the big cities.<sup>3</sup> Often, soup kitchens, emergency accommodations, low threshold services for the homeless, are mentioned especially for this group with a high risk of impoverishment when migration is discussed.

The number of foreigners in the German population remained constant at 8.9% between 1996 and 2001, putting Germany in third place behind Luxembourg and Austria by comparison other EU member States (Switzerland, which is not an EU member, has an even higher percentage: 19.2%).

The proportion of foreigners, however, also depends to a considerable extent on the immigration legislation in force as well as on naturalisation (cf. BBA 2002b: 294). Aside from the repatriates, whom we shall discuss in greater detail presently, the comparatively restrictive naturalisation policy in Germany has meant that the number of migrants holding a German passport is relatively low. Only recently have efforts been stepped up to acknowledge that Germany is indeed an immigration country and to grant German citizenship to at least those migrants who were born in Germany and those have been living in the country for many years. We shall return to this issue presently.

<sup>3</sup> Estimates on the number of “illegal immigrants” run up to 500,000 people; see a propos, and on the data sources and different forms of illegal immigration: Lederer 1999 and Alt 1999: 50. Political proposal for a humanitarian approach to this problem are contained in Alt/Cyprus 2002.

Chart 2



## 1.2 Immigration through the years

A Federal Statistical Office Graph gives a summary of the migration balances for the entire post-war period as well as a projection of official population and immigration figures.

The recruitment of workers in the 1960s and 1970s was decisive for the immigration of foreigners to (West) Germany. The Federal Republic had concluded recruitment agreements with several Southern European countries; with Italy already in 1955, then with Spain, Greece, Turkey and Portugal in the 1960s, and finally with Yugoslavia and some other countries. The aim of this policy was to recruit temporary “guest workers” to do unattractive and low-skilled (and often low-paid), but also particularly hard and dangerous jobs. The fiction of unaccompanied male workers who, after a temporary working stay in Germany, would return to their country, failed to materialise in many cases. Not only did many of the recruited workers decide to stay on in Germany, and later brought their families to join them; but industry too had an interest in the continued presence and no excessive fluctuations in the groups of foreign workers. In the sixth report on the Situation of Families of Foreign Origin in Germany, BMFSFJ 2000: 37 ff.) immigration in the Federal Republic, and later in the reunited Germany, was divided into six phases: Phase I (1955-1973) was designated as the “*Recruitment or Guest Worker Period.*” Phase II (1973-1979), ushered in by the “*Recruitment Stop*” policy in 1973, entailed a “*consolidation*” of the employment of foreign workers and family reunion.

Phase III (1980/81) is described as a period of competing immigration concepts, during which an enhanced and lasting integration of the foreign population in German society was promoted, while still adhering to the policy of a “*social integration in time.*”

Phase IV (1981-1990) was dominated by restriction and deterrence measures, not least as a reflex to the increasingly politicised “*foreigners issue*” in a context of a rising tide of asylum seeking refugees. Measures “*encouraging migrants to return*” were consequently adopted, and in 1990 the Aliens Act was thoroughly reformed under pressure from the success of the radical right in state parliamentary elections. The new Aliens Act which entered into force in January 1991, admittedly contained certain measures to improve the integration of those foreigners who had already lived in Germany for many years, but it also introduced new reporting and control regulations<sup>4</sup> and increased expulsion powers, as it made residence permits and entitlements contingent on proof of sufficient living space (at a time of a worsening housing shortage).

Phase V, after German reunification (1991/92 – 1998), was characterised by initial peaks in the influx of asylum seekers (war and civil war refugees from former Yugoslavia; record highs in repatriate immigration), and then by a clear drop in migration. The Aliens and Asylum Seeker Benefit Federal Act was extended to the new federal states. In 1993, a series of drastic changes was introduced in the Asylum Seeker Benefit Federal Act, the Constitution was amended and the “*Application for Asylum Act*” was enacted, of which we shall have more say presently.

Up to the end of the 1990s – contrary to the actual situation – the political dogma that German is “*not an immigration country*” was upheld, and as a result, long-term integration concepts met with disapproval time and again, until finally conservative circles had to come to terms with the fact that not only had Germany been an immigration country for quite some time, but demographic developments were such that the country would actually need immigrants in the future. Nevertheless, a new citizenship act enacted in 1998 by the newly elected SDP-Green coalition, ran into bitter political resistance from conservative circles and a substantial segment of the population. Phase VI, coincided with the change of government. It began by supplementing the previous citizenship act, which was unilaterally geared to the heredity principle (*jus sanguinis*), with limited elements of the territorial principle (*jus soli*), so that, foreign children born in Germany, for instance, would automatically obtain German citizenship, if the parents had legal residence status. During this sixth phase, the Federal Government established an independent Committee of Enquiry on Immigration (chaired by the popular CDU politician Rita Süßmuth), and the conservative parties revised their concept of immigration. An Immigration Act enacted in 2001 contains a series of far-reaching changes in the Aliens Act and should contribute to a more modern approach to immigration. Its entry into force in 2003 was still uncertain in November 2002, however, because of a complaint lodged by the conservative parties contesting the legality of the parliamentary voting procedure in the German Upper House of Parliament (Bundesrat).

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<sup>4</sup> Thus, pursuant to §76 Section 2 of the Aliens Act, public authorities „*must inform the competent immigration authorities immediately if they become cognisant of:*

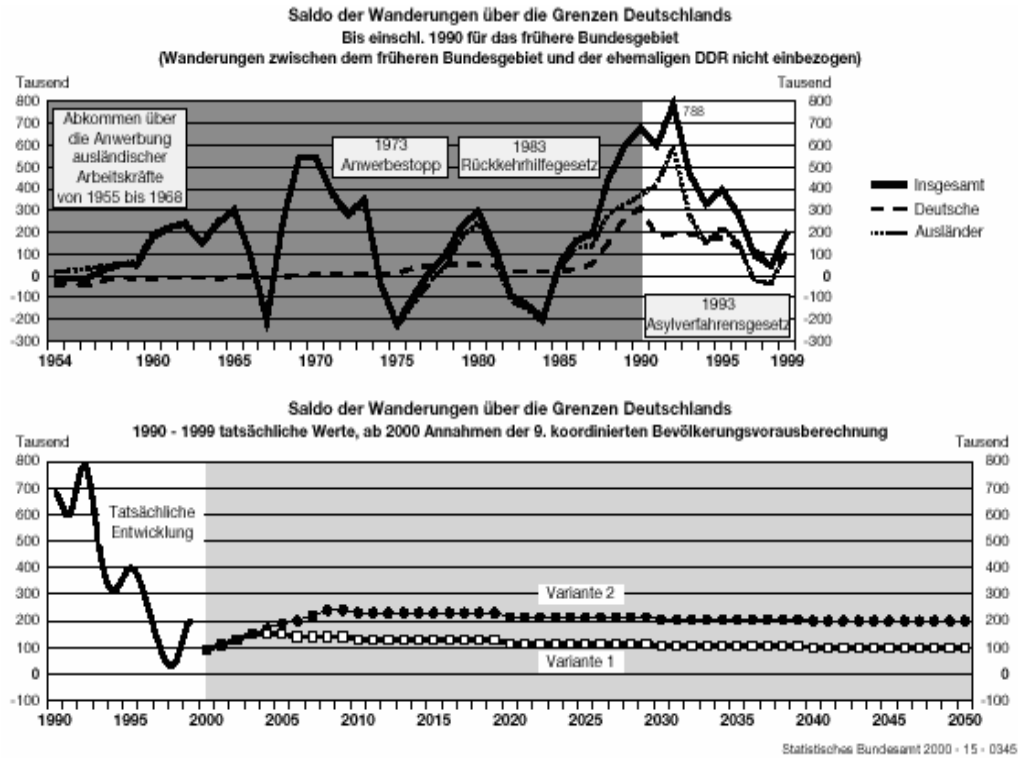
1. *the presence of an alien who has neither the required residence permit nor authorisation;*
2. *the infringement of a territorial restriction, or*
3. *other grounds for expulsion “.*

## Chart 3

**Immigration and Emigration – retrospective and prospective considerations**

GISS

Migration balances over Germany's borders up to 1990 inclusive of the territory of the former Federal Republic  
(Migrations between the territory of the former Federal Republic of Germany and the former DDR not included)



The projection given in the chart of the Federal Statistical Office – derived from the turbulent immigration events of the past – will hardly unfold as gradually as it is depicted in the graph. One of the major unknown elements is the effect that accession of ten new Member States from Eastern Europe in 2004 will have. Horror scenarios of vast inflows of immigrants from Eastern Europe are as off the mark as similar horror scenarios sketched before the accession of Spain and Portugal, although immigration movements from the new member states may well increase in the first years after the expansion. It must however be borne in mind, a large number of immigrants living in German are of Eastern European origin already at this time, i.e. before the eastward expansion of the Union.<sup>5</sup>

