

GERMAN ELECTION UPDATE

November 2021

This overview outlines the key immigration policies and standpoints of the coalition treaty of the new coalition government of Germany, formed of the Social Democrats (SPD), the Greens (Bündnis90/Die Grünen) and the Liberal Democrats (FPD). This summary shall provide useful information for your immigration strategy planning.

INTRODUCTION

Federal elections for the 20th Deutscher Bundestag, Germany's parliament, were held on September 19, 2021. The Bundestag is the legislative body at federal level in Germany, elected every four years. German voters elect the Members of the Bundestag, who then vote for the Bundeskanzler, Germany's Chancellor. As in previous elections, no political party reached an absolute majority. In light of this result, the Social Democrats, the Greens and the Liberal Democrats agreed to form a coalition government on November 24, 2021. Olaf Scholz (SPD) will soon be elected as Chancellor and he and his ministers will be sworn in by the president. The new government is likely to be operational by Christmas 2021.

IMMIGRATION POLICIES OF THE COALITION

Skilled Labour Migration

The coalition recognizes the severe shortage of skilled workers, which has also been particularly serious in the pandemic. As means to combat the shortage of skilled workers, the coalition plans to:

- ▶ Introduce an opportunity card (Chancenkarte) based on a points system to open the labour market for job seeking third country nationals;
- ▶ Extend the EU Blue Card to non-academic professions;
- ▶ Simplify and accelerate the recognition process of vocational qualifications acquired abroad;
- ▶ Simplify options for third country nationals to study or train in Germany;
- ▶ Speed up visa issuance, increase digitalization and reduce bureaucracy;
- ▶ Facilitate transnational labour migration by not having residence permits expire during temporary stays abroad;
- ▶ Permanent residence (Niederlassungserlaubnis) can be acquired after three rather than five years.

Citizenship

Citizenship law is to be liberalized. There shall be more and easier ways to obtain the German citizenship. This is to be achieved by:

- ▶ Allowing multiple citizenship;
- ▶ Allowing naturalization after five years rather than eight, with special integration achievements after three years;
- ▶ Children born in Germany to foreign parents become German citizens at birth if one parent has had legal residence in Germany for at least five years;
- ▶ Making naturalization easier for members of the so-called guest worker generation by lowering the language level that must be proven for this group;
- ▶ Creating a general hardship clause (Härtefallklausel) for the required proof of language proficiency;
- ▶ Replacing the naturalization requirement of "integration into German living conditions" with more clear and specific criteria.

Asylum and Integration

The coalition is striving for a coherent, consistent immigration law that is user-friendly, ideally summarized in one immigration and residence code. The German asylum system is to become more efficient and set clear and understandable rules. This is to be achieved by:

- ▶ Allowing to switch from asylum to immigration (Spurwechsel). An ongoing asylum procedure shall not stand in the way of a potential entitlement to a work and residence permit, if the requirements for such a permit were already met at the time of entry.
- ▶ Enabling humanitarian visas for persons at risk and introduce digital allocation procedures for this purpose;
- ▶ Creating new opportunities for persons without right to stay who have already become part of society but are just tolerated (Geduldete);
- ▶ Simplifying family reunification: subsidiary protection beneficiaries will be put on an equal footing with Geneva Convention refugees, persons joining their spouses can also provide the required proof of language proficiency only immediately after their arrival;
- ▶ Prioritizing asylum applications from countries with low recognition rates in order to accelerate processes;
- ▶ Closing partnership-based agreements with key countries of origin: expansion of economic cooperation, technology transfer, visa facilitation, qualification measures for the German labour market, job exchanges and cooperation on the return of rejected asylum seekers;
- ▶ Sustaining the federal government's humanitarian admission program along the lines of the programs previously implemented in the course of the Syrian war and now use them for Afghanistan;
- ▶ Reforming the local staff procedure (Ortskräfteverfahren) for Afghan nationals so that endangered local staff and their immediate family members can reach safety through non-bureaucratic procedures;
- ▶ Reducing the workload of the Federal Office for Migration and Refugees (BAMF) to speed up processes: revocation checks will once again be carried out on an ad hoc basis in the future;
- ▶ Introducing a nationwide, independent asylum counselling service (Asylverfahrensberatung).

European Policies

The European asylum and border system shall be fundamentally reformed. The aim is a fair distribution of responsibility and competence for reception between the EU states and creating better standards for protection seekers in asylum procedures and in integration in EU states. This is to be achieved by:

- ▶ Reducing irregular migration and tackling the causes of flight by supporting host and transit countries;
- ▶ Advocating migration agreements with third countries based on the rule of law within the framework of European and international law;
- ▶ Examining whether the determination of protection status in exceptional cases is possible in third countries while respecting the Geneva Refugee Convention and the European Convention on Human Rights;
- ▶ Leading the way with a coalition of member states that are willing to accept refugees and actively contribute to ensuring that other EU states take on more responsibility and comply with EU law;
- ▶ Frontex shall be developed into a genuine EU border protection agency: effective external border protection based on the rule of law; Frontex should actively participate in sea rescue operations within the framework of its mandate.