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Frontispiece: Newly arrived irregular immigrants waiting outside Yuma for Border Patrol agents to take them to the processing center.

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Non-Interlocking Pieces: The Migration Policy Puzzle of the Scholz Government

Árpád Párducz

Abstract

Migration has been one of the most important political and public issues in Germany since 2015. Olaf Scholz's administration that came into power in December 2021 assigned top priority to migration policy. However, the parties in the tripartite governing coalition have not managed to synchronize their ideas about the issue, thus, no viable central migration policy has emerged. Meanwhile, as migration pressure increased, the coalition lost many of its supporters, and the anti-immigration Alternative für Deutschland gathered momentum to overtake all three governing parties in popularity.

Keywords: Germany, coalition, deportations, agreement on migration, modern country of immigration

Introduction

Germany features regularly in European discussions on irregular migration, primarily as one of the main destination countries. In 2021, Angela Merkel stepped down as chancellor after 16 years. Her successor was former Social Democrat vice-chancellor and finance minister Olaf Scholz. While the parties in the tripartite government that replaced Merkel's grand coalition hold divergent views on a range of policy issues, they agree that Germany needs a new direction after the routine of the past nearly two decades. Migration ranks especially high in priority among the policies that need upgrading. In their coalition program, the governing parties announced a migration policy worthy of a "modern country of immigration". However, the renewed surge in migration following the COVID-19 pandemic, coupled with the challenges posed by the Taliban takeover and the Russia–Ukraine war, have severely tested the coalition's ability to cope.

In recent years, the governing parties tried to tackle the problem of irregular migration mainly through migration agreements with the federal states and the revision of the law on deportation, but these measures failed to achieve breakthrough success. Influenced by recent British and Italian concepts, German political parties are also paying particular attention to the possibility of outsourcing migration procedures to third countries. The migratory pressures on Germany were recently summarized by Minister of the Interior Nancy Faeser as, “we are close to the upper limit of our integration capacity”.¹ The aim of this paper is to present the central elements of the current German coalition government’s migration policy through exploring the concepts mentioned above and the program of the governing parties. In addition, the study uses available data to present German debates on the outsourcing of migration procedures.

The study first offers a survey of the relevant parts of the governing parties’ election manifestos, along with the migration-related decisions of the coalition agreement. The study then presents the government’s response to two migration crises, followed by an analysis of the policies proposed.

The migration policies of the coalition parties

Following the 2021 federal elections, the Merkel-era CDU-SPD grand coalition was replaced by the so-called traffic light coalition comprised of the Social Democratic Party (SPD), the Free Democratic Party (FDP), and the Greens (Bündnis ‘90/Die Grünen). In Germany parties traditionally publish their government programs in the six months prior to the elections, setting out their positions on key domestic and foreign policy issues. The three parties in the governing coalition expressed similar views on migration, but there emerged differences among them on asylum procedures.

The SPD’s program articulated relatively few concrete proposals on migration policy. At the same time, the party stressed the importance of an asylum policy based on solidarity and humanitarianism, and it affirmed a commitment to building a Europe-level asylum system. It also wished to provide state guarantees for organizations conducting maritime rescue operations, condemning the criminalization of the practice.²

¹ KARNITSCHNIG 2024.

² SPD 2021, 58.

The Greens treated the issue of migration as a priority. The party sees the right to asylum as a fundamental right, therefore prioritized the issue of access to it. They highlighted the creation of a transparent, clear, and fast asylum system as a key objective, and they argued for an end to the random checks carried out by the Federal Office for Migration and Refugees (BAMF). They vowed to ensure that migrant minors have access to crèches, kindergartens and schools regardless of the outcome of their asylum procedure. They also wished to implement the family reunification clauses of the Dublin system.³ At the EU level of asylum policy the party proposed common registration centers in member states whose external borders are also the external borders of the EU. In addition, they argued for dismantling camps in third countries, particularly the ones operating in Turkey and Libya.⁴

Similar to the Greens, the FDP emphasized the EU dimension of migration policy in its election program. They proposed to introduce EU legislation for the procedure of granting asylum, and they pledged to support the distribution of asylum seekers across member states with funding from central sources allocated from the EU budget. The party also proposed to reduce funding for member states that refuse to take in asylum seekers. In domestic asylum policy the party advocated a new classification of asylum seekers and immigrants, under which victims of political persecution, arrivals seeking permanent residency, and refugees fleeing war would be grouped into separate categories. Members of the latter group would be obliged to return to their country of origin after the conflict ended.⁵ In sum, the Free Democrats supported migration to Germany, along with the integration of arrivals, but they wanted to impose stricter conditions on migration.