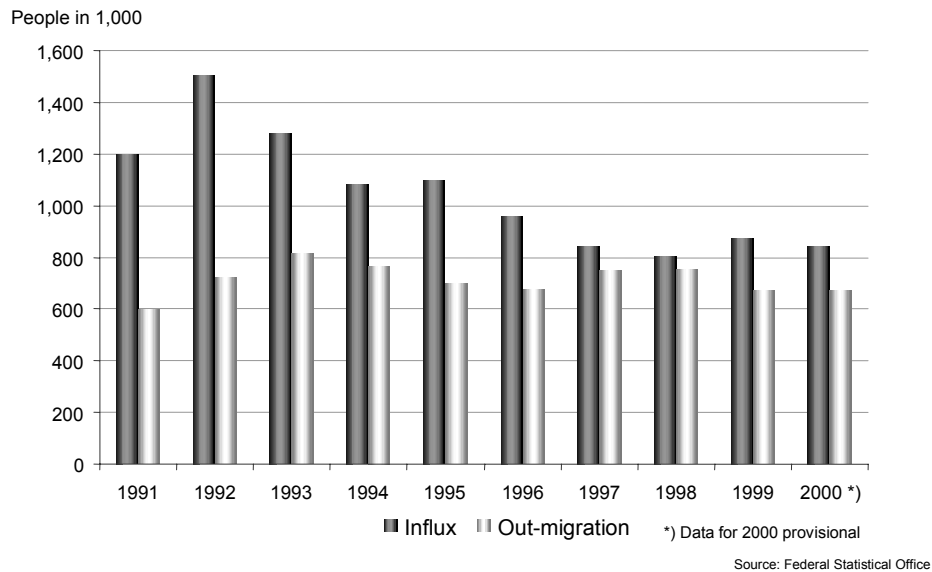
<sup>5</sup> Cf. Fassmann/Münz 2002 concerning the perspectives of east-west migration after enlargement of the European Union. The authors underline the change of interests in West European countries based on the demographic development and come to the conclusion: "After the Year 2001 a significant decrease of the domestic working force is foreseeable for the western part of Europe. Immigration or some temporary migration from Eastern Europe would then not any more be a threat, but a welcomed supplement for the shrinking labour potential in Germany, Italy and Austria." However as a decrease of the population can also be expected for Eastern European countries, in the long run the question is less relevant: "Do we have to fear a high number of East-West migrants? Much more relevant is the



Furthermore, wars, civil wars, natural disasters and other developments, which can lead to considerable immigration increases in a relatively short time, are foreseeable only under very conditional terms and do not enter into the current population forecasts.

**Chart 4**

**Migrations between the Federal Republic of Germany and Abroad**



A closer look at developments in the past decade shows that in the first half of the 1990s in particular, inflows clearly exceeded out-migration from Germany. Immigration then abated.

Among foreigners, there was actually more out-migration than inflow in the years 1997 and 1998, as Chart 5 shows. This clearly indicates, that a non-negligible number of immigrants already hold German citizenship, being essentially recognised late repatriates.

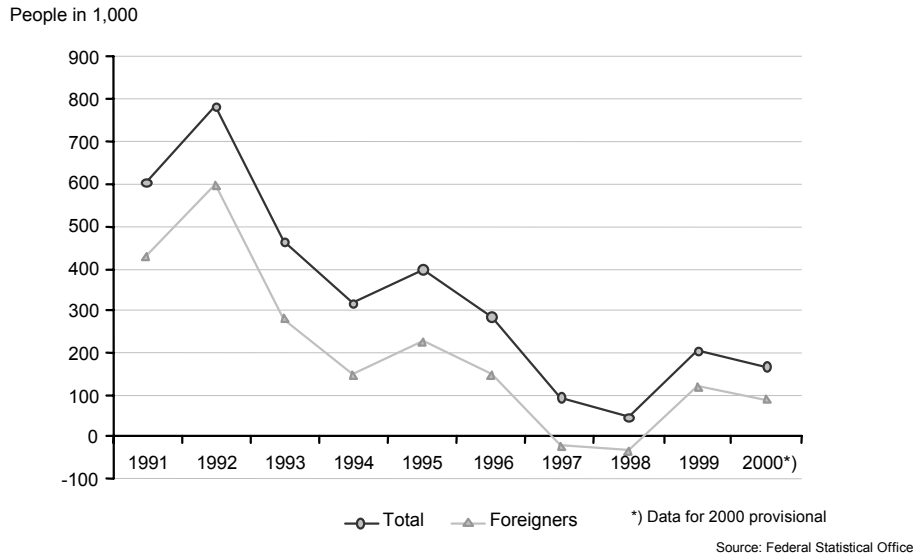
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*question: Where might we recruit the working forces which we will urgently need in the future?"*  
(Fassmann/Münz 2002: 96, our translation).

Chart 5

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### Migration balance between the Federal Republic and abroad



### 1.3 On the structure of the foreign population in Germany (places of origin, territorial distribution, sex, length of stay, etc.).

If we consider the foreign population in Germany in terms of their countries of origin, we discover that there is a high number of European living in Germany who do not have German citizenship.

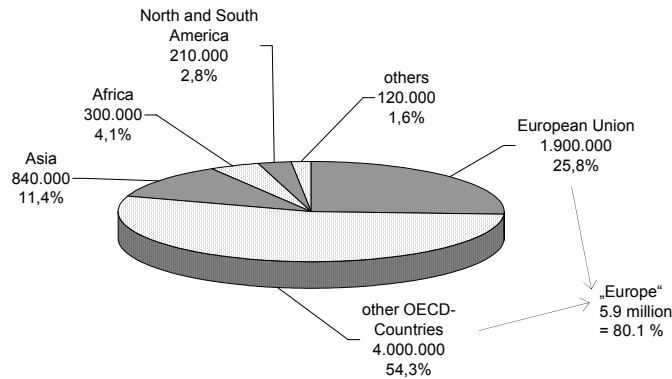
More than one fourth (1.9 million or 25.8%) of foreigners registered in Germany at the end of the year 2000 were nationals of another EU Member State.<sup>6</sup> Another four million foreigners stem from the other members of the OECD, including Turkey<sup>7</sup> and the states of the former Soviet Union; so that the number of Europeans among foreigners in Germany amounts to about 80%. The remaining foreigners were citizens of an Asian (11.4%; about 840,000), an African (4.1%; about 300,000) or a (North or South) American country (2.8%; about 210,000 people).

<sup>6</sup> Nearly one third (33.1 %) of the EU foreigners in Germany are Italians and nearly one in five (19.5%) comes from Greece (BBA 2002a: 23, Tabelle 3).

<sup>7</sup> Nearly 2 million Turks living in Germany make Turkey the most significant country of origin (27.4% of all foreigners living in Germany come from Turkey), followed by the states of the former Yugoslavia (9.1%), Italy (8.5%) and Greece (5 %), cf. BBA 2002a: 25, Tabelle 3). The most important countries of origin in Eastern Europe are the Federal Republic of Yugoslavia (662,000 foreign nationals from this country lived in Germany in 2000), Poland (301,000), Croatia (217,000) and Bosnia and Herzegovina (156,000).

Chart 6

### Foreign population living in Germany on 31 December 2000 by places of origin



Source: Data of the Federal Statistical Office, BBA 2002a: 25  
Own calculations, figures rounded off

The dispersion of the foreign population among the federal states and regions of Germany varies widely. In 1999, more than 70% of all foreigners lived in the four largest West German federal states of Baden-Württemberg, Bavaria, Hessen and North Rhine – Westphalia. The proportion of foreigners in these states is between 9 and 13%. Whereas this proportion is below average in rural areas, in big cities it accounts for 15% of the overall population on average. In certain cases, it is markedly higher. For instance, in 1995, Frankfurt am Main (30%), Stuttgart (24%) and Munich (24%) topped the German major cities (more recent figures are unfortunately not available). Nearly half (47%) of all foreigners live in large cities with more than 100,000 inhabitants.<sup>8</sup> The proportions of foreigners in the new federal states are very small. With the exception of Saxony and Brandenburg (each with 2.4%), they are all below the 2% mark (cf. BBA 2002: 12). Even in the conurbations of Leipzig, Halle, Dresden, Rostock and Magdeburg, foreigners accounted for only between 1.8% and 2.8% of the overall population in 1998 (BBA 2000: 17).

45.7 % of the foreigners in Germany are female; 54.3% male. Whereas the proportion of women from Poland, Croatia and Bosnia-Herzegovina is over 48%, that of people of African origin is only 35.1% (BBA 2002a: 26, Table 6).

Owing to their long period of stay, foreign residents constitute a fixed component of the population in the Federal Republic of Germany. At the end of 2000, one third of all foreigners had been living in Germany for twenty years or longer, 40% for more than fifteen years, and half had been in the country for more than ten years. A relatively high proportion of precisely those foreigners, who came to Germany as “guest workers” from the so-called recruitment states, who have been living particularly long in, and have made Germany their home, do not

<sup>8</sup> Only 29% of citizens with German nationality lived in big cities in 1998; cf. Häußermann/Siebel 2001, S. 15.

have a secure long-term residence status.<sup>9</sup> At the end of 2000, out of a total of 2 million Turks living in Germany, some 713,000 had a temporary permit, 624,000 had a permit for an unspecified period, and only 465,000 (about 23%) had a residence entitlement, the most secure status. Among foreigners from other so-called recruitment countries (Morocco, Tunisia and the Federal Republic of Yugoslavia), such a secure status was even rarer (cf. BBA 2002a: 12 and 31).

## 2. The two most discussed immigrant groups: asylum seekers and repatriates

Of the 7.3 million foreigners in Germany at the end of 2001, 1.1 million (14.1%) were refugees.<sup>10</sup> Some 146,000 people were entitled to asylum, about 130,000 were family members

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<sup>9</sup> Until the entry into force of the Immigration Act (on 1 January 2003), the German Aliens Act provided a bewildering variety of legal forms of residence status, which we will not examine closer here (detailed explanations on the different legal forms are provided for instance in the Report of the Office of Foreign Affairs from the year 2000, BBA 2000: 237, Fußnote 2). The entry into force of the Immigration Act will reduce the number of residence permits to two: the (temporary) residence permit, and the settlement permit (for an unspecified period).

