

### National analytical study on housing

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# National Analytical Study on Housing

RAXEN Focal Point for Germany

european forum for migration studies  
(efms)

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**October 2003**

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## 1 Executive Summary

The following study analyses the situation of migrants and ethnic minorities on the housing market.

In the first part, we will focus on **legislation and political measures** fostering the integration of migrants into the housing market and preventing discrimination against migrants.

Up to now, the German legislature has not passed a ban of discrimination in the allocation of housing. Germany has so far failed to transfer EU Directive 2000/43 EC into national law, in response to massive protests by lobbying groups (such as homeowner associations). The EU Directive aims at guaranteeing equal opportunities, irrespective of a person's ethnicity, and **bans discrimination** in all areas of every-day life, including the access to housing. Similarly, the Federal Government has so far not set up a national **monitoring system** registering cases of discrimination and offering support and advice for victims of discrimination.

The integration of migrants into the German housing market was fostered by the general housing and urban development policies. The main goal of these policies has been to guarantee the welfare of all residents and to achieve **desegregation**. Public housing programmes in particular aimed at establishing socially diverse residential areas and improving housing standards, particularly of socially disadvantaged groups. Furthermore, the majority of migrants is not subject to **legal restrictions** concerning their access to the housing market. Legal restrictions only apply to specific groups of migrants, for example asylum seekers and ethnic German immigrants (Aussiedler), whose freedom of movement is temporarily restricted.

The general success of German housing and urban planning policy is shown by the fact that levels of **ethnic segregation** in Germany are **relatively low**, especially in an international perspective. Most German cities, it is true, do have residential areas with a high percentage of non-German residents and distinct ethnic institutions, but even these areas are usually multi-ethnic in composition. Furthermore, the migrant population does only in rare cases exceed the 50% level. Whereas German society has so far been able to avoid high levels of segregation, **future prospects** are generally considered to be bleak. Since the late 1970s, the government has **reduced subsidies for publicly supported housing**. As the remaining units of publicly supported housing are mainly situated in housing estates outside the city centres, there has been a tendency towards an increasing proportion of residents of these districts belonging to socially disadvantaged groups. This development has led to other serious problems, above all the **high proportion of migrant pupils** at local schools, which has proved to be detrimental to the education prospects of these children and youngsters.

In order to establish whether migrants are discriminated against on the housing market, a first step is a comparison between housing standards of German and non-German households. One has to keep in mind, however, that such a comparison, which is based on the nationality of the head of a household, can be rather problematic. For example, differences between the two groups cannot be attributed to ethnicity and nationality only, but to a wide range of other factors, for example **income** and **social class**. The available statistics, however, do only partly allow such specific comparisons. For an analysis of migrants' **housing standards**, the following indicators are used: Occupancy or density, equipment and facilities, rent, home ownership and security of rental contracts (permanent or temporary) and finally, the quality of life in the surrounding area.

An analysis of these factors shows that, even though housing standards of migrants have improved in recent decades, there is still a considerable gap between German and non-German households. For example, non-German households have **less space** and **fewer rooms** at their disposal. In addition, **facilities and equipment** of non-German households are still **below average**, despite the fact that migrants have to **spend a larger part of their household income on housing**. As for home ownership, the situation has proved to be similar: Even though the proportion of homeowners among non-German residents has increased considera-

bly over the last twenty years, a wide gap remains, as the overwhelming majority of non-German households still lives in rented accommodation. Furthermore, non-German residents tend to live in **metropolitan areas**, particularly downtown areas. Within urban areas, they are more likely to live in districts that have been abandoned by German residents, for example areas of high environmental pollution (e.g. in the vicinity of major thoroughfares or industrial production sites).

A further differentiation of housing data according to nationality is not always possible. It seems to be apparent, however, that **Turkish residents** constitute a disadvantaged group. The same also seems to be true for **Romany and Sinti people**, even though there are no official data available here. Ethnic German immigrants (*Aussiedler*) were able, until the early 1990s, to integrate successfully into the housing market. In recent years, however, *Aussiedler* have also faced increasing difficulties in integration since the number of new arrivals has risen after the fall of the iron curtain.

From a methodological perspective, it is extremely difficult to determine whether non-German residents are discriminated against as far as access to the housing market is concerned. Even if discrimination occurs, we cannot be sure whether it has occurred on the grounds of ethnicity, income or other factors. Consequently, many studies about discrimination have used the concept of “**perceived discrimination**”, for the simple reason that respective data is quite easy to obtain, for example by conducting interviews. Of course, perceived discrimination also constitutes an important factor concerning how migrants define themselves in view of the majority society. Research has shown that migrants, especially **female migrants**, perceive discrimination on the housing market as a frequent occurrence. Once again, Turkish residents seem to be affected most severely. According to data by the 2001 Representative Survey, 43.6% of the Turkish interviewees who stated that they had faced major difficulties in finding a flat reported that this discrimination happened because of their **nationality**. Migrants from former Yugoslavia, too, seemed to be disadvantaged because of their nationality with 30.8% stating that they had difficulties in finding adequate housing, whereas this did not happen so frequently to migrants from Greece (22.5%) or Italy (17.8%).

These results have been confirmed by studies focussing on **social distance**. Italian migrants are easier accepted as neighbours than Turkish migrants in East as well as in West Germany. Looking also at the migrant groups of asylum seekers and ethnic German migrants (*Aussiedler*) one can state that *Aussiedler* are less accepted as neighbours than Italians, but are more favoured than Turkish people. Other analyses have also confirmed the positive correlation between **differences in lifestyle** and social distance.

Apart from ethnic discrimination in accessing the housing market there are other aspects that determine the differences in housing standards between German and foreign households. One of the factors that contributes to differences in housing standards between German and non-German residents is **income**, which, of course, is closely linked to a person's position on the labour market. Due to insufficient **qualification levels** of many non-German workers non-Germans generally earn less than Germans. Due to structural economic changes leading to a considerable decrease in the employment opportunities for semi- and unskilled labour, the last years have witnessed an above-average **increase** in the **unemployment** rate of non-German residents. In 2002, more than 18% of non-German workers were registered as unemployed. When unemployment statistics are broken down according to nationality, it becomes obvious that Turkish workers in particular have been affected by rising unemployment. The unemployment rate among Turkish labour rose to 22.7% in 2002.

The differences in household income stated before have a direct effect on housing standards, as the housing market is predominantly organised as a private **market**. Therefore housing standards are mainly determined by household income. As non-German households on average have lower household incomes but more people share the same household, they are not

able to spend as much money on housing as many German households do. In consequence, non-German households are more likely to live in smaller flats with fewer facilities and worse equipment. This state of affairs has only partly been compensated by **publicly supported housing**.

The cut in subsidies for public housing and the overall decrease in the number of available public-housing units have led to two negative developments: Firstly, longer **waiting periods** for persons who are, because of their low income, entitled to live in a publicly supported flat. In addition, quotas for non-German households that have been imposed locally in many housing estates have affected many migrant families. Secondly, the remaining publicly supported housing units are characterised by a high concentration of **disadvantaged households** and social problems, as in many cases flats can only be allocated to the most disadvantaged households and **hardship cases**.

On the private housing market, too, non-German tenants constitute a disadvantaged group, e.g. because they have to pay more rent for a comparable flat than German households. Apart from discrimination on the part of landlords, the main cause of this disparity is probably to be found in **structural mechanisms**. As non-German residents for several reasons (e.g. lack of information, lower income levels, subjective orientation, discrimination) only have limited access to some sectors of the housing market, these sectors are characterised by above-average demand. Consequently, landlords can ask for higher rents than it would normally be the case for flats of that standard.

Whereas housing policy in Germany has always favoured desegregation, the theoretical debate on segregation and integration has repeatedly raised the question of whether multi-ethnic residential areas do in fact foster integration or, on the contrary, create a potential for inter-ethnic conflicts. This debate between proponents and opponents of segregation has not yet been resolved. In this context, one important aspect is the differentiation between “**functional segregation**”, which in general is voluntary and fosters integration (e.g. because migrants can network and support each other), and “**structural segregation**”, which tends to be involuntary and prevents integration, as migrants are unable to overcome segregation and face isolation and social exclusion (cf. Häußermann/Siebel 2001).