The coalition agreement and migration

During the coalition negotiations, all three parties sought to promote their own interests as best as possible, while at the same time seeking to address the broadest possible segment of society.

The coalition wanted to put the country's migration policy on a new footing, wishing to reform the Merkel approach of 16 years from its foundations. Although the 2018 grand coalition agreement already acknowledged the failures of Germany's integration processes following the 2015 migration crisis,⁶ the 2021 coalition still

³ BÜNDNIS '90/DIE GRÜNEN 2021, 185.

⁴ BÜNDNIS '90/DIE GRÜNEN 2021, 231.

⁵ FDP 2021, 57.

⁶ KOALITIONSVERTRAG ZWISCHEN CDU, CSU UND SPD 2018, 103–104.

proceeded with the concept of a “modern country of immigration”.⁷ At the time, this move was interpreted by many, especially by the CDU that found itself in opposition, as a strong shift to the left in government policy.⁸

According to the concept of the “modern country of immigration” represented by the current coalition, while illegal migration must be curbed, there must also be new channels developed to enable legal migration.⁹ To this end, the coalition would create a coherent legal, economic, and infrastructural framework, and it would promote relevant international cooperation. The amendments related to legal migration, such as the February 2024 act enabling dual citizenship and the measures facilitating the inflow of skilled labor, are serving this purpose.

There were some novel entries in the coalition agreement on the issues of integration and asylum applications. Starting from 1 January, 2022, people with no criminal record who have been staying in Germany for at least five years are able to apply for a one-year probationary residence permit. In addition, well-integrated young people under the age of 27 who have lived in the country for at least three years are able to obtain a work permit. The latter is primarily aimed at alleviating labor shortages in Germany, but it also offers the possibility of admitting low-skilled immigrants, which notion is contrary to the FDP’s ideas. The coalition agreement made no mention of the binding EU quota system proposed in the Free Democrats’ election program, but it suggested expectations of more solidarity from member states on issues of migration.¹⁰

According to an analysis by the Greens-affiliated Heinrich Böll Foundation, the coalition agreement represented an improvement on the tightened-up asylum and defensive measures introduced since 2015. The study also underlined that this could have an impact at the EU level, as all three parties prioritize the EU dimension of migration policy. The Foundation’s assessment was that the German coalition government would be able to take action against states that violate EU asylum law.¹¹

The new coalition saw France, which held the EU presidency from January to June 2022, as an ally in the reform of European asylum policy. The Paris leadership’s program aimed to strengthen the Schengen area’s external borders and improve the EU’s asylum policy. According to a January 2022 statement by German Federal

⁷ KOALITIONSVERTRAG 2021–2025, 110.

⁸ STUTTGARTER NACHRICHTEN 2021.

⁹ For more on the subject see: TÓTH 2022.

¹⁰ IBID.

¹¹ NORAIE-KIRA – SCHWARZ 2021.

Minister of the Interior Nancy Faeser, the two governments were similar in the “commitment to create a coalition of host states [...] where core countries – in this case Germany and France – can set an example to other member states in terms of accepting refugees, which would be an opportunity to break down entrenched positions.”¹²

According to Faeser, the Schengen area could be put at risk if EU member states did not agree on common rules for managing migration. Faeser warned after meeting with interior ministers from five other European states in Berlin in October 2023 that negotiations on a common European asylum system had to be concluded quickly for reforms to be completed before the 2024 European Parliament elections.¹³ The ideas put forward by the interior minister were eventually reflected in the EU’s pact on migration and asylum.

Domestic political changes

The Scholz coalition has faced migration pressures not seen since the 2015 migration crisis. Migration and its associated economic and integration problems have led a large majority of German voters to feel that the new governing coalition, while promising a change from the previous migration policy that was deemed unsuccessful, is not able to address the problem adequately.