<sup>10</sup> There is a bewildering variety among the different refugee groups. To cite the most recent Report of the Foreign Representatives (BBA 2002b: 400, Anmerkung 568):

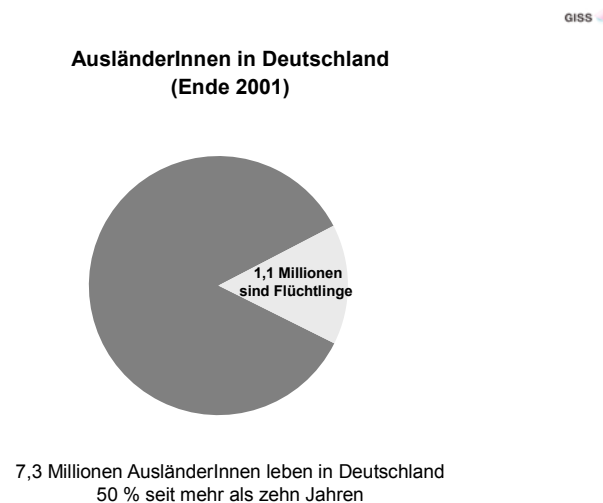
*„The German Aliens and Asylum Seeker Benefit Federal Act distinguishes the following groups of refugees:*

- Persons entitled to asylum are, pursuant to Article 16a of the Basic Law (known by the German acronym “GG”) as political refugees. They have provided proof that they are victims of targeted persecution measures by governmental authorities in the entire territory of their country of origin. . Those who have entered or want to enter through a “safe third state,” may not invoke Article 16a GG, but will be turned away at the border or sent back to the transit state, if the latter is identified and prepared to accept the person in question. “Safe third states” are considered all EU member states, as well as Poland, Switzerland, the Czech Republic and Norway. The Federal Republic of Germany is thus surrounded by a belt of potential such safe third states. Persons entitled to asylum may bring their family members to Germany.
- The Geneva Refugee Convention (GRC) of 28 July 1951 defines Convention Refugee as a person who, because of justified fear on account of his or her race, religion, nationality, membership in a certain social group, or his or her political convictions, is outside the country of which s/he is a national, and cannot -- or because of said fear, does not want to -- call on the protection of that country. The group of people defined by the GRC is recognised by the signatory states as being in need of protection; in most of these countries, only convention refugees constitute the group of “political refugees,” as they do not have rules corresponding to Article 16a GG (...) Convention refugees may, under certain preconditions, bring their family members to Germany.
- Contingent refugees are refugees accepted under humanitarian relief programmes. They are guaranteed a lasting right of abode in the Federal Republic of Germany, without having to be subjected to a recognition process.
- War and civil-war refugees were, by virtue of an amendment to §32a of the Aliens Act effective as of 1 July 1993, granted the possibility of temporary entry without examination of their individual case. Entry pursuant to § 32a of the Aliens Act is determined by policy. The provided status is subject to the condition, that an application for asylum is neither filed nor withdrawn; there is no entitlement to stay at a specific place or in a specific federal state.
- De facto refugees are the largest group of refugees. These people are accorded “tolerated” status (known as “Duldung” in Germany), and have not filed an application for asylum, or their application has been turned down. Their deportation has been temporarily suspended, because there is considerable danger to their person, life or freedom in their country of origin or because urgent humanitarian or personal reasons require their (temporary) further presence in Germany.

of recognised refugees, 69,000 convention refugees, an estimated 7,000 quota refugees, 154,000 Jewish immigrants from countries of the former Soviet Union<sup>11</sup>, ca. 157,000 foreigners with (renewable) permit to stay pursuant to §§ 30, 32 of the Aliens Act, 12,000 stateless foreigners, 191,000 asylum seekers, 207,000 de facto refugees and another 40,000 refugees from Bosnia and Herzegovina (cf. BBA 2002b: 434, Table 22). Nearly one third of all refugees have been granted formal refugee status as a result of a recognition process.

Asylum seekers are therefore a minority among refugees (fewer than 20% of the refugees living in Germany have this status), although the discussion in Germany has tended to concentrate especially on this group. Data from the Federal Ministry of the Interior show that the most important countries of origin of asylum seekers in 2001 were Iraq, Turkey, Yugoslavia, Afghanistan and Russia.

**Chart 7**



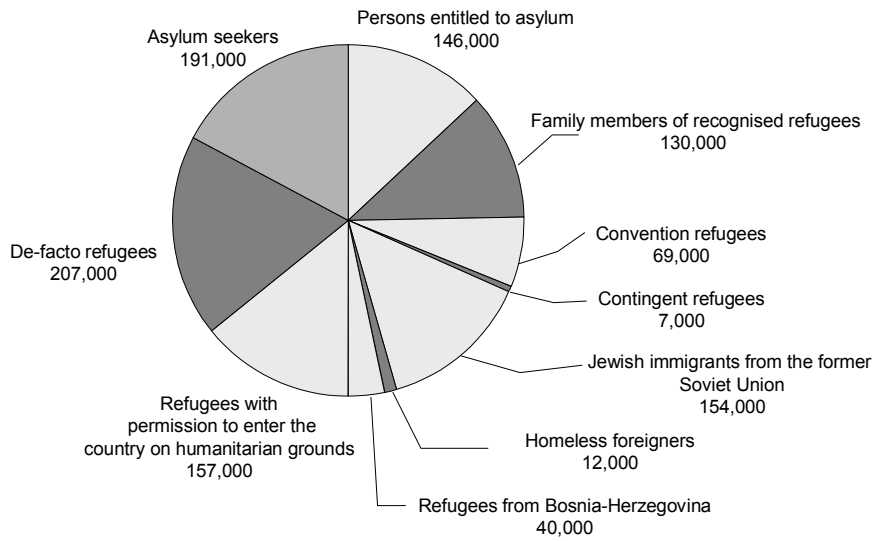
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- Foreigners with residence permit for exceptional purposes (Aufenthaltsbefugnis) pursuant to § 30 or § 32 of the Aliens Act usually have prospects to stay in Germany. Unlike the “tolerated” status, a residence permit for exceptional purposes can, on humanitarian grounds, lead to permanent residence.
  - Stateless foreigners were also classified under refugees in the statistics of the Federal Ministry of the Interior. These are mainly people who were displaced during World War II and their descendants.”

<sup>11</sup> Unlike the way refugees are usually processed, the entry process for this group of people takes place already in their country of origin. In terms of the legal procedure, Jewish immigrants were treated rather like repatriates, and not as refugees.

Of these

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### Proportion and status of refugees (at the end of 2001)



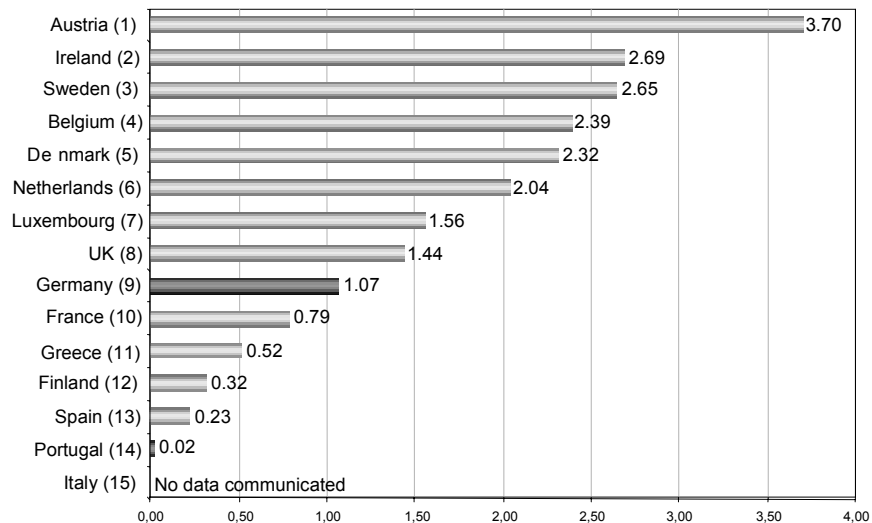
Source: Federal Ministry of the Interior; cf.. BBA 2002: 434, Table 22

Germany is therefore not at the forefront in terms of applications for asylum by comparison with the other EU member states. Contrary to a widespread misconception, Germany is in the lower middle rungs of the scale (in ninth place).

Chart 8

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### Applications for Asylum per 1,000 inhabitants in the European Union



Source: Federal Bureau for the Recognition of Foreign Refugees (Internet)

A second group that has been at the centre of the debate in recent times is the repatriates. Repatriates of German minorities who had settled in nearly all the states of Eastern and South-Eastern Europe from the Middle Ages until the 19<sup>th</sup> century. They had migrated as urgently needed workers and colonisers in these regions, often with special privileges at the outset. At the beginning of the 20<sup>th</sup> century, there was hardly a country in Eastern Europe without German-speaking communities.

In the course of the 20<sup>th</sup> century, during and after both world wars, people from communities of German origin in Eastern Europe and German homelands often resettled, fled or were expelled. After World War II, some 4 million people of German origin were still living in Eastern Europe outside the Federal Republic of Germany and the former German Democratic Republic (in 1950). Most of the 1.6 million “*repatriates*” who moved to the Federal Republic between 1951 and 1988 were so-called “*ethnic Germans*” of foreign nationality, whose ancestors had moved generations or even centuries earlier. The dominance of the „*jus sanguinis*“, the heredity principle, is particularly clear for this group. The preconditions for recognition as repatriates were: proof of German origin and a “*Confession of Germanness*.” Repatriates were widely equated with the refugees and expellees of the immediate post-war period through the Federal Expellees and Refugees Act and were entitled to generous integration support from the government.