As the living conditions of migrants are viewed as an essential part of their social and economic integration, a wide range of initiatives and projects have been developed in order to tackle the disadvantaged status of migrants on the housing market. The programmes can be categorised as follows: improving housing standards and the quality of life in residential areas, improving the allocation of housing and developing good neighbourly relations. One remarkable aspect is that the **target group** of most housing projects are not migrants only, but all residents in a certain residential area, as well as housing corporations and political decision-makers.

In our view, it is vital that these examples of **Good Practice** are financially supported by the federal and state governments, with a special emphasis on **integrated concepts** combining economic and social measures with urban planning and construction programmes. One positive example is the programme “The Social City”, which has been implemented in many municipalities. Furthermore, the integration of migrants into the housing market can only be improved if the supply of housing unit keeps pace with the demand. Therefore policymakers should maintain the traditional strategies and programmes in public housing and urban planning and continue to foster **desegregation and social redistribution**. **Publicly supported housing** in particular should not be threatened by further cutbacks. On the contrary, additional investment is necessary here.

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### 3. Glossary

**Migration:** Migration refers to individuals or groups relocating over socially significant distances for the purpose of changing their main sphere of life and comprises both migration inflows and outflows. Relocations that also involve the crossing of national borders are the main characteristic of international migration (cross-border migration). In the following, we will use migration in the sense of cross-border migration (migration flows across German national borders).

**Migrants / migration inflows:** Persons relocating across national borders and moving their main sphere of life to Germany. Under this definition, *Spätaussiedler* (ethnic German immigrants) are also categorised as migrants.

**Non-Germans:** Persons who do not hold German nationality.

**(Spät-) Aussiedler:** Ethnic German immigrants who are recognised as German nationals according to §4 Par.3 S.1 Federal Displaced Persons Act (*BVFG*) and Art. 116 Basic Law (German constitution). The legal requirements are that they are German nationals or of German descent, living in one of the areas recognised by the *BVFG* as former German settlement areas. Under the 1993 Law on Resolving Long-term Effects of World War II (*Kriegsfolgenbereinigungsgesetz*), most of these settlement areas are territories within the former Soviet Union. The group of ethnic German immigrants can be differentiated according to the date of their emigration: German minority members migrating to the Federal Republic of Germany between 1950 and 1<sup>st</sup> January 1993 are referred to as *Aussiedler*, whereas later arrivals are categorised as *Spät-Aussiedler*.

**First-generation migrants:** Migrants who entered Germany after growing up / being socialised to a large extent in their country of origin. This category includes all nationalities.

**Second-generation migrants:** Migrants' children who were born and grew up in Germany, or have at least completed the larger part of their school education in Germany.

**“Autochthonous” Germans:** Indigenous persons; German nationals without a migratory background. This category does not comprise *Aussiedler* (ethnic German immigrants) and naturalized persons.

**Refugees:** Convention and civil-war refugees who are granted residence in Germany according to international law, or for humanitarian and political reasons.

**Recognized asylum seekers:** Persons who have been recognised as entitled to political asylum in Germany because they were subject to political persecution in their home countries. Under German law, these persons receive a more secure residence status than refugees.

**Asylum applicants / seekers:** Persons having submitted a petition for political asylum in Germany, with their application still pending.

**Discrimination:** Unjustified unequal treatment

**Direct discrimination:** Past, present or future unfair treatment of people in a given situation on the grounds of their ethnicity.

**Indirect discrimination:** Unfair treatment of ethnic groups as a consequence of seemingly neutral regulations, criteria or procedures.<sup>1</sup>

**Individual discrimination:** All kinds of individual behaviour leading to unfair treatment on the grounds of ethnicity.

**Institutional discrimination:** Regulations or institutional / administrative practices implying to the unequal treatment (positive or negative discrimination) of an ethnic group in relation to another ethnic group.

**Perceived discrimination:** any behaviour or practice on the part of an individual or organisation that is perceived as discrimination, independently of the fact if actual discrimination has occurred or not.

**Segregation:** “High concentration of a particular social group in a local area, municipality or urban district” (*Häußermann/Siebel 2001, p.28; own translation*).

**Ethnic Colony:** “Forms of economic, social, cultural and political self-organisation by migrants in certain geographical-territorial areas” (*Heckmann 1998, p.30; own translation*).

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<sup>1</sup> In our view, it is important to mention another special case of indirect discrimination: **discrimination in the form of lack of educational support**. It is one of the main responsibilities of educational institutions to support disadvantaged groups. Consequently, equal treatment does not inevitably lead to equal opportunities. On the contrary, in some cases it is necessary to offer additional support in order to level the playing field in the first place.



## 4. Introduction

Access to adequate housing is one of the main pre-conditions of successful integration into a society. The following study will therefore analyse the housing standards and conditions of migrants living in Germany. The key question is whether migrants are facing discrimination as far their access to the housing market is concerned.

After a short overview of integration policy and legislation concerning housing (Chapter 5), the following chapter will analyse and evaluate data on the housing conditions of migrants (Chapter 6). Based on a comparison between housing standards of German and non-German residents, we will address the question of whether migrants are discriminated against on the housing market. In this respect, it has proved important to differentiate between different nationalities and groups of migrants, especially with regard to their legal residence title (e.g. ethnic German immigrants: *Aussiedler*). Chapter 7 summarises and assesses the results of research projects focussing on discrimination against migrants. In this context, we will also analyse correlations between discrimination and other variables, such as income, unemployment, nationality as well as cultural affinity and social distance. In the last part of the study, we will then provide several examples of Good Practice (Chapter 8), summarise the results of the study (Chapter 9)

## 5 Housing policy and legislation

### 5.1 Outline of integration policy in housing

In the early 1960s, Germany witnessed a considerable inflow of labour migrants. The demand for semi- and unskilled labour in German industry was high, but could not be satisfied by German labour, especially since Eastern Germany closed its borders in 1961 and prevented migrants from leaving the Communist country. Western Germany reacted to this labour shortage by initiating recruitment programmes for foreign labour with several countries in South-Eastern Europe, the so-called “guest workers”. The original plan, both of the German government and migrant workers themselves, was to recruit non-German workers only temporarily. This expectation was reflected by makeshift and low-quality accommodation for migrant workers: The majority of migrants was housed in accommodation centres provided by employers.

In the following years, however, return migration turned out to be selective, and a growing number of workers decided to stay in Germany and bring in their families to join them, especially after recruitment programmes officially ended in 1973.<sup>2</sup> With the arrival of family members, foreign workers increasingly left accommodation centres and rented flats on the general housing market, especially after 1981, when new legislation only permitted family migration if foreign residents could provide “proof of sufficient accommodation which is suitable for families” (Häußermann/Siebel 2001, S. 16; own translation).<sup>3</sup>

The integration of migrants into the German housing market was supported by general housing policies and urban planning. The main goal of these policies was to promote the welfare of working-class families and achieve de-segregation.<sup>4</sup> Public-sector house-building in par-

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<sup>2</sup> The legal foundation for permanent residence was created by the residence allowance decree in 1971. A permanent residence status could then be granted if a non-German worker had been employed for at least five months without interruption. If a permanent residence status had been granted, unemployment did no longer automatically entail leaving the country. This amendment was initiated by the German government after growing criticism (by employers, trade unions and foreign governments) of the rotation system.

<sup>3</sup> Under current legislation, family migration of foreign nationals is also only permitted if non-German residents can provide proof of “sufficient living space” (according to §17 Par.2 No.2 Foreigners Act (*AuslG*)).