The opposition parties, especially the Alternative für Deutschland (AfD), benefited from the coalition’s failed moves and managed to skillfully set the agenda on migration issues. By the summer of 2024, the party achieved its greatest success and became the second strongest German party behind the CDU, a prominent position it was able to maintain in the EP elections. After the elections, the AfD became the leading political force in East Germany, finishing in first place in five federal states. As the AfD gathered momentum, the parties in the governing coalition, and Chancellor Olaf Scholz himself, were repeatedly forced to react and take tougher verbal action in recent years.

In September 2023, Green Co-President Ricarda Lang criticized Social Democrat Minister of the Interior Nancy Faeser and Free Democrat Special Envoy for Migration Joachim Stamp during a press conference.¹⁴ According to Lang, the two politicians were unable to handle the issue of deportations properly. In a party

¹² SÜDDEUTSCHE ZEITUNG 2022.

¹³ BUBROWSKI 2023.

¹⁴ VON DER BURCHARD 2023.

document, Christian Lindner, the coalition's finance minister and chairman of the FDP, called for a reduction in benefits for migrants and for Morocco, Tunisia and Algeria to be declared safe countries.¹⁵ In addition, the FDP rejected the country's acceptance of irregular migrants from Italy.¹⁶ Following the 2024 EP elections, the Social Democratic state premier of Lower Saxony, Stephan Weil, admitted in response to a question from journalists, "We know that our migration policy played a role in the result".¹⁷

The first experiences

The government that took office in December 2021 was soon faced with several migration crises. First, they had to deal with the crisis arising from the Taliban takeover in Afghanistan in 2021, during which Germany facilitated the granting of refugee status to Afghan nationals working for the Bundeswehr and German federal and non-governmental organizations. The government also allowed Afghan refugees arriving in the country to stay permanently in Germany and made integration programs available to them before they were granted asylum. By 2024, a total of almost 33,000 Afghan nationals arrived in the country, 20,000 of whom had previously assisted Germany's engagement in Afghanistan.¹⁸

The biggest challenge for the Scholz administration has undoubtedly been the refugee crisis in the wake of the war in Ukraine, which began on 24 February 2022. The 1.3 million Ukrainian refugees arriving in Germany were to place a heavy burden on the refugee care system.¹⁹ Building on the experience of 2015, the Berlin leadership sought to avoid a response to the Ukrainian crisis that was not agreed on with the rest of the EU.

The influx of Ukrainian refugees had a significant impact on Germany, contributing to a 1.3% increase in the country's population in 2022, or a net increase of 1.12 million people, according to reports by the Federal Statistical Office.²⁰ This population growth was spread across all German Länder, with Berlin and Hamburg experiencing the largest increase of 2.1%. 80% of working-age Ukrainian refugees in Germany are women, half of them came with children. The

¹⁵ Ibid.

¹⁶ BASSO – PASCALE – ALIPOUR 2023.

¹⁷ KINKARTZ 2024.

¹⁸ VAN BRUNNERSUM 2024.

¹⁹ STATISTA 2024.

²⁰ AP NEWS 2023.

integration of the Ukrainian refugee community in Germany is remarkable, with three out of four refugees having mastered the German language, a key factor for their prospects of employment.

Irregular migration pressure on Germany

According to the Federal Statistical Office, at the end of 2022 Germany had 3.08 million asylum seekers, 1.14 million more than in 2021. The large increase was mainly due to the over one million Ukrainian asylum seekers. By the end of 2022, the majority of protection applicants, 2.25 million persons, were granted international protection.²¹ Migration pressure became even stronger in the following year.