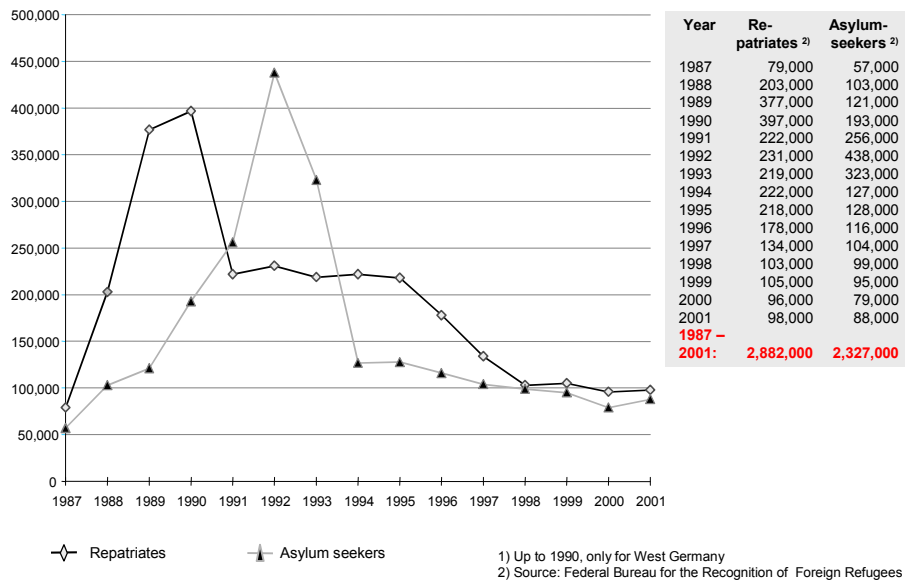
Recognised repatriates were granted German citizenship and as Germans, they were not identified separately in most statistics.

Owing to the restrictive implementation of exit permits in Eastern Europe, the annual figures of such immigrants were relatively low up to 1986. With the fall of the “iron curtain,” the annual immigration figures of repatriates rose sharply as of 1987.

If we consider the development of immigration to Germany by the most discussed groups, i.e. asylum seekers and repatriates, once again in the period since 1987 when the last housing crisis in Germany peaked, it becomes immediately clear that both of these groups have actually contributed quite considerably to immigration during this period. In a few years, record numbers up to 400,000 immigrants from the respective groups (and even higher among asylum seekers for a short period) entered the country. In all, nearly 2.9 million repatriates and over 2.3 million asylum seekers came to Germany between 1987 and 2001.

Chart 9

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Immigration of repatriates and asylum seekers to Germany 1987 - 2001<sup>1)</sup>

Because of political changes in the countries of origin, and especially a change of policy in Germany with the enactment of the widest variety of “*immigration restricting measures*” in the first half of the 1990s (to be discussed in greater depth in Part 3 of this report), immigration by both groups dropped considerably.

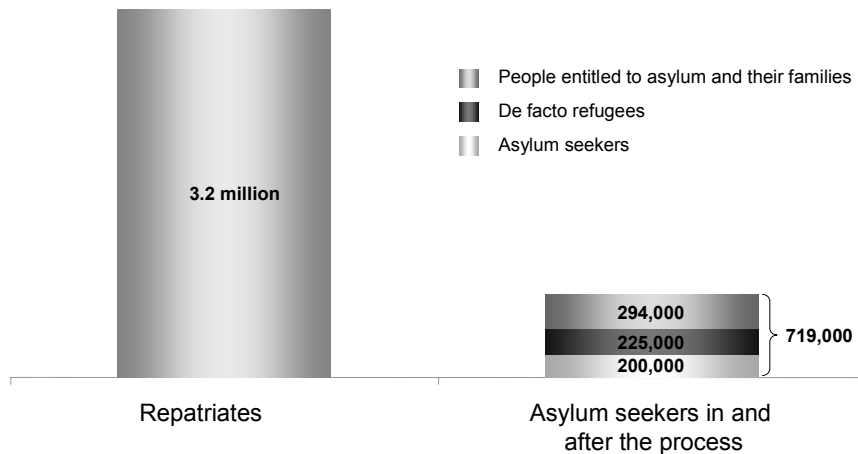
The total number of people who entered Germany is however less decisive for housing, than is the number of those who stayed. And here there is essentially a clearer difference between the two groups of immigrants: Refugees who entered Germany under the right to political asylum and were still living here at the end of 2000 totalled a little over 700,000, of whom some 200,000 are going through recognition processes, and therefore cannot have a domicile.



**Chart 10**

**Repatriates, Asylum Seekers, De facto Refugees and Persons Entitled to Asylum living in Germany in the year 2000**

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The number of repatriates living in Germany at the end of 2000 is far higher by comparison, i.e. 3.2 million as at December 31<sup>st</sup>. Assuming that some 110,00 repatriates were still housed in municipal temporary accommodation at that time, and thus had no domicile of their own,<sup>12</sup> then more than 3 million repatriates were provided with ordinary housing relatively rapidly after their arrival in Germany.

<sup>12</sup> This number is an estimate by the National Federation of Organisations Working with the Homeless (Bundesarbeitsgemeinschaft Wohnungslosenhilfe) and is projected from the data of competent authorities of various federal states responsible for providing temporary accommodation for repatriates (cf. Busch-Geertsema 2002a and Specht-Kittler 2001). There is no national summary on the number of repatriates in municipal accommodations.

## PART II: MIGRATION, HOUSING MARKET AND HOMELESSNESS

### 1. Poorer living conditions for foreigners

Recent statements by the federal government at the first national poverty and wealth report claim there are no “general housing problems” for families of foreign origin, and surveys have shown a relatively high degree of satisfaction with housing (BMA 2001:205). The housing conditions of foreigners in Germany have been accorded relatively little space in the reports of the Office of Foreign Affairs. The most recent report devotes just three pages (out of a total of 445) to the subject.

The housing conditions of foreigners in Germany nonetheless differ significantly from those of the residential population with Germany nationality. Relying on the latest available data of the Federal Statistical Office and their own assessments from the representative survey of the socio-economic panel (SOEP), Häußermann and Siebel describe the housing conditions of foreigners in their expert’s report for the Committee of Enquiry on Immigration on the basis of such indicators as residential density, equipment, rent and housing security. On residential density, they point out that:

*„Foreigners live in more cramped conditions than German citizens, with an average of 24.7 m<sup>2</sup> of living space and 1.1 rooms per person in West Germany in 1997, compared with 37.6 m<sup>2</sup> for German nationals. The average dwelling of a foreign household in 1997 was 76.5 m<sup>2</sup>, compared with 94 m<sup>2</sup> for a German dwelling. German households (at the border of the former GDR) in 1989 had nearly double the rooms per person as foreign households (1.9:1.1). If “1 room per person” is taken as the standard for “sufficient accommodation,” then only 7% of households with German residential population, but 37% of households with foreign inhabitants were under-accommodated (Federal Statistical Office 2000, 570, Table 1). According to SOEP data, less than 1 room per person was available for 22% of all German large households (5 or more people), whereas this was the case in nearly 83% of foreign large households. This inequality is even more serious, as far more foreigners live in larger households than German nationals: five or more people lived in only 8.2% of all German households in 1995, compared with 16.5% of all foreign households (Mehrländer et al. 1996, 249, Table 159). The average household size in 1997 was 3.1 people among foreign nationals, but only 2.5 among Germans (Federal Statistical Office 2000, 570, Table 1).” (Häußermann/Siebel 2001: 19 f.).*

Various research studies have shown, that foreigners often pay considerably high rents for relatively poorer housing than German tenants, because landlords demand “discrimination supplements” (cf. Häußermann/Siebel 2001: 22). According to the last microcensus of 1998, in spite of the often poorer quality of the dwellings, the rents charged to foreign households per square metre are on average significantly higher than those that German households pay:

*„Nation-wide, German households pay DEM 10.69/m<sup>2</sup>; non-German households DEM 11.51/m<sup>2</sup>, or nearly one German mark more “ (Winter 1998: 861)<sup>13</sup>*

The average rent burden of foreign households (i.e. percentage of household income paid for rent) is admittedly – not least owing to the poor housing quality and the higher residential density of foreign households – not very much higher than that of Germans, but it has risen disproportionably in recent years: in 1993, the rent burden of all tenant households in Germany was 19.2%; for foreign households it was 20.5%. In 1998, the rent burden of all households was 23.5%; that of foreign tenants 25.3%. Finally, there are clearly more foreign than German households with a very high rent burden of 40% and more. In 1998, 22.1% of all foreign tenants fell in this category, compared with 16.7% of all German tenants (Stabu 2001: 164, Table 134 und 133).

The low proportion of owner-occupiers in Germany by comparison with the rest of Europe is even lower among foreigners living in the Federal Republic of Germany. Whereas in 1998, 42% of all German households lived in their own apartment or their own house, this was the case of only 12.2% of all foreign households. 83.8 % of all foreigners (compared with 55.8% of Germans) were main tenants and 4% subtenants (compared with 2.1% of Germans). Nearly 90% of all foreigners in Germany therefore live in rented housing. To be sure, the ownership share among foreigners in West Germany has continued to rise in the past years (from 3.5% in 1972 to 5.9% in 1978, 8.1% in 1987, 11.4% in 1993, to a provisional high of 12.4% in 1998), but this rate is very low as before it was before, and even lower in East Germany (1998: 4.6 %; cf. Stabu 2000: 165, Table 135 und 136). Moreover, the rising share of owners “*must not be taken out of context as an indicator of successful integration. One explanation could be that foreigners are excluded from the affordable segment of the higher quality rental market through discrimination. The acquisition of a dwelling is therefore a way out of a dreadful housing situation*” (Häußermann/Siebel 2001: 22).

In its survey of the housing situation of foreigners in 1998, the Federal Statistical Office concluded that there are significant differences continue to persist compared with the German population: *A greater percentage of foreign households live in rented accommodation than German households. In contrast to most Germans they mainly live in larger buildings (with three or more dwellings), they have been living for a shorter period in their present dwelling than the average population, have smaller dwellings but pay more rent for them and have to spend a larger proportion of their income on housing.*, (Stabu 2001: 168).

Chart 11 summarises once again essential disadvantages in the average housing standards of foreigners compared with Germans, and with the average of the overall population, based on the data of the micro-census of 1998.