<sup>4</sup> §1 Par.5 Housing Construction Act (*BauGB*) defined the main goals as “meeting the public’s housing needs and avoiding segregation”.

ticular aimed at establishing socially diverse housing areas and improving housing standards for working-class families in particular (loc. cit., p.39).<sup>5</sup>

The success of this policy becomes obvious when one compares segregation levels in Germany, the USA, France and the United Kingdom. Compared to these countries, ethnic segregation in Germany is relatively low (cf. Häußermann/Siebel 2001, p. 43). Most German cities have, it is true, residential areas with a high percentage of non-German residents and distinct ethnic institutions, but even these areas are usually multi-ethnic in composition. Furthermore, the migrant population does only in rare cases exceed the 50% level (e.g. in downtown areas of Frankfurt a. M. or Offenbach a. M).<sup>6</sup>

Whereas German society has so far been able to avoid high segregation levels, prospects for further developments are generally considered to be negative. Since the late 1970s, the government has reduced subsidies for publicly supported housing (cf. Table 1 in the Annex). However, in light of considerable immigration namely from Eastern Europe, subsidies had been raised between the late 80s and 1995. The remaining units of publicly supported housing are mainly situated in housing estates outside the city centre, with an increasing proportion of residents belonging to socially disadvantaged groups (e.g. the long-term unemployed). This tendency leads to more and more middle-class tenants leaving these areas. This trend is also due to the fact that, since 1981, tenants have to pay higher rents if they live in publicly supported housing even though they are above respective income levels (the so-called “*Fehlbelegungsabgabe*“). Whereas original housing and urban planning policy had a desegregating effect, the trend towards more segregation is at least part “an unintended consequence of the privatisation of the housing market” (Häußermann/Siebel 2001, p.40; own translation). Publicly supported housing estates and satellite towns are therefore in danger of turning into highly segregated residential areas.

Many municipalities have therefore intensified efforts to develop countermeasures, e.g. concerning urban development, infrastructure and related areas. Examples at the local level are district conferences and initiatives (cf. Chapter 8). In 1999, the federal and state governments also launched a programme entitled “Die Soziale Stadt “ (The Social City), which aims at supporting local initiatives with an annual total subsidy of DM 100 million.<sup>7</sup> In 2001, the annual grant was raised to DM 150 million (cf. Unabhängige Kommission „Zuwanderung“ 2001, p.230). In 2003, the annual grant was EUR 80 million.

## **5.2 Legislation concerning housing standards of migrants and minorities**

Non-German residents who have been granted a legal residence title, e.g. “guest workers” who have left accommodation centres and rented flats on the general housing market, are not

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<sup>5</sup> Even though public-sector housebuilding had a considerable impact on urban development in Germany, it has not been the only factor contributing to the relatively low segregation in German cities. The development of socially diverse communities has also been due to other factors: the destruction of many traditional working-class areas in World War II, the modernisation of urban centres which, among other things, aimed at keeping them attractive for middle- and upper-class residents, and the relatively late beginning of non-German labour migration (compared e.g. to the USA). In addition, the extreme housing shortage at that time prevented middle-class families from leaving certain areas. This immobility was also reinforced by the fact that most rented flats were regularly maintained by house owners and consequently in a good state, which dissuaded many people from leaving their residential area (for details cf. Häußermann/Siebel 2001, p.37f.). However, all these factors guaranteeing relatively low segregation levels in German cities in the past are currently eroding, with the effect that the “ethnic composition of residential areas is becoming more heterogeneous, housing opportunities and mobility are increasing, the percentage of municipal housing is decreasing, and real estate is developing into a profit-oriented business for investors“ (loc. cit., p. 38).

<sup>6</sup> It has to be added, though, that certain streets or blocks residential areas can be characterised by a high proportion of ethnic residents or particular ethnic groups. This is not reflected in official statistics for residential areas.

<sup>7</sup> 1€ = 1,95583 DM

subject to any legal restrictions concerning their access to the housing market. Other migrant groups, however, face legal restrictions.

One group of non-German residents facing legal restrictions are asylum seekers. Asylum applicants are distributed among the German states according to fixed quotas<sup>8</sup> and housed in special accommodation centres. On average, asylum seekers live in these centres for a period of at least 6 weeks, the maximum period being three months. Afterwards, they are housed in local accommodation centres or normal flats.

Foreign nationals who have been recognised as entitled to asylum according to Art. 16a GG (Basic Law), as well as refugees who have been granted protection against deportation according to §51 AuslG (Foreigners Act), are entitled to leave accommodation centres if they can provide proof of sufficient housing and if their move does not lead to additional public expenses. For the duration of asylum procedures<sup>9</sup>, applicants are not permitted to leave the administrative district to which they have been allocated by the authorities. Asylum applicants who want to leave their administrative district have to hand in an official request with local authorities in advance. However, several states have passed regulations which have eased residence restrictions for asylum applicants. Mecklenburg-Western Pomerania, for example, has decided on July 2, 2003 that asylum seekers are permitted to visit the nearest city or town or travel to adjoining districts.

A further group of asylum applicants also receives a temporary residence title because of obstacles to their deportation (according to §51 AuslG), but have not been recognised as entitled to asylum according to Art. 16a GG (Basic Law) or granted protection against deportation according to §51 AuslG (Foreigners Act). These applicants are granted a so-called “toleration certificate”, which restricts residence entitlements to the territory of one state.

Ethnic German immigrants (*Spätaussiedler*) form a second group of migrants whose residence entitlements are initially restricted. On entering Germany, *Spätaussiedler* and their family members are also distributed among the German states in accordance with fixed quotas.<sup>10</sup> Furthermore, after administrative procedures have been completed, *Spätaussiedler* can also temporarily be allocated to a certain municipality, but only in case they have not yet found employment or are also not in possession of sufficient financial means for their living (cf. §2 Par.1 Residence Allocation Act - *Wohnortzuweisungsgesetz*). Regulations also stipulate that these persons can only receive integration benefits or welfare if they accept the allocated place of residence. Restrictions concerning their place of residence apply for three years. However, *Spätaussiedler* are still entitled to move if they can provide proof of having found employment and housing in another district. The Residence Allocation Act has meanwhile been extended for another ten years, until December 31. 2009. Bavaria does not implement this law (cf. Bayerisches Staatsministerium für Arbeit und Sozialordnung, Familie und Frauen 2002, p.28).

Jewish immigrants originating from the territories of the former Soviet Union are also subject to initial residence restrictions. This group of migrants, which is allowed to migrate to Germany under the Quota Refugee Act (*Kontingentflüchtlingengesetz*), is not entitled to move to a place of residence of their own choice. Once again, they are distributed among the German

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<sup>8</sup> The federal states can fix quota for the acceptance of asylum seekers. If such an agreement is not closed, the fixed quota in the Law of Asylum Procedures §45 (*Asylverfahrensgesetz AsylVfG*) apply (on the individual quota of the federal states please see table 2 in the annex).

<sup>9</sup> On average, authorities need up to three months in order to decide on asylum petitions. However, as about 80% of refused applicants appeal to a court of law in order to reverse the administrative decree, the actual duration of an average asylum procedure is 21.4 months (data for 2001; cf. von Pollern 2003, p.108).

<sup>10</sup> The Federal Office for Administration decrees the accepting federal state according to §8 of the Federal Law for Forced Migrants (*Bundesvertriebenengesetz*). The actual distribution quota is mostly the same as the legally fixed one (for further details see table 3 in the annex).

states according to fixed quotas, in this case the so-called Königstein Key.<sup>11</sup> However, applicants can request their allocation to a certain district. These requests are usually granted if certain conditions are fulfilled (e.g. if the applicant has relatives who already live in Germany).

Other groups of migrants are not subject to legal residence or housing restrictions. However, it is vital to investigate whether migrants actually have unrestricted access to the housing market or whether they are discriminated against. In this context, a further important question is whether all political countermeasures have been taken against discrimination on the housing market.

### **5.3 Outline of anti-discrimination policy in housing**

The signing of the Amsterdam Treaty in 1997 has laid the legal foundation for a common anti-discrimination policy within the European Union. In order to transfer the treaty into national law, further detailed EU directives and their implementation into national law will be necessary. Up to now, EU bodies have issued two anti-discrimination directives: firstly, Council Directive 2000/43 EC (as of June 29, 2000), implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; secondly, Council Directive 2000/78 (as of November 27, 2000) establishing a general framework for equal treatment in employment and occupation. The former directive addressed discrimination on the grounds of race and ethnicity<sup>12</sup> and bans discrimination in all areas of every-day life, i.e. also as far as the housing market is concerned (vertical approach).

In February 2002, the Federal Ministry of Justice has presented a bill for preventing discrimination in civil law (Civil-Law Antidiscrimination Act). The bill, which bans all forms of discrimination because of a person's "race", ethnicity, sex, religion or beliefs, disability, age or sexual identity, was supposed to be passed by parliament before the last federal parliamentary elections in September 2002. This proposed protection against discrimination concerned contracts, employment, medical treatment and education. In addition, burden-of-proof rules had been amended in favour of persons that have been discriminated against. In housing, for example, the legislation would have had the following effects: If a person seeking to rent a flat, for example, can provide proof indicating that a landlord has violated the discrimination ban, the latter has to prove that his or her practice of allocating flats does not constitute a case of discrimination.