According to BAMF data, in 2023 the number of asylum applications in the country increased at the highest rate since the 2015 crisis. Around 352,000 asylum applications were lodged in Germany, up by 51% from 2022.²² The authorities said a total of 92,119 irregular migrants arrived in the country, also a record since 2016.²³ In September, 21,366 people crossed the border illegally, the highest monthly figure since the record of 25,650 in February 2016, according to federal police.²⁴

In 2023, even President Frank-Walter Steinmeier expressed support for limiting the number of refugees admitted to Germany. “We must limit migration. Ultimately, this limitation can only be achieved if Germany controls the EU’s external borders in cooperation with the other European member states. In addition, it must be ensured that screening procedures are carried out at the external borders for those who have little or no chance of being granted asylum and that these people are then deported from there”, the president stressed.²⁵ Alongside Steinmeier, Chancellor Olaf Scholz also spoke out for the limitation of migration to Germany.²⁶

In response to increasing migratory pressure, on 16 October 2023, Nancy Faeser introduced temporary border controls at the land borders with Poland, the Czech Republic, and Switzerland. Border controls were simultaneously maintained on the Austrian border. Bilateral agreements with neighboring states were also expanded. An agreement on police cooperation was already reached with Switzerland in

²¹ DESTATIS 2023.

²² DEUTSCHE WELLE 2024a.

²³ DEUTSCHE WELLE 2023a.

²⁴ DEUTSCHE WELLE 2023b, BUNDESPOLIZEI 2023.

²⁵ DEUTSCHE WELLE 2023b.

²⁶ DEUTSCHE WELLE 2023c.

2022, while for the other neighboring states this was done after the announcement of temporary border controls. Following the introduction of temporary border controls, German authorities arrested 708 people smugglers and prevented the entry of 17,600 irregular migrants until mid-April in 2024. The 71,061 asylum applications lodged between January and March this year represented a 19.2% decrease compared to the same period the year before.²⁷

Irregular migration also placed a considerable burden on provincial governments. Provincial social and asylum systems were already strained by the arrival of Ukrainian refugees since February 2022, but irregular migrants created an almost insurmountable challenge. Apart from an undersupply of accommodation, the most pressing problem was the lack of resources. As of 2023, the issue of the burden and challenges created by migration became a central topic of joint meetings between the provincial leaders and the chancellor.²⁸ From January 2024, the federal government has paid a flat rate of €7,500 per year for each first-time asylum seeker to the province where they are hosted. To this end, the provinces were allocated an advance of €1.75 billion, to be accounted for in the next fiscal year. Even if the number of first-time asylum seekers were to fall significantly, the federal government would still pay a total of €1 billion a year to the federal states and municipalities to maintain the necessary infrastructure.²⁹

In February 2024, the Scholz cabinet also decided to simplify and centralize aid for irregular migrants, in agreement with the heads of state governments. The leaders of the German Länder agreed on the introduction of a new system of assistance at their meeting in November 2023. Under this agreement, 14 of Germany's 16 Länder were to introduce a "social card" in 2024.³⁰ Bavaria and Mecklenburg-Western Pomerania were working on setting up similar systems. Proponents of the card system argued that it would make the use of benefits more controllable, and it would eliminate the possibility of remittances.³¹

The issue of deportations

Since 2015, one of the main problems of German migration policy has been the stalling of deportations. Under German law, a foreign national can be deported if

²⁷ DEUTSCHE WELLE 2024b.

²⁸ For more on the subject see: FEKETE 2023.

²⁹ RBB INFORADIO 2023.

³⁰ ZEIT ONLINE 2024.

³¹ KNIGHT 2023.

he or she committed a crime or is a member of a terrorist organization. Although the federal authorities can also detain a person, it is always the responsibility of the federal state concerned to carry out the deportation. There are several obstacles to the deportation of rejected asylum seekers. In the absence of identity documents, or in the presence of mental or physical illness, the person cannot be deported. Nor can they be deported to a country where they would face physical violence or persecution. Furthermore, migrants can challenge a deportation decision in a number of forums. In the event of a favorable ruling, these forums can oblige the ministry of interior to stop the procedure.³²

Government documents show that between 2020 and 2021, 6,495 irregular migrants returned to Germany despite their expulsion. This increased the number of returnees by 74% compared to statistics of earlier years. In 2022, only about one third of the 36,282 removals ordered, or 12,945, could be executed. In addition, 248,145 (81%) of the 304,308 persons in government databases had the execution of their deportation suspended.³³

CDU home affairs spokesman Alexander Throm compared the situation in 2022 to that during the migration crisis, and he called on Chancellor Olaf Scholz to deliver on his pledge to speed up deportations, which was also enshrined in the coalition agreement.³⁴

In response to the criticisms, the government drafted a new deportation law in 2023, which was finally voted into effect by the Bundestag in January 2024. During the parliamentary debate, Minister of the Interior Nancy Faeser said that German authorities deported 27% more migrants in 2023 than in 2022, but that the law also put the coalition under severe pressure. While the CDU found the changes in the law insufficient, several Green politicians called the law inhumane and unnecessarily strict.