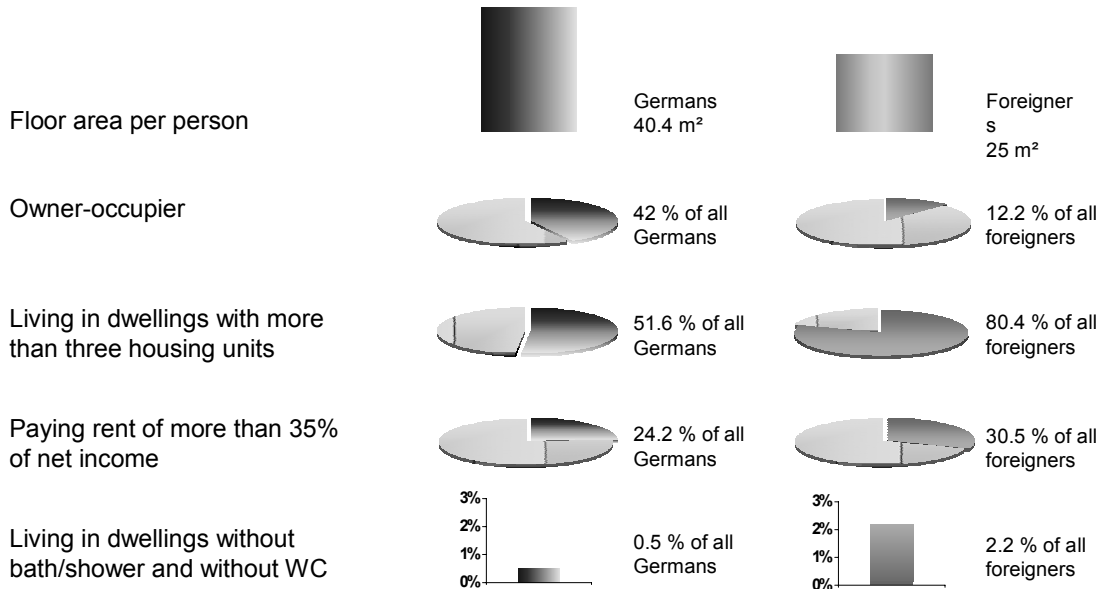
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<sup>13</sup> Converted into euros, the difference amounts to 41 eurocents per square metre. The average rents per square metre in 1998 amounted to €5.88 for foreign tenants and €5.47 for Germans.

Chart 11

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### Housing conditionn of Germans and Foreigners (Microcensus 1998)



Source: Federal Statistical Office 2000: 159 ff.

## 2. Barriers and problems in the search for housing

The Federal Office of Foreign Affairs described the chances of foreigners in the search for housing in its 1997 report:

*„As indicated previous reports, only certain segments of the housing market are generally open to the foreign population. Group characteristics such as legal status or nationality, as well as individual characteristics (family size, income, reason for migration, social status) have an influence on the chances of finding suitable housing in the residential areas they wish. The chances are in general smaller than those of the German population, so families of migrants tend to live in lower status neighbourhood: in speculation objects, poorly constructed buildings in poor condition, in densely populated high-rise tenements in the outskirts of cities; in residential areas, in other words, which have no appeal for other population groups. Foreign families initially lived in the inner large cities but, when these neighbourhoods were redeveloped and became more expensive, they had to moved to the edge of towns. In the meantime, families of migrants have also moved into old houses in the country, their way to work permitting.*

*The reasons for these disadvantages on a partially tight market are many and diverse. For one, because of their lower income, migrants cannot pay higher rents, yet have relatively*

*larger housing needs, because their households are larger. Furthermore, foreigners are discriminated against by some landlords, so they have no choice but to live in unattractive residential areas.” (BBA 1997: 67)*

The German Institute for Economic Research also confirms that foreigners are discriminated against on the housing market: *„Someone who earns less will as rule live poorer. However, a foreigner can be discriminated against on the housing market, only because he is a foreigner. Regression analyses have been carried out to isolate the influence of individual characteristics on living space. It turns out that in addition to income and other characteristics<sup>14</sup> there is also an independent “foreigner factor,” which points to discrimination against foreigners on the housing market. For instance, all other circumstances being the same, need-weighted square metres per person amount to 15 square metres less among foreigners than among Germans.”<sup>15</sup>*

Several scientific studies have also shown problems accessing the housing market are by no means only of a financial nature, but also because foreigners run into prejudices and scepticism when trying to rent housing. In surveys conducted among German municipalities for an up-to-date study entitled *„Wohnraumbeschaffung durch Kooperation“* [Finding Housing through Cooperation] (BBR 2000: 26), “foreigners” were cited as the third most difficult group to accommodate (after heavily indebted households and families with many children); repatriates ranked 8<sup>th</sup>.

An extensive local study on the accommodation chances of different population groups in their search for housing in Dortmund (Behrendt et al. 1996) has shown that repatriates belonged to the groups which had relatively good chances, especially with the municipal housing authority, but also through agencies on the free housing market, while foreigners experienced the longest waiting times in their search for new housing and were dramatically under-represented among successful housing seekers. They received markedly fewer housing offers than most of the other groups and were relatively frequently turned down (more than a third of all foreigners who applied for housing were turned down at least once by landlords; cf. *ibid.*: 124).

The fact that foreigners run into considerable barriers and obstacles in their search for housing,<sup>16</sup> does not however mean that they fail to find housing more frequently than the average. This applies only to certain very specific groups of immigrants, which we shall discuss in greater detail presently. On the contrary, many immigrants “solve” their housing problems by opting for poorer living conditions as already described above, more often living in sub-standard housing and paying relatively high rents, or by putting up with cramped

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<sup>14</sup> These are the age of the head of household, owner status, city-state differentiation and household size.

<sup>15</sup> To calculate the living space accommodation, the German Institute of Economic Research used a “need-weighted” scale on “optimal living-space accommodation,” according to which an under-proportionally increasing need for housing is assumed for larger households: *„Accordingly, depending on the number of people living in them, households have the following square metres of living space at their disposal: 46(1 person), 72 (2 people), 84 (3 people), 102 (4 people), 112 (5 people) and 120 (6 people).“* (DIW 2001: 3, Anm. 3).

<sup>16</sup> On the various barriers and the differing chances for access to the German housing market cf. Busch-Geertsema 2001.

conditions. Part of the foreign population at least turns more frequently to the social network within the family and within certain groups of migrants to avert impending homelessness.

However, the foregoing analyses of the average housing conditions and housing location opportunities of immigrants should not obscure the fact that such average analyses must be interpreted with caution. Whereas some foreign households, especially those with regular, not excessively low income, who have lived in Germany for many years are more often relatively well housed and integrated in their residential area, other groups of immigrants far more frequently have to put up with extremely poor housing conditions, or are totally excluded from ordinary housing. We shall discuss the lot of refugees and repatriates housed in communal accommodations in greater detail below.

Some immigrants without legal status in Germany have to put up with particularly poor housing conditions. Very little is known about the housing situation of stateless immigrants. In one case study for the East German city of Leipzig, Jörg Alt reported, on the basis of many interviews, that only a very small number of “illegal immigrants” lived entirely without fixed accommodation in cars, railcars, parked caravans, containers, on park benches or in tents. *„Apart from commuting migrants from neighbouring countries, nearly all migrants try to find a fixed abode as promptly as possible“* (Alt 1999: 165). The forms of accommodation which Alt found among immigrants without legal status include houses which are empty or ready for demolition, and “mass accommodations” that can be rented for € 2.50 – 5 per night, with five to ten people in a room. Such accommodations were let out in Leipzig both by employers of illegally employed workers, as well as by private persons, who at times housed between 50 and 100 people. Far more popular, according to those interviewed by Alt, were housing alternatives sublet by persons with legal residence status, or housing in which people could live in the place of the owner or main tenant officially domiciled there. Many people without legal status have to live with the constant fear that their illegal residence will be “discovered” through conflicts with compatriots, other foreigners or neighbours, and would then be threatened with deportation. As a result, they are exposed to excessive rents and other arbitrary measures without any rights and are often completely defenceless.

### 3. On the debate on the segregation of immigrants

A general definition of foreigners as a “problem group” on the housing market is also misleading in the discussion on segregation in certain types of housing.<sup>17</sup>

Along with other commentators (cf. Bartelheimer 1998, Becker 1988 and 1997, and Schubert 1999), in a report for the Committee of Enquiry on Immigration established by the Federal Government, the well-known housing experts Häußermann and Siebel explicitly oppose influx restrictions and maximums for foreigners. Such measures have been discussed time and again in Germany, and often put to practice in various places in the 1970s and 1980s, and are still being discussed. They are based on the assumption that a “*healthy social mix*” could thereby be achieved in “*overburdened*” areas. The terminology used is reminiscent of a discussion on

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<sup>17</sup> Cf. a propos the last National Report, Busch-Geertsema 2001

pH-neutral liquids (where the question arises, who is to be classified as an alkaline solution and who as an acid)<sup>18</sup> or the discussion on waste limits in the chemical industry.

Science must bear a considerable share of the blame for this. For instance, Eichener (1988) has tried to prove through extensive research, that foreigners are best integrated in “German” residential areas if a certain percentage of non-Germans is not exceeded. Individual houses, occupied predominantly by foreign families, are to be designated already as “*small ghettos*.” „*Favourable integration conditions*” therefore exist in neighbourhoods with a small to medium-sized proportion of foreigners. For the “*street*” as a neighbourhood unit, the proportion mix has been fixed at a maximum of 10% to 15% of foreign households; while a proportion of 25% to 33% per block of flats must not be exceeded. As soon as the proportion of foreigners exceeds these limits, there is a danger of an uncontrollable “*segregation*” process ushered in by the departure of German families, accompanied by a further increase in the proportion of foreigners. The strategy to counter a frequently proven tendency of foreign households to concentrate in certain residential areas is defined for the most part in negative terms as “*avoidance of segregation*.”