Due to massive protests by various special interest groups, e.g. Associations of House Owners (cf. e.g. Haus & Grund Online), the passing of the bill was first suspended, and subsequently the entire bill was withdrawn. Even though the EU anti-discrimination directive stipulates that member states have to implement a ban of discrimination because of race or ethnicity by mid-2003, the German government has so far failed to present new legislative proposals.

As Germany has thus not yet implemented the EU directive into national law, there is only limited legal protection against discrimination on the housing market as provided by the Basic Law (Art. 3 Grundgesetz, "Drittwirkung der Grundrechte").

Consequently, Germany has also failed to set up a national monitoring system registering and documenting cases of discrimination and offering advice and support to victims of discrimination. The only existing data on discrimination in the housing sector comes from regional or

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<sup>11</sup> This key is based on states' expenditure, and reviewed annually by the Commission for Educational Planning and Research Subsidies (a joint federal- and state-government commission). Calculations are based on tax revenues and the number of inhabitants of each federal state.

<sup>12</sup> Whereas EU bodies continue to use the term "race", the directive itself clearly distances itself from so-called "race theories": "The European Union rejects all theories that try to construct the existence of separate human races. Using the term 'race' in this directive does not imply the acceptance of such theories" (Council Directive 2000/43 EC).

local advice centres and a limited number of surveys and sociological studies. Currently, the issue of discrimination on the housing market is receiving considerably less attention than questions concerning the integration of migrants.

Information on the living and housing conditions of non-German residents is regularly published by the Federal Government Commissioner for Migration, refugees and Integration. This source also enables to evaluate trends and current developments. Furthermore, the programme “Die Soziale Stadt” (The Social City), which is funded jointly by the federal and state governments, does not only support the integration of migrants into local communities (cf. Chapter 5.1), it also attempts to contribute to resolving intercultural conflicts and tackling prejudices and racism.

## **6 Description and analysis of available data and sources**

### **6.1 Data concerning geographical distribution**

At the end of the year 2001, a total of about 7.3 million non-German residents were living in Germany, the equivalent of 8.9% of the total resident population. In 1999, 47% of non-German residents lived in cities (of 100,000 or more inhabitants), compared to only 28% of the German population (cf. *Deutscher Städtetag* 2001; for details on the development and composition of the population in urban areas, cf. Table 4 in the Annex).<sup>13</sup> A representative survey by the Federal Ministry of Labour and Social Affairs for the year 2001 (cf. *Bundesministerium für Arbeit und Sozialordnung* 2002; 1B0030) has also clearly shown that most non-German residents tend to live in urban areas (cities of 100,000 or more inhabitants). According to this study, respective figures are even higher (Turks 77.3%, nationals of the former Yugoslavia 76.6%, Italians 74.5%, Greeks 81.1%).<sup>14</sup> These higher percentages are probably due to the fact that the survey only included the Western German states and West Berlin and was restricted to former “guest workers” (cf. Table 6 in the Annex).

The highest percentages of non-German residents are to be found in the following cities: Offenbach/Main 26%, Stuttgart 24.5%, Frankfurt/Main 24.1% and Munich with 22.9%. However, these statistics do only include residents of non-German nationality. If ethnic German

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<sup>13</sup> The geographical distribution of migrants among the German states is also extremely heterogeneous: Whereas the proportion of non-German residents amounts to 10% (of the total population) in Western Germany, the respective figure for the East German states is as low as 1.3% (cf. Table 5 in the Annex).

<sup>14</sup> As the large majority of migrants lives in towns or even cities there are hardly any findings about the situation of migrants living in rural areas. One exception is the project “Stranger in the village – Intercultural work in rural areas” which was carried out by the Protestant church in Hesse and Nassau during the years 1999 and 2000. The main research focus was on the experiences made by “strangers” – labour migrants, asylum seekers as well as civil war refugees or ethnic German migrants from the former Soviet Union – who live far away from urban areas and their experiences with the rural population. For the project villages with less than 8,000 inhabitants were examined. The authors report that the number of migrants in places of that size amounts to about 5% on average. The respective situation of the migrants in rural areas differs, as it was found in the study, according to migrant groups, their legal status and the resulting time of residence. The trend seems to indicate that living in a village together with asylum seekers has more potential for conflicts than with other migrant groups because of their different cultural background and their legal restrictions in accessing the labour and housing market. Successful integration additionally depends on the financial situation of the village, on previous experiences with migrant groups and the attitudes of local administrative bodies towards migrants.

Apart from conflicts often caused by the settlement of migrants in villages and which sometimes result in exclusion and xenophobia, examples for successful integration work can also be reported, such as language courses, special tutoring or homework tutoring. This is mostly carried out by volunteers who, however, are lacking the support of organisations and networks. In that regard the villages are too much left alone and a nation-wide integration concept is missing.

The project received the Innovation Prize 2000 by the European Commission. With the help of that award for the fight against racism in Europe the work could be continued until the beginning of 2002. (For more details please see Micksch /Schwier 2000).

immigrants (*Spätaussiedler*) and naturalised citizens were included in the statistics, the percentage of residents with a migration background would be significantly higher.

The statistical data on percentages of non-German residents in cities does not as such contain any information on the actual distribution of non-German residents within these municipalities. The city of Wiesbaden (Hesse), for example, has 46,805 non-German residents (as of December 31, 2001), a proportion of 17.4% of its total population. If one analyses respective figures for individual districts, however, the variation is enormous. Districts like the Westend or the city centre have a proportion of more than 30% non-German residents, whereas other districts, such as Hessloch und Frauenstein have less than 3% non-German residents (cf. Bosswick/Will 2002, 25ff.).

As already mentioned in Chapter 5.1, urban development and planning policies aiming at socially and ethnically diverse communities have in the past prevented high levels of segregation of ethnic minorities. Nevertheless, there are quite a few urban districts which are characterised by a high percentage of non-German residents. According to the representative study mentioned above (cf. Bundesministerium für Arbeit und Sozialordnung 2002; 1B0030), 44% of the Turkish interviewees have stated that they live in districts with a majority of non-German residents. Respective figures for residents from the former Yugoslavia (32.3%), Greece (27.2%) and Italy (20.2%) were significantly lower (cf. Table 7 in the Annex). Most of the districts with a high proportion of non-German residents are inner-city areas with old building stock, satellite towns, traditional working-class areas as well as housing estates and public housing blocks. The latter in particular have been affected by many middle-class families and businesses moving away, a fact that has further exacerbated infrastructure deficiencies and the low integration potential of these districts. One aspect which is considered particularly problematic in city districts with a large number of migrants is the large number of migrant children in schools. The spatial distribution of the migrants is decisive for the distribution of migrant children in schools as the children must, at least in primary school, attend the local school in their district. Due to the different age structure of the German and non-German population this results in a share of non-German children of up to 80% in some school classes. Various studies (see 2002; 3B0014, Stanat 2003.) showed that the level of qualification in classes with a large number of migrant children is generally lower. Already a migrant share of 20% in a school class results in a sharp drop of medium performance (for more information see the study on Education).

## 6.2 Data on Housing standards<sup>15</sup>

In recent decades, non-German workers have tried to improve their living conditions, with their residence titles becoming permanent, many of them deciding against returning to their home countries and increased family migration. In a first step, many of them left accommodation centres in order to rent flats on the private housing market. Later, there has been increased demand for larger and better equipped flats.

In order to establish whether migrants are discriminated against on the housing market, a first step is a comparison between housing standards of German and non-German households.<sup>16</sup> One has to keep in mind, however, that such a comparison, which is based on the nationality of the head of a household, can be rather problematic. For example, differences between the two groups cannot be attributed to ethnicity and nationality only, but to a wide range of other factors, too. If one were to compare non-German households, with a higher percentage of working-class families, with German working-class households only, the resulting differences would definitely be considerably smaller. In addition, it would be reasonable to differentiate between various nationalities and ethnic groups, as some minorities (e.g. Romany people and Turks) face particular difficulties in renting housing.