The new rules brought about a number of changes. Firstly, the period of detention before removal was increased from 10 to 28 days. In addition, authorities were given additional powers to search rooms other than the person's bedroom in order to establish his or her identity. Authorities were now able to search the computers, mobile phones, and other electronic devices of migrants.³⁵

³² WITTING 2023.

³³ MARTIN 2023.

³⁴ WITTING 2023.

³⁵ DEUTSCHE WELLE 2023d.

Agreements on migration

Bilateral migration agreements have become the cornerstone of the paradigm shift promised in the coalition agreement. In order to ensure the success of the negotiations, the Scholz government appointed Joachim Stamp, a Free Democrat who previously served as Deputy Prime Minister of North Rhine-Westphalia and chaired the migration working group for his party during the coalition negotiations, as Special Commissioner for Migration Agreements. Following the 2022 provincial elections, his party suffered a significant defeat and Stamp resigned from his positions in the party.

The spirit of the “modern country of immigration” concept mentioned in the coalition agreement was also applied to the migration agreements. In November 2022, the Scholz government developed the economics-focused pillars of its migration policy, which were aimed at ensuring the flow of skilled labor to Germany. The government sought to achieve this goal by simplifying visa procedures, simplifying the citizenship law, brokering migration agreements, and extending family reunification visas.³⁶ At the beginning of 2024, the German government adopted changes to the citizenship law, making previously forbidden dual citizenships available and allowing foreigners living legally in Germany to apply for German citizenship after five years (and after three years in the case of special achievements in integration).³⁷ A further change is that if at least one parent of a newborn child has lived legally in the country for five years, the child will automatically be granted German citizenship.³⁸ While opposing the possibility of acquiring German citizenship, the opposition CDU supported measures to facilitate the inflow of skilled labor.³⁹ The CDU position was hardly surprising, considering that in the previous (grand coalition) term, the party tabled the bill to facilitate the immigration of skilled labor.

Besides economic aspects, the fight against irregular migration has also become a key issue. The fight relates primarily to the deportation of irregular migrants residing in Germany without authorization. According to data available for 2023, 304,308 such persons were in the country, most of them on a ‘tolerated stay permit’ (*Duldung*). The new German government has identified the so-called “repatriation offensive” as one of the priority objectives in relation to irregular

³⁶ GRUNAU – KNIGHT 2022.

³⁷ Special achievements include good performance at school, a job, good language skills, or voluntary work.

³⁸ KNIGHT 2024.

³⁹ CDU 2022.

migration. The goal was to sign new bilateral migration agreements that would allow for the deportation of irregular migrants with whose country of origin Germany currently has no such agreement.⁴⁰

Migration agreements were identified by special commissioner Joachim Stamp as part of a larger concept.⁴¹ He believes migration agreements go beyond previous treaties that focused exclusively on irregular migration, as they offer the possibility to expand legal migration channels and take better account of the interests of origin countries. The special commissioner underlined that most asylum seekers arriving in Germany come from conflict-ridden states with which no migration agreement can be concluded. However, Stamp believes that Germany has the chance to support neighboring countries of unstable lands, thus keeping irregular migrants headed for Europe in the given region.⁴² In sum, the Scholz government would like to apply to other countries the practice that has been in place since the 2016 EU-Turkey agreement. In most cases, these countries are willing to fight irregular migration in exchange for a boost in economic relations.

Examples of an economics-centered approach to migration are the migration centers run by the German Agency for International Cooperation (GIZ), mainly in North African countries. Their primary objective is to facilitate the reintegration of irregular migrants returning from Germany and to facilitate the legal migration of skilled labor.⁴³

Of particular importance are the agreements with Morocco and Nigeria signed in October 2023, which primarily aim to combat irregular migration, coupled with limited economic cooperation. According to German data, there are 3,000 Moroccan irregular migrants in Germany, most of them with the 'tolerated' status mentioned above.⁴⁴ The importance of the agreement with Nigeria, in addition to further economic agreements, is underlined by the issue of deportations. There are almost 14,000 irregular Nigerian migrants with rejected asylum applications in Germany. Of these, 12,500 cannot be deported because they are undocumented. The new agreement also allows for the deportation of this group.⁴⁵

⁴⁰ WITTING 2023.