Whereas measures to limit the influx of migrants and to introduce quotas are in the interest of landlords who have classified all foreigners as “*risk tenants*,” they are in no way in the interest of immigrants: „*From the point of view of integration, the effects may be questionable or even negative. A wide dispersion of foreigners throughout the city would be hindered, however, because while certain types of housing are closed to them, no new housing possibilities are opened elsewhere. The prime effect of quotas and barriers is to narrow even further the already restricted choices foreigners have on the housing market. Under the prevailing conditions for the lower housing market segment, barriers and quotas mean that an already insufficient supply of accommodations for a certain group of clients is arbitrarily reduced even further.*” (ibid: 80)

In a differentiated analysis of the segregation debate in Germany, Häußermann and Siebel (2001a and b) come to the conclusion, that it is the task of the body politic to both reduce and to allow segregation. Voluntary segregation motivated by ethic and cultural considerations should be allowed, while forced segregation through discrimination and lack of other alternatives should be reduced: „*Enforced desegregation is no better than enforced segregation. The municipal authorities should not fight against voluntary segregation, but should distance themselves from the illusory and harmful goal of dispersing immigrants throughout the city and instead concentrate their social policies in areas where foreigners currently live. Securing affordable housing in as many different locations as possible and supporting the free choice of residence through higher housing allowances would be more helpful to all, especially as they would also neutralise the discriminating effect against immigrants, which is irrefutably connected with the administrative attempt to isolate and contain them like an infectious disease.*” (Häußermann/Siebel 2001b: 81).

In the segregation debate, foreigners are perceived almost exclusively as an underprivileged lower class population, a view that tends to overlook the fact that precisely in the 1980s and

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<sup>18</sup> Cf. Becker 1988 and 1997.

1990s, a social differentiation and establishment process took place among foreigners who had been living in Germany for a long time: *“Thus migrants today constitute a fixed component of the student population, as well as local culture scenes, a burgeoning middle class through their own self-employed economy of craftsmen and traders, and they are increasingly represented in the professions such as doctors, architects and engineers. The model of proportion mixes does not go into this, however.”* (BMFSFJ 2000: 164).

Nor does the model go into the positive effects of segregation. Not only does a large part of migrants wish to have contact with compatriots in their immediate vicinity, but “ethnic colonies” with a high concentration of foreign households often have stabilising and social functions that can protect newly arrived migrants in particular from social isolation and demoralisation, provide mutual material support and self-help activities, allow for the sale of staple “ethnic” goods and services, etc.

#### **4. Higher proportion of women’s shelters in large cities**

Whereas male migrants are, as in the past, under-represented in certain institutions for homeless men, women migrants are found often in women’s shelters, and above average in women’s accommodations made available by organisations working with the homeless.

Statistics from the women’s housing coordination authority show that some 50-80% of the occupants in women’s shelters in large cities such as Berlin, Hamburg and Munich are migrants. In Berlin, the first “inter-cultural women’s shelter” was established in 2001 (cf. Lehmann 2002). Women migrants in particular often have no other alternative than a women’s shelter if they want or if they have to get out of a violent family relationship. The absence of bureaucratic red tape and anonymity of women’s shelters further distinguishes such institutions from other social support services, where foreign nationality and residence status are often a barrier to admission.

Women of immigrant background are also over-represented in accommodations made available by organisations working with the homeless specifically for women by comparison with institutions catering to men. According to the National Federation of Organisations Working with the Homeless, the role of gender in migration history may be of consequence here: *„A large part of asylum seekers, refugees, and labour migrants is male. Female migrants in institutions of Organisations Working with the Homeless are perhaps women and young girls who have fled from their family of origin living in Germany, or a marriage with migrants or with German men because of violence, and have no right of abode of their own. Like the female clientele of Organisations Working with the Homeless, these women fleeing violence, are trying to find safe women’s institutions or accommodations. Among women labour migrants, these are women who live as prostitutes, i.e. are possibly accommodated in a brothel or are domestic servants, who also live with their employers under poor conditions.”* (Rosenke 2002: 7)



## **5. Immigrants in the system of Organisations Working with the Homeless**

### **5.1 Dispersion of immigrants in accommodations offered by Organisations Working with the Homeless**

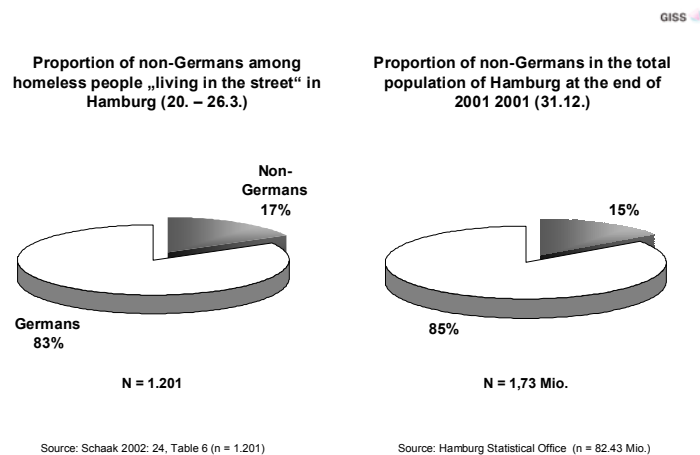
This section discusses immigrants in the system of Organisations Working with the Homeless, and in particular the system of independent, non-governmental welfare service providers for (predominantly single) homeless people. In the end, there are also separate accommodation systems geared exclusively to migrants and homeless immigrants, especially in the form of communal accommodations for refugees and late repatriates. This accommodation sector, which is for the most part strictly separated administratively from other Organisations Working with the Homeless, is dealt with separately below. Here, we shall first focus on institutions and accommodations which also constitute the bulk of the members in the National Federation of Organisations Working with the Homeless and are geared predominantly to single homeless people with particular difficulties.<sup>19</sup> Women migrants in accommodations made available by organisations working with the homeless specifically for women just mentioned, also stay in such gender-specific institutions. The overwhelming majority of the places in facilities of organisations working with the homeless are however geared to accommodation and services for homeless men.

A recent survey on the structure of the homeless who live “*on the street*” in a major German city (Hamburg) and have little contact with the counselling and support institutions of organisations working with the homeless and those working with drug addicts showed that in March 2001 the number of foreign homeless people (out of about 1,200 standardised homeless people surveyed with corresponding data) amounted to 17%. This is a slightly higher percentage than the proportion of foreigners in the overall population of Hamburg, which at the end of 2001 amounted to 15% (cf. Schaak 2002).

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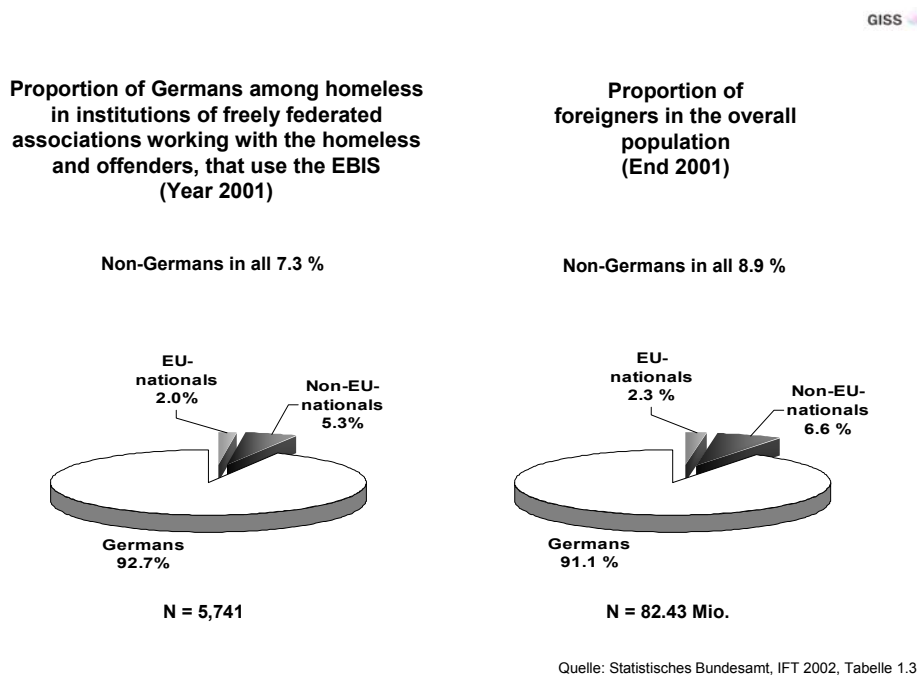
<sup>19</sup> In previous national reports, (cf. Busch-Geertsema 1998) it was repeatedly stressed that, in addition to independent welfare agencies, municipalities also provide accommodation for households threatened with rooflessness as part of their official duty to prevent homelessness and to provide temporary accommodations, which were formerly largely and often exclusively geared to compulsorily vacated large households (chiefly families with children), have in the meantime, depending on local conditions, increasingly been made available to single people as well. Municipal accommodations for the homeless cater to a certain percentage of foreigners, about whom no supra-regional data are available, however (for instance, the homelessness statistics of North Rhine – Westphalia provide no data on the nationality of homeless people temporarily accommodated by the municipalities). Only a few municipalities or municipal services are members of the National Federation of Organisations Working with the Homeless.

**Chart 12**



Conversely, the number of foreigners in facilities for the homeless run by independent agencies, which used the EBIS electronic data interchange system, was slightly smaller in 2001 than the proportion of foreigners in the overall population (7.3 % as opposed to 8.9 %).

**Chart 13**



The EBIS data, which are currently the only up-to-date such data available on the clientele of independent organisations working with the homeless nationwide, show relatively close similarities in the breakdown of foreigners from EU or non-EU countries among the clients of organisations working with the homeless and the overall German population. Because the data

registration system is not sufficiently representative, finer statistical differences do not lend themselves to interpretation.