The available statistics, however, do only partly allow such specific comparisons. For an analysis of migrants' housing standards, the following indicators are used: Occupancy or den-

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<sup>15</sup> The following chapter is based on data from the following three main sources: the Socio-Economic Panel (SOEP), the Micro-Census and the so-called "Representative Survey".

The SOEP is a representative long-term survey of private households in the Federal Republic of Germany. Since 1984, it has surveyed German nationals as well as non-German residents and immigrants. In 2001, the representative sample comprised 12,000 private households with a total of 22,000 residents (for further details, cf. <http://www.diw.de/deutsch/sop/>).

The Micro-Census compiles official and representative statistics on population and employment trends, surveying 1% of all German households each year. The Micro-Census is based on a random sample, i.e. all households have the same probability of being selected for the survey. All in all, 370,000 households comprising a total of 820,000 residents participate in the Micro-Census; about 160,000 residents in 70,000 households live in the East-German states or East Berlin (cf. [http://www.destatis.de/micro/d/micro\\_c1.htm](http://www.destatis.de/micro/d/micro_c1.htm)).

The Representative Survey is a representative study surveying Turkish, Greek, Italian and formerly Yugoslavian labour living in West Germany and West Berlin. Individuals are selected for the survey in a two-step process, combining random selection and quotas. Per nationality, about 1,000 people are surveyed (for further details, cf. Bundesministerium für Arbeit und Sozialordnung 2002; 1B0030).

Although both the SOEP and the Micro-Census include households from the new East-German states, we will focus on statistics for West Germany, for the simple reason that the percentage of non-German residents living in East Germany is quite low (cf. Table 5 in the Annex). In interpreting the data, one has to keep in mind that housing standards in West Germany are, on average, still significantly better than in the Eastern part of the country. An evaluation of average data for the whole of Germany would therefore present a distorted view of housing standards in the Western part of the country.

On the whole, even though all the studies make an effort to be representative, they still constitute samples and do not result from a complete census of the entire population. This is reflected by the fact that some of the results presented by the surveys are divergent. As representative studies, they can surely provide valuable insights into actual housing standards, but one has to be careful about drawing general conclusion about the entire resident population.

<sup>16</sup> This approach raises the question whether non-German residents do actually have the same housing preferences as German residents. For example, many studies have drawn the conclusion that foreign residents prefer cheap housing in order to be able to transfer more money to their home countries, or that they do not place the same importance on living space and modern conveniences as Germans (cf. Häußermann/Siebel 2001, p.16;). However, it can be assumed that housing preferences converge with the duration of a person's residence in Germany. The limited amount of available data suggests that there are only minor differences between preferences of German and non-German residents (e.g. a less strict separation between public and private rooms, but a more pronounced separation between male and female rooms). On the whole, there seems to be a growing tendency toward similar housing preferences. This leads to the paradoxical situation that dissatisfaction with one's living conditions can be regarded as an indicator for integration (cf. Bremer 2000, p.156).

sity (available space per person), equipment and facilities (e.g. heating or modern conveniences), rent (per square meter), home ownership and security of rental contracts (permanent or temporary), living quality of surrounding area.

**Occupancy:**

It is a general fact that migrant households have a higher density, as far as the available space per person is concerned, than German households. In 1999, non-German households had an average living space of 72 square metres, whereas German households had an average of 92 sq m. (cf. Statistisches Bundesamt 2001). This divergence is all the more significant because of the fact that non-German households on average comprise 3.1 persons, whereas the average German household comprises just 2.5 persons.<sup>17</sup> In effect, only 37% of non-German residents have more than one room per person in their flats, whereas the same is true for only 7% of the German population (cf. Statistisches Bundesamt 2000, p.570).

Data provided by the Socio-Economic Panel (for the years 1985 and 1998) has shown that in 1998, each member of non-German households had an average of 31 sq m at their disposal, an increase by 2 sq m over the year 1985. As for German households, however, the increase over the same period was by 7 sq m, with each member of a German household having an average of 46 sq m at their disposal. In Turkish households, the average living space increased by 3 sq m, to an average space of 27 sq m per person, which is lower than the average for all non-German residents (cf. Clark/Drever 2001; cf. also Table 9 in the Annex). In the average non-German household, the number of rooms per person continues to be significantly lower, compared to German households. The average non-German resident has 1.3 rooms at his or her disposal, which even constitutes a decline over 1985 figures (1.5 rooms per person).<sup>18</sup> In German households, on the other hand, the average household member has more than 1.8 rooms at their disposal (ibid.).

An evaluation of Micro-Census data also clearly shows that even though housing standards in non-German households have improved, the gap between German and non-German households has not been closed (cf. Statistisches Bundesamt 1995 und 2001).

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<sup>17</sup> On the other hand, the Representative Survey (Bundesministerium für Arbeit und Sozialordnung 2002; 1B0030) has shown that average household size varies greatly according to nationality. Compared to foreign residents from the original recruitment countries, the average size of Turkish households is larger, whereas Yugoslavian, Italian and Greek households have almost the same size today as German ones (cf. Table 8 in the Annex).

<sup>18</sup> This decrease can be explained by the fact that there is a tendency among non-German residents to leave old buildings and move to modern housing estates, where flats are usually larger but with fewer rooms (cf. Clark/Drever 2001).



### ***Facilities:***

The equipment of flats rented by non-German residents is, in most cases poorer than that in German households. There are no longer any differences, it is true, as far as toilet and bathroom facilities are concerned, but non-German tenants are still more likely to live in flats without central heating. Every sixth non-German, and even every fifth Turkish household, does not have any central heating, compared to every twentieth German household (cf. Clark/Drever 2001; and Table 10 in the Annex).

### ***Rent payments:***

A survey of average rent payments shows that non-German residents pay 11.55 DM per square metre (rent without heating), i.e. more than German tenants (DM 11.07). One reason for this difference is to be found in the fact that the rent for smaller flats tends to be higher (per square meter) than that for large flats (cf. Statistisches Bundesamt 2001, p.52). Therefore the smaller average living space of non-German households is reflected by the higher rent per square metre. Another possible explanation would be so-called “discrimination surcharges” which compel non-German tenants to pay higher rents than German residents do (cf. Häußermann/Siebel 2001, S. 22).

Another relevant question is whether German and non-German residents have to pay the same proportion of their net household income for rent, the so-called “*Mietbelastungsquote*“ or rent-income quota. In 1998, the rent quota of non-German residents amounted to 25.4%, in contrast to just 23.1% for German residents. If one differentiates between households according to rent quotas, a striking fact is that 41.4% of non-German households have to pay more than 30% of their income for rent payments. As for German residents, a rent quota exceeding 30% of household income is only to be found in 34.8% of cases (national averages; cf. Statistisches Bundesamt 2001, p.52). This all the more significant for the fact that the average income of non-German households is lower than that of German households.

Another interesting approach is a comparison between rent quotas in the west and east of the country (for further details, cf. Table 11 in the Annex). In the East-German states, foreign residents face an ever higher rent quota. For one thing, this is due to the fact that most non-German residents have only recently moved to East Germany and have had to rent new accommodation. As in many cases only recently refurbished or built flats are on offer, the rent is comparatively high. For another, rents tend to be increased when flats are let to new tenants. Therefore new arrivals usually have to pay higher rents than long-term tenants. This is also true for non-German residents of West Germany, but it is statistically more significant for the Eastern states, due to the smaller proportion of non-German residents living in East Germany (cf. Table 12 in the Annex).

### ***Home ownership and security of rental contracts:***

The proportion of non-German residents who are homeowners has increased rapidly in recent years (from 8% in 1985, to 13% in 1998). Turkish nationals in particular have invested in real estate. Whereas only 2% of Turkish residents were homeowners in 1985, respective figures have increased to 13% (cf. Clark/Drever 2001, p.22).

The Representative Survey has also shown that home ownership has increased for all nationalities. However, proportions quoted for Turkish and Yugoslavian nationals are lower than those given above (below 8%). As for Italian residents, 13.8% of them were homeowners in 2001, compared to just 4% in 1980 (cf. Table 13 in the Annex).