⁴¹ PRANGE DE OLIVIERA 2024.

⁴² Ibid.

⁴³ UWAISSU 2024.

⁴⁴ BATHKE 2023a.

⁴⁵ SCHWIKOWSKI 2023.

The agreements with India in December 2022, Georgia in December 2023, and Colombia in February 2024 are slightly different.⁴⁶ Their primary objective is to maintain the inflow of skilled labor through legal channels, while the secondary objective is to reduce the number of irregular migrants from these countries.⁴⁷

The German government attempted to conclude agreements with a combined focus on the economy and migration only with Uzbekistan. Although negotiations on the departure of skilled Uzbek workers to Germany were concluded, the agreement has not yet been formally signed. Following the stabbing in Mannheim, which shocked the German public, Chancellor Olaf Scholz promised to deport Afghan offenders. However, for human rights and security reasons, Berlin as a rule does not deport Afghan citizens. The situation is further complicated by the fact that Germany has no diplomatic relations with the Taliban leadership. To address the problem, a delegation from the German ministry of the interior travelled to Tashkent on 16 June for talks with the Uzbek leadership on receiving Afghans who committed crimes in Germany. These persons were then to be deported to Afghanistan by the Uzbek authorities. However, no agreement was reached in the end.

Germany also concluded bilateral agreements with some key European countries to tackle migration. At the end of 2022, Swiss Federal Councilor Karin Keller-Sutter and German Minister of the Interior Nancy Faeser agreed on a coordinated response against irregular immigration. At the meeting, they decided to set up joint Swiss-German police patrols to reduce migratory pressure on the Swiss-German border. The two ministers also agreed to coordinate their countries' deportation policies.⁴⁸

In November 2023, German Chancellor Olaf Scholz and Greek Prime Minister Kiriakos Micotakis held talks in Berlin. During the meeting, Micotakis said that additional resources were needed to address migration issues, as he believed that Greece could soon face another wave of irregular migration due to the situation in the Middle East. Olaf Scholz also raised the issue of secondary migration during the meeting. After landing in Greece and lodging asylum applications, a large number of irregular migrants continue their journey towards Germany in order to also apply for asylum there. In such cases, German courts rule against deportation to Greece. Both heads of government also expressed their support for the EU-Turkey agreement concluded in 2016.⁴⁹

⁴⁶ MELLERSH 2024.

⁴⁷ BATHKE 2023b.

⁴⁸ MACGREGOR 2022.

⁴⁹ WALLIS 2023.

One of the most controversial elements of German migration policy is German budget support for NGO boats in the Mediterranean. It is part of the Greens' election manifesto, and it has led to disputes between Italy and Germany. Italian Defense Minister Guido Corsetto sharply criticized the Scholz government's decision, for he believes it puts Italy at a disadvantage.⁵⁰ Green politician and Germany's Minister for Foreign Affairs Annalena Baerbock defended the idea during a joint press conference with her Italian counterpart Antonio Tajani in October 2023. Baerbock said that in the absence of a pan-European maritime rescue operation, Germany has a duty to support voluntary search and rescue missions.⁵¹ Later, a ministry spokesman confirmed that German budget support for NGO ships is guaranteed until the end of 2024.⁵²

Outsourcing the asylum process to third countries

Outsourcing the asylum process to third countries is an element of the Scholz administration's migration policy that has not been implemented yet but already has an active presence in public discourse. The idea has been floated in several EU countries following the announcement of the British Rwanda plan, but so far no proposal has reached the implementation phase, apart from the agreement between Italy and Albania.⁵³

There are three ideas on the subject circulating in German political discourse. The first is that asylum applications should be examined in a safe third country close to the EU, from where refugees can enter Germany if the outcome is positive. If the result is rejection, Germany returns the applicants to their country of origin. The idea is the equivalent of the so-called "gatekeeper countries" concept, where the EU cooperates more closely with neighboring, stable states on migration issues.⁵⁴ The second idea is that the asylum process should take place in countries neighboring or close to the conflict-ridden states, thus reducing the number of irregular migrants heading for Europe. The third option would be to implement the British Rwanda plan. Austria experimented with implementing the Rwanda plan

⁵⁰ REUTERS 2023.