Several ad hoc polls among selected institutions run by organisations working with the homeless clearly show that foreigners tend to be under-represented in stationary institutions in particular, and more frequently found in ambulant or low-threshold institutions. One survey conducted among some 100 member institutions of the catholic federation of organisations working with the homeless showed that in 55 institutions which gave usable answers to this question, the proportion of migrants (including repatriates) among the clients was stable in the years 1997-1999 at 11-12%. The largest proportion of immigrants in these institutions were non-EU nationals, and therefore to a considerable extent (over one third) without legal residence status. *„The groups are to be found above all in low-threshold institutions and overnight-stay accommodations. The open structure and working methods of these institutions enable these people to seek help without fearing about legal consequences.”* (Kunz 2001: 101-102). In an earlier survey conducted among selected institutions of organisations working with the homeless, the legal expert Hammel came to the conclusion that: *„... the proportion of foreigners in stationary aid structures pursuant to §72 BSHG is clearly lower than in ambulant consulting services for the homeless and is in no respect as minimal as in therapeutic housing.”* (Hammel 2000: 40). Finally, a recent paper read at a conference of a Berlin agency, stressed the anonymity aspect of the low-threshold assistance for the homeless, whereby people without legal status can avail themselves of such assistance. For instance, 22% of those using the emergency over-night accommodation facilities of the Berlin Municipal Mission in 2000 were foreigners: *“People come to us because they know that here they will receive assistance without bureaucratic red tape, without being asked for their passport or about their residence status.”* (Kretzschmar 2002: 77).

## 5.2 The right to assistance pursuant to §72 of the Federal Social Welfare Act

One basic reason for the rather low presence of non-EU nationals and refugees in stationary and semi-stationary institutions of organisations working with the homeless, as well as for the survey results that refugees and asylum seekers often get no help from these institutions, may have to do with residence and social welfare legislation hurdles, which either completely exclude the use and financing of assistance pursuant to §72 of the Federal Social Welfare Act for certain groups of immigrants, or leaves it complete to the discretion of the social welfare authorities. The legal basis for social welfare claims by foreign nationals is §120 of the Federal Social Welfare Act, in the context of which numerous bi- and multilateral agreements on social services play a decisive role. Thus the group of people who fall under the Asylum Seeker Benefit Federal Act is essentially excluded from assistance pursuant to the Federal Social Welfare Act as well as from benefits pursuant to §72 (and all other provisions). The same holds true for those without valid residence status and for persons who are presumed to have moved to Germany for the sole purpose of claiming social benefits. The latter are also threatened by a corresponding judgement for deportation. This can also concern EU nationals, when they are no longer assumed to be seeking employment, as is usually the case after three months as of their date of entry. Otherwise, EU nationals can, however, just like all immigrants

with a German passport (repatriates, naturalised immigrants) and their equivalents, as well as persons entitled to asylum and stateless individuals with a valid residence status, claim social welfare benefits pursuant to §72. Finally, nationals of a series of European countries (e.g. partner countries of the European social security agreement) can be guaranteed assistance pursuant to §72 of the Federal Social Welfare Act, without having a legal entitlement thereto (on the legal details, cf. also Rosenke 2002 and Hammel 2000).

### **5.3. The most frequent serious difficulties encountered by migrants without valid documents in organisations working with the homeless**

Homeless foreigners can be described as a “*marginaisedl within the marginalised,*” people who are often exposed to particularly restrictive conditions for assistance, and are even virtually excluded from the subsistence minimum benefits fixed by law (cf. Hammel 2000: 27 ff.).

The most frequent serious difficulties of migrants in organisations working with the homeless enumerated in the literature include in particular the following:

- Homelessness after loss of housing;
- Sexual, domestic and/or racist violence, in particular against women who, as we have seen, seek refuge in women’s shelters, where they now constitute the majority in many large cities.
- Among people without legal status: Lack of rights because of lack of residence status (which in turn has an effect on employment relationships and wage dumping as well as on the sexual exploitation of women without legal status as prostitutes). In renting relationships, where so-called discrimination supplements are often charged to migrants for poorer housing, people without legal status are even more at the mercy of unscrupulous landlords, as they cannot defend themselves against unauthorised service of notice and rent increases, etc.
- Difficulties with and dangers in contacts with the authorities (always with the underlying danger of being deported because of an altered or unclear admission status)
- Illness (and access barriers to health services)
- Lack of material support
- Language problems
- Social isolation
- Physical and psychological impoverishment
- Alcohol and drug addiction problems
- Conflicts owing to cultural differences (both with non-immigrants, but also inter-generational conflicts in the family).

Many reports underscore the problems faced by people without valid residence status. The majority of these people are obviously constrained to live as inconspicuously as possible and

to avoid all contact with “official” support services. We have already mentioned the obligation of public authorities to report foreigners without legal status to the immigration authorities (§76 of the Aliens Act). Pursuant to §92 of the Aliens Act, which is geared especially to the “smuggling of foreigners,” those who provided repeated help to foreigners without legal status to stay “illegally” in the country are liable to prosecution with imprisonment of up to five years. Migrants who are in the federal territory without residence permit or valid personal documents, risk, pursuant to §92, not only imprisonment of up to one year or a fine, but also with expulsion or deportation.

People without legal residence status will turn to anonymous assistance institutions if they are actually confronted with a problem, which they can no longer solve on their own, for instance health problems or lack of means because of loss of the source of income.

## **PART III: REACTIONS AND EXEMPLARY MEASURES**

### **1. “Deserving” and “non-deserving” immigrants after the example of repatriates and asylum seekers**

We have already broached the general discourse and the various phases of the official immigration policy. In what follows, we shall analyse by way of example the diametrically opposed reactions to two different groups of immigrants. If we consider the two most topical groups in the public discussion, i.e. repatriates and asylum seekers, the two opposed poles of integration (and exclusion) policy become clear, at least until the mid 1990s.

By analogy with a deep-rooted tradition in the policy to fight poverty, there are deserving and non-deserving groups among migrants, whereby repatriates have long claimed the mantle of “deserving” immigrants, who “deserved” positive integration measures. Many policy aspects relative this group had up to the 1990s been characteristic of a successful integration policy. For instance, this group was clearly better off upon arriving in Germany than other groups of immigrants; they were entitled to unemployment benefit immediately after arriving, underwent extensive language training, and could avail themselves immediately of continuing training, retraining and other measures to improve their chances of integration in the labour market or to become self-employed. Repatriates were given low-interest loans and subsidies to acquire housing and were also among the privileged groups for social housing. At times, this provision of ordinary housing was the source of discontent – not only among broad segments of the population, but also among organisations working with the homeless, whose clients had fewer and fewer chances, because of the competition, to access ordinary housing. A reaction to the displeasure of the population, which surfaced in the success of the radical right in the state elections, included initially a temporary increase in social housing construction, but also targeted programmes to accommodate repatriates outside already existing social housing units (through the construction of additional dwellings for repatriates, which were for a certain period “densely occupied”).

In the course of the 1990s, many of the aforementioned positive integration measures were dismantled, and the influx of repatriates was legally and administratively curbed: In particular, maximum quotas for the yearly influx were introduced in 1993, the recognition process was carried out in the countries of origin, and since 1996, such recognition has been contingent on passing a non-repeatable language test. Furthermore, the freedom of domicile of repatriates, who were allocated transfer benefits was, already in 1989, limited to three years by a law that provided for the allocation of temporary housing to incoming repatriates by the authorities. In all, the integration chances of newly arrived repatriates worsened decisively in the 1990s, especially as more and more of the repatriates and their families who came to Germany in the 1990s were relatively unfamiliar with German culture, language and customs, and thus required more integration measures. Young repatriates in particular, who came to Germany as family members with their parents and grandparents, were often confronted with exclusion and

disillusionment. Whereas they were often stigmatised as “the Germans” in their country of origin, once they resettled in Germany they were designated as “the Russians” and were more prone to tensions with the locals, but also with other groups of migrants who had lived longer in Germany and were in many respects at a disadvantage compared with repatriates.

Nevertheless, J. Bade und Jochen Oltmer (1999b: 33) are right when they write that the integration of repatriates *“could long serve as an exemplary model to be recommended for the integration of foreign immigrants as well.”*

And as in the past, the contrast with the way foreign refugees, in particular asylum seekers, are dealt with, is enormous. A series of legal provisions and administrative measures have made it deliberately and intentionally clear to the latter that politicians and the population in general, but also – and this must not be forgotten – “local” homeless people as well, have considerable reservations as to whether they deserve support. There are many reports of hostility to foreigners among the homeless, and in many municipalities homeless refugees are still housed in communal accommodations, even though as recognised persons entitled to asylum they could be accommodated together with Germans. The reasons are the current fears that foreign homeless people could be assaulted in accommodations for the homeless.

In the Asylum Seeker Benefit Federal Act enacted in 1993, refugees are excluded from legal entitlements pursuant to said act for a considerable period (at present, generally for at least 3 years), and are referred to blatantly discriminating minimum assistance services of limited scope. In this way, a new group of undeserving poor has been created and legally sanctioned in the German social legislation, where financial support does not take priority over provision in kind; these people have to cope with vouchers and a reduced benefit<sup>20</sup> and have even been deliberately excluded from emergency accommodation in decentralised facilities, because accommodation in communal facilities has been proscribed by law.