This increase in non-German home ownership notwithstanding, home ownership quotas are still significantly lower for non-German residents, according to statistics by the Federal Office for Statistics (Statistisches Bundesamtes 2001, p.53f.). Whereas only 12.4% of non-German

households have been registered as homeowners, 44.7% of German households (in West Germany) have acquired home ownership. As for East Germany, only 4.6% of non-German households are homeowners (in absolute figures: 2,200 households), as compared to 31.2% of German households (cf. Table 14 in the Annex). Once again, this is a reflection of the shorter residence periods of non-Germans in Eastern Germany.

Home ownership can be regarded as an indicator of integration and the willingness to settle down permanently. However, acquiring real state could in some cases also be a necessity, especially if high-quality accommodation proves to be inaccessible, e.g. because of discrimination against foreign residents by landlords (cf. Häußermann/Siebel 2001, p.22).

Apart from home ownership, another indicator is the security and duration of rental agreements, e.g. the question whether non-German residents are more likely to live in areas that have been earmarked for redevelopment. In these cases, “non-Germans are taken advantage of as temporary and transitional tenants who have to pay higher rents even though no further investment is made in refurbishment or maintaining facilities” (loc. cit., p.23; own translation). An older study (Tessin/Knorr, quoted by Eichener 1988) has drawn the conclusion that in the past almost two thirds of households that had to leave their flats because of redevelopment measures moved again into accommodation that would soon be up for redevelopment (as compared to only 12% of German households).

### ***Neighbourhoods and surrounding area***

As already mentioned in Chapter 6.1, non-German residents tend to live in urban areas, particularly downtown areas. Within urban areas, they are more likely to live in districts that have been abandoned by German residents, for example areas of high environmental pollution (e.g. in the vicinity of a main road or an industrial production site). The residential areas with the highest proportion of non-German residents can be classified as follows (cf. Bremer 2000):

- Old inner-city residential districts which have been earmarked for urban redevelopment and are characterised by poor housing standards (e.g. flats without central heating).
- Traditional working-class areas in the vicinity of industrial productions sites, i.e. areas affected by high levels of environmental pollution.
- Publicly supported housing estates, many of which are situated in satellite towns.

The previous analysis of the housing situation of non-Germans shows that there are differences between the nationalities regarding the standard of housing and the access to the housing market (see also chapter 7). In addition, restrictions concerning the residence status partly impair the access to the free housing market as it is the case with asylum seekers (see also chapter 5.2). The situation of the housing market is particularly difficult for non-Germans who illegally live in Germany. Apart from problems in finding an apartment without appropriate ID non-Germans without residence status are, as a rule, much more dependant on the good will of the landlord and have to accept unjustified terminations of rental contracts or increases in rent (see e.g. Busch-Geertsema 2002). As, naturally, there are hardly any data available on this group but only individual reported cases, no detailed information can be provided on the housing situation of people who live in Germany illegally. The trend indicates, however, that friends and acquaintances who provide, for example, the person with a sublease or who even rent an apartment on behalf of their friend, play a very important role when people without documents are searching accommodation. Persons who are not part of a well-working network but rather live on their own, such as refugees, often live in “appalling and very unhealthy conditions” (Alt 1999, S. 167).

It is also very difficult to assess the housing situation of ethnic German migrants (Aussiedler) and the Sinti and Romany people with German citizenship<sup>19</sup>. Members of both groups are registered as Germans in official statistics.<sup>20</sup>

At first, ethnic German migrants managed to integrate relatively successfully in the German housing market and even bought real estate relatively often. A study in 1990 showed, for example, that almost 50% of the interviewed ethnic German migrants living in the Federal Republic of Germany for more than 10 years lived in a place they owned (see Dietz/Hilkes 1994, S. 97). This is also a result of special funding programs which had been provided for this migrant group (e.g. credits with no interest, higher income levels in council houses or funds from the Law on Compensation (*Lastenausgleichsgesetz*) (see for more details Mamme/Schiener 1998, p. 40). Due to the poorer overall economic situation as well as the increasing numbers of immigrating ethnic German migrants after the fall of the Iron Curtain the integration on the housing market became more and more difficult<sup>21</sup>. There was a lack of housing and, in addition, government funds were cancelled or cut. The worse starting position of ethnic German migrants who came to Germany after 1990 cannot only be seen from the smaller chance of acquiring real estate, but also from the longer periods of time the migrants spent in temporary shared residences. Ethnic German migrants who came to Germany between 1975 and 1985 had to wait for six and a half months before they could move into an apartment (see Dietz/Hilkes 1994, p. 94), whereas at the beginning of the 1990s ethnic German migrants on average spent 23 months in a shared residence, before they could move to an apartment of their own. Due to the more relaxed situation on the housing market the time spent in shared residences now decreases again though. In Bavaria it amounted to 9 months in December 2001 (see Bayerisches Staatsministerium für Arbeit und Sozialordnung, Familie und Frauen 2002). A large number of ethnic German migrants moves into council houses after leaving the shared residences. Many districts reserve a certain number of vacant housing for them. This, however, increases the isolation of immigrants and might lead to delayed integration (see Heinen 2000, p. 42ff.).

Whereas numerous studies have been carried out on ethnic German migrants at the beginning and in the mid 1990s which compensate for the lack of official data to a certain extent, hardly any information is available on the situation of Sinti and Romany people on the housing market. The Open Society Institute (2002, 114ff.) assumes that, although some families live in similar housing standards as Germans, the majority of Sinti and Romany people have to live in relatively poor housing conditions which, among others, can also be traced back to discrimination in accessing the private housing market. It is also criticised that Sinti and Romany people are discriminated by administrative bodies with regard to council houses. It is true that in the 1970s the social authorities began to improve the situation in the „Sinti housing estates“

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<sup>19</sup> In 1997 the Sinti and Romany people have officially been recognised as national minority. More than 70,000 people belong to this national minority. Some Sinti organisations even state a higher number (between 150,000 and 200,000). The majority of the German Sinti and Romany people lives in large cities in the old federal states, including Berlin. In addition, about 100,000 Roma live in Germany who do not have the German citizenship. The majority are refugees from South East Europe. Only very few have a secure residential status (see Open Society Institute 2002, p. 146).

<sup>20</sup> Due to the experiences in National Socialism the ethnic belonging is not registered in official statistics in Germany. For that reason no official figures on Sinti and Romany people are available.

<sup>21</sup> The situation in rural districts was particularly problematic. In the beginning these districts had a targeted settlement policy in order to avoid stagnation or even decrease of the population number and the labour force and to compensate for an increase in the proportion of elderly people (see Wenzel 1999, p. 266). This policy, however, did not consider the effects of chain migration processes within families or communities. When an increasing number of ethnic German migrants moved into the small towns or villages it was getting too much for the districts and conflicts in the population arose. With the Law on the Allocation of Housing (*Wohnortzuweisungsgesetz*) of March 1996 (see more in chapter 5.2) those „effects of increased density“ should be avoided (see *ibid.*).

which were built after the war and which were often erected in not very attractive areas with polluted surroundings. However, the existing houses were redeveloped and the existing ethnic exclusion continued (on individual examples see *ibid.*). That this must not necessarily happen and that representatives of the Sinti and Romany people oppose that trend as well can be seen from a Bavarian example: In order to avoid segregation the municipal administration of Straubing distributed Sinti families across the city, among local residents. The Sinti were involved in the planning and implementation.

Representatives of the Sinti and Romany people recommend to respect their wish to live together, in cases this is explicitly desired, but to make sure that programs for housing construction do not promote segregation in the first place (see *ibid.*, p.18).

### **6.3 Evaluation of government housing policy**

In an international perspective, segregation levels in housing are relatively low, due to housing policies that for several decades have focused on redistribution of wealth and desegregation. However, several experts have predicted that future prospects are bleak in comparison (cf. e.g. Häußermann/Siebel, 2001, p.38f.). This negative outlook is mainly due to cutbacks in funding for publicly supported housing, which has led to high concentrations of socially disadvantaged groups in some residential districts. Migrants in particular often live in housing estates situated in satellite towns outside the city centre. This development is increasing the risk of high levels of segregation in these areas.