⁵¹ FRANCE24 2023.

⁵² REUTERS 2023.

⁵³ Italy constructed and operates two reception centers on Albanian territory where irregular migrants rescued from international waters are taken.

⁵⁴ For further details see: MARSAT 2023.

as an EU member state, but in a letter sent to Austria the European Commission declared the plan and the Austrian idea contrary to EU law.⁵⁵

Of the parties currently in the Bundestag, only the Greens and the Left Party reject outsourcing asylum procedures as an option. The latter deem it inhumane, while the Greens would prefer to tighten German immigration laws instead. As for the rest of the parties in the coalition, the SPD invited expert assistance to consider the idea, while the FPD has lent its support to it.

Most proposals to outsource the asylum process have come from the conservative CDU, which is in opposition. The migration-related part of the party's December 2023 election program includes the possibility of transferring irregular migrants to safe third countries. According to deputy head of the CDU/CSU faction Jens Spahn, such a program would drastically reduce migratory pressure on Germany, along with the number of irregular migrants crossing the Mediterranean.⁵⁶ In addition, several CDU members articulated their own suggestions, including North Rhine-Westphalian premier Hendrik Wüst and deputy faction leader of the Bundestag Thorsten Frei.

Wüst would support North African states financially and politically, following the example of the EU-Turkey agreement mentioned above. As part of the agreement, the asylum procedure for irregular migrants heading to Europe should be conducted in the North African countries, thus only those who really need protection could reach Europe. Wüst's proposal was also supported by Christian Dürr, deputy faction leader of the FDP. According to Dürr, cracking down on people smugglers and preventing the departure of boats carrying migrants is a humanitarian step.⁵⁷

Thorsten Frei proposes that all persons who lodge asylum applications in Europe should be transferred to a safe third country that should then be responsible for the protection of asylum seekers. Frei would then set up a "coalition of the willing" from those EU member states that volunteer to take in and distribute 300,000 asylum seekers a year.⁵⁸

⁵⁵ NIELSEN 2023.

⁵⁶ KNIGHT 2024.

⁵⁷ SPIEGEL 2023.

⁵⁸ MEIER 2023.

According to Chancellor Olaf Scholz, the federal ministry of the interior is currently examining outsourcing options that are suitable for Germany, but has not yet committed itself to any of the alternatives known so far.⁵⁹

Since the 2015 migration crisis, issues of migration have been central to German public discourse in various forms. Despite trying to move away from Merkel's migration policy, the traffic-light coalition has been losing public support steadily. According to opinion polls conducted at the end of 2023, the majority of German society is dissatisfied with the country's migration policy and considers a rapid change in the relevant EU legislation unlikely. Two thirds of Germans would support a reduction in the number of asylum seekers. 73% of respondents believe that the distribution of asylum seekers within Germany is unequal, while a further 78% believe that the integration of asylum seekers into the labor market is failing. 80% of respondents believe that the authorities are unable to deport rejected asylum seekers.⁶⁰ Migration will likely be a key issue in next year's Bundestag elections, posing a major challenge for the parties of the current coalition.

Conclusions

Migration has been a central issue in German politics and elections since 2015. The governing coalition led by Olaf Scholz tried to overhaul the German migration system from the ground up, but neither the economics-focused migration agreements nor the legal amendments brought any visible change. By 2023 migration pressure reached such levels that the Berlin leadership decided to introduce temporary border controls. Following different migration policies, the three parties were not able to develop an effective system of cooperation. As a result, the party programs failed to combine into a single, workable migration policy. The governing coalition's failure to combat irregular migration has led to a high level of social discontent, bolstering the opposition CDU and AfD. If the Scholz cabinet, or a government succeeding it, implements the outsourcing of asylum procedures, another Western European EU member state after Italy will have opted for an independent national, as opposed to community, solution to migration problems.

⁵⁹ INFO MIGRANTS 2024.

⁶⁰ KINKARTZ 2023.

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