The legal situation relative to accommodation has in the meantime been greatly complicated.<sup>21</sup> According to the Asylum Seeker Benefit Federal Act (§ 53): *„Foreigners, who have filed an application for asylum and are (no longer) required to live in reception centres, must as a rule be put up in communal accommodations, whereby the public interest and the interests of the foreign national must be taken into consideration.“*

Whereas many local and regional cost units have in the meantime again provided, albeit for cost reasons, for refugees to be accommodated in ordinary housing, there are still many accommodations where discriminating and inhumane housing conditions prevail in central communal facilities, containers, barracks, boats, etc. The „camp character” of these accommodations is often not only accepted, but is actually a component of a deliberate policy to prevent potential immigrants from considering Germany as an immigration option. There

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<sup>20</sup> The amount of the monthly benefits amounts a meagre 80% of the minimum amount (basic rates) granted to recipients of social welfare benefits.

<sup>21</sup> In the first three months after arrival, asylum seekers have to leave in central “initial accommodation facilities” or “reception centres,” which are often established in old barracks and suchlike places. The dispersion among the federal states is carried out according to an established dispersion key. After the first three months, there is a transfer to an allocated district or city, which may not leave the asylum seekers without permission from the immigration authorities.

are reports of widely varying conditions in communal accommodations. Alongside positive examples, attitudes hostile to integration and an affront to human dignity are far more often the norm in such communal accommodations in terms of their location and constructional and hygienic quality, but also the size, mixing of different nationalities in the narrowest of space and without sufficient privacy (families often have to share rooms with strangers) and stigmatising conditions (fences and other security measures; lack of self-catering possibilities, insufficient common areas, etc.). Full board is generally provided in such communal accommodations usually without taking into consideration the traditional and specific dietary habits and wishes of the various nationalities.<sup>22</sup>

Federal Statistical Office data show that of a total of 352,000 recipients of benefits pursuant to the Asylum Seeker Benefit Federal Act on 31 December 2000, 29,000 were accommodated in a reception centre (for the first three months after their arrival), and another 135,000 in a communal accommodation in the designated municipality. The other asylum seekers (about 187,000) were accommodated in houses or forms of housing other than communal accommodation (Stabu 2002: 8, Table A1).

The freedom of movement of asylum seekers is so restricted, that they are threatened with deportation if they leave the place assigned to them without permission. They were totally excluded from gainful employment for a long time, but have in the meantime received permission for jobs that no Germans or EU nationals would be willing to do (up to 1991, refugees and asylum seekers were refused a work permit for five years after their arrival). Health care is provided only for vital needs, and asylum seekers are excluded from psychosocial and psychological assistance as well as from many training programmes. Similarly, aid pursuant to § 72 of the Federal Social Welfare Act (the “homeless paragraph”) are explicitly not taken into account for people who fall under the Asylum Seeker Benefit Federal Act, who are consequently excluded by law.

The amendment of the German Basic Law has deprived asylum seekers who reached Germany via “safe third states” of any chance for recognition; consequently the Federal Republic can de facto no longer be legally reached by the overland route. Asylum seekers who fly in from so-called non-persecuting states must stay in the transit area of the airport and wait summary processing there. Many asylum seekers who have been turned down inside the country wait in prison cells for their deportation and are cared for by prison staff who has been trained to guard convinced criminals. Nervous breakdowns, attempted suicides and forcible deportations are the order of the day.

Seldom has the differentiation between deserving and non-deserving immigrants been stated as blatantly as by Bavarian Minister of the Interior: „*We need fewer foreigners who exploit us, and more who are useful to us.*“ (Focus, 10 June 2000). In the state of the debate at present, the new generation of “*deserving*” and “*useful*” immigrants pertains less to repatriates and far more to computer experts from India and elsewhere who are recruited with “green card initiatives.”

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<sup>22</sup> For a comprehensive presentation of the exclusive accommodation conditions in many communal accommodations for refugees, see in particular BMFSFJ 2000: 50 ff. as well as MAGS 1994.



## **PART IV: RECAPITULATION AND RECOMMENDATIONS**

A recapitulation of the essential results of our analysis makes it patently clear first of all that with migrants making up nearly 14% of the overall population, Germany is and indeed has long been a de facto immigration country. This has long been vehemently contested officially, but has gradually, not least because of foreseeable demographic developments and an expected need for labour in the near future, been admitted even by conservative circles and parts of the population. Nevertheless, immigration remains, as in the past, a much debated issue that can at times swing an election.

A distinctively German feature is the traditional insistence on the heredity principle, which has actually led to a very positive integration policy regarding “ethnic Germans” from Eastern Europe: More than 3 million “repatriates” have in the last decades been successfully integrated in German society, even if the negative effects of slackening integration efforts have been perceptible in recent years for this group of immigrants. The heredity principle has on the other hand led to a very restrictive naturalisation policy towards foreigners, even when several generations have lived for decades in Germany (more than 50% of the foreigners living in Germany have lived in the country for more than ten years). Only in recent years – partially owing to bitter political struggles – has there been a gradual softening of the heredity principle and a more active integration policy.

In general, the housing conditions of foreigners are in many respects considerably poorer on average than that of the German population. Foreigners usually live in rented housing, especially in larger blocks of rented flats, they have decidedly less living space, usually pay higher rent for qualitatively poorer housing and, as in the past, run into considerable barriers when searching for housing. This however does not mean that they are homeless more frequently, leaving aside groups (in particular late repatriates and refugees) who are temporarily put up in communal accommodations upon arrival. The traditional distinction between “deserving” and “non-deserving” immigrants becomes particularly clear among the latter groups, both in regard to the temporary accommodation, but especially as to the efforts for integration in, or exclusion from, ordinary housing and living relations.

The proportion of foreigners accommodated by traditional independent organisations working with the homeless corresponds on the whole to the proportion of the overall population. Migrants tend to be more numerous, however, in services where low-threshold assistance guarantees anonymity and legal formalities play no role. Foreigners are still under-represented in stationary and partly stationary institutions, to which they have limited access because of legal restrictions. It should be borne in mind, however, the foreigners run into as much (and at times) more rejection and discrimination among “local” homeless people and the staff of services as among the remaining population as a whole. Moreover, there are practical and organisational problems such as inexperienced approaches to inter-cultural conflicts, language problems, the complicated Aliens Act, etc.

What does the analysis yield in terms of policy requirements in general and for organisations working with the homeless in particular?

As regards policy in general, the following recommendations are in order:<sup>23</sup>

- Improve integration assistance: The successful integration policy for repatriates up to the 1990s has revealed positive measures that are possible if the corresponding political will is there. These include active language improvement as well as targeted measures to foster integration in the world of work and the provision of ordinary housing. In the event of an unexpected immigration influx, accommodation forms with ordinary living space must be created according to the usual standards of social housing, and be “densely” occupied only temporarily.<sup>24</sup> Decentralised accommodation forms in ordinary housing are, insofar as possible, to be preferred to the expensive and counter-productive enforced communities in collective accommodations.
- Specific anti-discrimination policy: This includes specific information campaigns on the poor housing conditions of foreigners and against barriers erected specifically against foreigners on the housing market, the avoidance of quotas and settlement restrictions as part of efforts for a greater social mix in underprivileged residential areas as well as active measures to improve the housing options of foreigners; but also the fight against discriminating conditions for foreigners on the labour market (equal pay for equal work at the same place under the same working conditions; sufficient information on health and safety protection at work, etc.) and other areas.
- Guarantee the protection of human dignity: This applies in particular to refugees and persons without legal residence status. Thus, children and young people should have access to education and training during the asylum application processing period; self-sufficiency and freedom of movement must be guaranteed and restrictions to gainful employment done away with. Appropriate conditions must be created to report exploitation (including sexual exploitation), threats and extortion, without fearing arrest and deportation. People without legal status in Germany must have (anonymous) access to medical services and be able to cover basic needs. Children of people without legal status must be able to go to school without the teachers having to report that they are present in the country illegally.
- Reduce and prevent illegality: In particular, making the subsequent inclusion of relatives easier, legalising hardship cases, conducting legalisation campaigns for people without legal status who have lived in Germany for a long time following the example of other European countries. Similarly, the recognition of legitimate reasons for fleeing (such as gender-specific and non-governmental persecution) contributes to reducing illegality and criminalisation.
- Repeal „reporting obligations” and penalties for “aiding unauthorised residence.” This demand concerns expressly the legal regulations of paragraphs 76 and 92a of the Aliens Act (see supra), which requires official bodies to report illegal aliens and makes aiding foreigners without legal status a punishable offence.

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<sup>23</sup> Many of the recommendations are taken from the literature. See in particular Kunz 2000, Kretzschmar 2002 and Rosenke 2002.

<sup>24</sup> Positive examples of such measures (for repatriates) are cited in particular in Ruhstrat 1989 and Weeber and Partner 1991.

- Facilitate integration in gainful employment. These include active support measures for immigrants, such as those long practiced with success for repatriates.

Recommendations for organisations working with the homeless pertain to the:

- Inter-cultural opening of services and institutions, especially in areas where migrants have hitherto been under-represented;
- Closer cooperation with migration services and other special services of particular importance for migrants;
- Improvement of information on the cultural backgrounds and legal foundations (continuing education, information materials);
- Support for migrants in the legal implementation and legalisation of their residence status;
- Support for integration in normal living relationships (housing, employment, social contacts, etc.);
- Discussion of cultural differences by advice centres and institutions (for instance on dealing with alcoholism, drug addiction and physical violence), and prejudices among non-migrant clients and not least among the staff;
- Lobbying for the recognition of requests for support by migrants and against the criminalisation and exclusion of people without legal status from all assistance (legalisation of hardship cases, anonymous emergency aid), and:
- Mediation for assistance to return.

On a fairly long-term basis and due to the demographic changes and a foreseeable growing importance of immigration for maintaining economic prosperity in Germany and in Europe, a radically different attitude to migrants will be needed from politicians and society. A very old, yet still topical issue remains the fight against the causes of poverty, fleeing and expulsion in the countries of origin, so as to be able to actively counter the tendencies to seal ourselves off in “Fortress Europe.”

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