Efforts have been made to counterbalance this tendency towards segregation. Charitable organisations as well as social services and municipalities have launched initiatives to support local residents in these areas.<sup>22</sup> One important example is a joint initiative called “Stadtteile mit besonderem Entwicklungsbedarf - die Soziale Stadt” (The Social City – urban districts with special developmental needs). This programme focuses on districts with a high level of segregation and social problems. Most of these districts are situated in densely populated urban areas and are characterised by poor housing standards, employment opportunities, educational and environmental standards. In most cases, these districts are also home to a high proportion of migrants (cf. Chapter 8).

The “Social City” programme has been accompanied by a research project conducted by the German Institute for Urban Studies. The final report of the survey (cf. Deutsches Institut für Urbanistik 2003, S. 243) has drawn the conclusion that the programme’s integrative and participatory approach has met with overwhelming public support. Secondly, it has also approved of the programme as the right way towards developing effective organisational structures and concepts as well as initiating and realising projects and measures fostering urban development in disadvantaged areas. But the report also emphasises the necessity of creating a permanent financial basis for the programme, in order to ensure that local initiatives and efforts can continue their efforts. Furthermore, a sustainable improvement of the living conditions and quality of life in disadvantaged districts can only be achieved gradually and with the help of long-term programmes, due to the manifold and complex social problems and the time needed for planning and implementing effective urban development measures.

### **6.4 Data on complaints and court rulings**

As EU anti-discrimination directives have so far not been transferred into national law and Germany also lacks a comprehensive anti-discrimination act, there have been only few court

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<sup>22</sup> Häußermann and Siebel (2001, p.41), for example, point out that disadvantaged areas can meanwhile be recognised at once by their high concentration of information boards offering support and advice. This, in turn, also constitutes a major difference between disadvantaged areas in Germany and American ghettos. In Germany, disadvantaged areas are characterised by a higher concentration and effectiveness of welfare and social support centres.

rulings dealing explicitly with cases of discrimination (cf. European Monitoring Centre on Racism and Xenophobia 2002, p. 9). Most of the legal proceedings dealing with discrimination have focused on employment law, for the simple reason that employer-employee agreements and industrial relations law provide a better protection against discrimination than is the case in other areas (for further details, cf. Employment Study and Legislation Study). As for housing, however, there has been no specific anti-discrimination legislation. Consequently, there are hardly any court cases dealing with cases where migrants trying to rent or buy housing have been discriminated against.<sup>23</sup>

Furthermore, Germany has so far failed to set up a national monitoring system registering cases of discrimination. There are, however, several local anti-discrimination centres that monitor cases of discrimination. These centres register cases of discrimination according to various criteria, e.g. nationality and sex of the affected person, as well as area where discrimination occurred, e.g. in dealing with public authorities or on the housing market (cf. e.g. Antidiskriminierungsbüro Siegen 2000; Clayton/Wehrhöfer 2001). One has to keep in mind, however, that these advice centres register cases of alleged discrimination only, i.e. cases that have not been investigated by a court of law, for example. In addition, it would not be admissible to base general conclusions about the extent of discrimination in Germany on these statistics, which have been compiled locally or regionally and on the basis of different categories and methods. It is therefore still impossible to provide reliable data on discrimination against migrants on the German housing market.

### **6.5 Reports on racism, discrimination and segregation**

From a methodological perspective, it is extremely difficult to determine whether non-German residents are discriminated against as far as access to the housing market is concerned. Even if discrimination occurs, we cannot be sure whether it has occurred on the grounds of ethnicity, income or other factors. Consequently, many studies about discrimination have used the concept of “perceived” or “subjective” discrimination, for the simple reason that respective data is quite easy to obtain, for example by conducting interviews (cf. e.g. Sen/Sauer/Halm 2001; Straßburger 2001; 3B0010; Bundesministerium für Arbeit und Sozialordnung 2002; 1B0030).<sup>24</sup>

Perceived discrimination, irrespective of the question whether actual discrimination has occurred, has a major impact on migrants’ attitudes and behaviour: “If the host society is perceived as ‘closed’ and prejudiced, this may lead to a reinforcement of ethnic ties with negative consequences for cultural, social and identificational processes” (Heckmann/Lederer/Worbs 2001, p.63).

Concerning anti-discrimination projects, Planerladen e. V. (1999) has published a very useful overview of anti-discrimination projects in housing, describing individual projects as well as the response of migrants.

Some research projects have attempted to compile objective data on discrimination, for example in the education sector (cf. e.g. Alba/ Handl/Müller 1994), or on the job market (cf. Granato/Kalter 2001; 1B0001). As discrimination can normally not be registered or measured directly, these studies have attempted to use persistent ethnic differences in education or employment statistics as an indicator of discrimination, in other words ethnicity has been used as

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<sup>23</sup> The only case that has received public attention was when a Sinti family sued a landlord who had refused to accept the “gypsies” as tenants because of their ethnicity (cf. Open Society Institute 2002, S. 119). The appeal of the family was rejected by a local court, which stated that the landlord was under no obligation to sign a rental agreement with the family because “this ethnic group [...] traditionally prefers a migratory lifestyle and [...] can therefore not be regarded as average and suitable long-term tenants” (loc. cit.; own translation). A further appeal by the Central Council of Sinti and Romany people was rejected by the European Court for Human Rights for formal reasons. The court stated that the Central Council was not personally affected by the case (cf. *ibid.*).

<sup>24</sup> For a summary of the results, cf. Chapter 7.

a kind of “residual category” after controlling all other contributing factors. Control variables that can be used comprise duration of residence, generational status, socio-economic status, sex, children per household, cultural differences (operationalised as language skills), attitudes towards country of origin (intention to return, financial transfers to home country, identity or self-definition as German or non-German). One has to keep in mind, however, that it cannot be said with absolute certainty whether these “residual effects” have been caused by discrimination, or by other factors which have not been methodologically controlled. As for the housing market, Clark and Drever (2001) have conducted a similar study. Based on data provided by the Socio-Economic Panel (SOEP), they have isolated the effects of several factors on the living space that residents have at their disposal. They have concluded that the living space available per person is determined by the following factors: income, age of the householder, ownership, urban versus rural area, number of household members and, as a separate factor, ethnicity. (For an older study drawing the same conclusions, cf. Eichener 1988).

Whereas discrimination in the access to the housing market has been investigated by relatively few studies, there is a large number of studies focussing on (ethnic) segregation (cf. e.g. Friedrich-Ebert-Stiftung 1998; Heitmeyer/Dollase/Backes 1998; Friedrichs 2000; Bremer 2000). These publications comprise empirical studies on the segregation of ethnic minorities as well as theoretical considerations and policy recommendations (for further details, cf. Chapter 7.4).

## **6.6 Gap analysis**

Apart from a general provision against discrimination contained in the Basic Law (Art. 3 Grundgesetz, “Drittwirkung der Grundrechte”), Germany has no specific legislation preventing discrimination on the housing market. Consequently, there have been no court cases or rulings dealing with this matter. As Germany has also failed to set up a national registration and monitoring system, it is impossible to provide any reliable data on the extent of discrimination on the housing market and recent developments. As discrimination surveys face severe methodological obstacles, there have been only few studies so far focussing on discrimination on the housing market. Most of the studies that have been published only register cases of perceived discrimination.

## **7 Analysis of direct and indirect discrimination**

Chapter 6.2 has shown that non-German households form a disadvantaged group on the housing market, as exemplified by their average occupancy or density, equipment and facilities, rent, home ownership, security of rental contracts and the quality of life in the surrounding area. As already mentioned, one would jump to conclusions if these differences were only to be accounted for by nationality or ethnic origin. Other factors, such as income and social class, do certainly also play a major role in determining a person’s access to the housing market.

However, an analysis of respective data (published in 1988) has shown that even if other categories such as income and social class are methodologically controlled, differences persisted between the housing standards of German and non-German households. One striking result, for example, was the fact that non-German residents often lived in flats without a bathroom or central heating even if their household income was relatively high. Consequently, non-German residents were not only disadvantaged by their “low-income levels and working-class status” (cf. Eichener 1988), but also on the grounds of their ethnic origin. A more recent analysis of SOEP data has also confirmed that foreign-resident status has by itself a negative impact on the average living space that residents have at their disposal (cf. Clark/Drever

2000). Other studies which have focussed on perceived discrimination on the housing market have also drawn the same conclusion, i.e. non-German residents face discrimination on the housing market.<sup>25</sup>

In a local study about Frankfurt (Straßburger 2001; 3B0010), about 800 people with a migration background were interviewed specifically about discrimination they have personally faced in Frankfurt because of their skin colour. More than half (54.9 %) of the interviewees stated that they have been faced with general discrimination, whereas more than a third (36.1 %) even had to face open insults. The survey also asked about the areas where interviewees have perceived discrimination. The results showed some gender-specific differences. Whereas male interviewees mostly cited problems with police officers and nightclub bouncers, female respondents quoted contacts with administrators and landlords as the main source of discrimination (cf. Table 15 in the Annex).

The so-called Multi-Topic Survey, which interviewed 1,000 Turkish migrants in North-Rhine Westphalia in 1999, also found that the housing market was the most frequent source of perceived discrimination. All in all a quarter of all interviewees has experienced discrimination. Among those 40.5% of the interviewees over 30 years of age, and 45% of those under thirty stated that they have been discriminated against on the housing market (cf. Sen /Sauer/Halm 2001, 38ff.).

The Representative Survey of 2001 (Bundesministerium für Arbeit und Sozialordnung 2002; 1B0030) stated that 30% of Turkish, Italian and Greek residents had reported difficulties in finding their current flat. When interviewers asked more specifically about the main problem, the most frequent answer was that the rent was perceived as too high. Other difficulties quoted by interviewees comprised the time it took to find a flat, the limited number of offers and the assumption that landlords refuse to accept non-Germans as tenants. 43.6% of the Turkish interviewees who stated that they had faced major difficulties in finding a flat reported that this discrimination happened because of their nationality compared to 22.4% of Greeks and 17.8% of Italians (cf. Table 16 in the Annex).<sup>26</sup>

Even though the evidence provided by these studies clearly shows that discrimination exists on the housing market, there are several additional factors which account for differences between the living conditions of German and non-German residents. One of the most important ones is household income, which in turn is directly linked to a person's position on the job market.

### **7.1 Link between residential areas and (un)employment**

Due to structural economic changes leading to a considerable decrease in the employment opportunities for semi- and unskilled labour, the last years have witnessed an above-average increase in the unemployment rate of non-German residents. In 2002, more than 18% of non-German workers were registered as unemployed.

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<sup>25</sup> Most of these studies have not been specific housing studies, but general studies about the living conditions of migrants. Consequently, there are few specific questions on housing conditions, the only question usually being whether a person has faced discrimination when trying to rent or buy a flat.

<sup>26</sup> One has to keep in mind, however, that there is no direct causal link between prejudices and discrimination (c.f. e.g. Farley 1988, 40ff.; Heckmann 1992, 125ff.). For example, a person that is not prejudiced could still discriminate against non-Germans in the case of social pressure, for example by his peer group. Conversely, a prejudiced landlord might still let his flat to a non-German resident if his hostile attitudes are overruled by his business interests.

As for the housing market, one also has to ask the question if "the ethnic composition of the population in a specific residential area [...] cannot by itself determine the economic value of a property" (cf. Häußermann/Siebel 2001, p.26). Real estate owners, especially in upmarket residential areas, often fear that inflows of migrants could result in German families leaving the area, which in turn could trigger a drop in rents and in the attractiveness of a residential area. This could set off a mechanism that excludes non-German residents from the housing market for economic reasons.

When unemployment statistics are differentiated according to nationality, it becomes obvious that Turkish workers in particular have been affected by rising unemployment. The unemployment rate among Turkish labour rose to 22.7% in 2002. The unemployment rate among Portuguese and Spanish workers amounted to approximately 12%, lower than the rate for Turkish residents, but still higher than that of Germans. The unemployment rate of Italians and Greeks was about 16% (for further details, cf. Table 17 in the Annex). In absolute figures, no fewer than 155.593 Turkish residents were registered as unemployed during the year 2001.<sup>27</sup>

Whereas employment in the secondary (industrial) sector has plummeted (where the number of non-German workers was comparatively high), employment figures in the tertiary (service) sector have been increasing for both German and non-German workers. Non-German workers, however, are less frequently to be found in qualified service jobs.

The main cause of this gap in employment and risk of unemployment is to be found in the insufficient qualification levels of many non-German workers. The same is true for younger non-Germans, even those born in Germany, who are still far from reaching the same qualification levels as their German peers.

The lower qualification levels of migrants, in comparison to German workers, are reflected by a variety of other factors, above all lower income levels. In 2001, 22.8% of non-German households had to live on less than DM 2.500 DM<sup>28</sup> per month, whereas the same is true for only 19.4% of German households. Conversely, 47.2% of German households (compared to 27.6% of non-German households) had a monthly income of more than DM 4,000 at their disposal (cf. Table 18 in the Annex). This gap becomes even more obvious when family incomes are compared. In 2001, 38% of non-German families (parents with children) had less than DM 3,000 at their disposal, compared to 10% of German families. Conversely, almost 45% of German families had more than DM 5,000 at their disposal, in contrast to only 17% of non-German family households (cf. Statistisches Bundesamt 2001, p.46f.). If the data is differentiated according to country of origin, it becomes obvious that workers from Turkey and the former Yugoslavia earn significantly less than Greek and Italian residents (cf. Table 19 in the Annex).

These differences in average monthly income have an impact on housing standards, as housing standards on a mainly private real estate market depend on household income. As income levels of non-German households are comparatively low, and household size (number of household members) tends to be larger, these families cannot spend as much on rent as many German households. In consequence, many non-Germans live in smaller and more poorly equipped flats.

The main goal of urban planning and public housing policy in Germany being to safeguard adequate housing for all residents, the public sector has invested in and attempted to regulate parts of the housing market. Next to financial housing support, which is allocated to all residents who do not reach a certain level of income, the main instrument of public intervention is the building and allocation of publicly supported housing. Public housing refers to flats whose construction has been supported by public subsidies, and which are then offered to low-income households at a reduced rent. Households below a certain income level are granted a so-called "*Wohnberechtigungsschein*" (accommodation entitlement document; according to §9 Par.2 WoFG – Public Housing Act). According to this law, a four-person household with an annual net income below € 27.200 is eligible for publicly supported housing. EU citizens and third-country nationals have the same entitlements if they have been granted an unlimited residence permit, or a temporary one for at least one year.

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<sup>27</sup> For further details on unemployment (e.g. data on educational and qualification standards), cf. Employment Study.

<sup>28</sup> 1 Euro = 1.95583 DM



The Representative Survey 2001 has shown that 24.8% of Yugoslav residents live in publicly supported housing, the highest proportion of all ethnic groups. 18% of Turkish residents live in public housing, a decrease by 7% over previous years (cf. Bundesministerium für Arbeit und Sozialordnung 2002; 1B0030; cf. Table 20 in the Annex). However, this decrease in public-housing occupancy of Turkish residents is mainly due to the decreasing number of public housing units and the growing non-German population (cf. Häußermann/Siebel 2001, p.23).

Legal entitlements to public housing do only guarantee that an entitlement document is issued, but not that an adequate public housing unit is allocated. As the overall number of public housing units has fallen, and demand on several regional markets is high, this can lead to long waiting periods before a public housing unit can be offered for rent. In addition, authorities do only allocate a flat if it fits the household size of applicants. A four-person household, for example, can be allocated a flat with a maximum of 90 sq. m., or a maximum of four rooms.

In order to prevent segregation, many public housing estates have imposed quotas for migrant households. These well-intentioned quotas have led to a situation where non-German households often have to endure longer waiting periods. For example, a free flat cannot be let to a non-German family if respective quotas have been exhausted. For some migrant families, this can be highly problematic, as revealed by an initiative of the Green parliamentary party in the Frankfurt town council (cf. [http://www.stvv.frankfurt.de/PARLISLINK/DDW?W=DOK\\_NAME='NR\\_1050\\_2003'](http://www.stvv.frankfurt.de/PARLISLINK/DDW?W=DOK_NAME='NR_1050_2003')): In 2001, the allocation quota of non-German households in Frankfurt was only 20.3%, in comparison to 44% for all other households. In other words, the local public housing authority could only allocate a flat to every fifth non-German household, whereas every second German or equivalent<sup>29</sup> household could be allocated a flat.

The cut in subsidies for public housing, insufficient allocation of housing to migrants, and the overall decrease in the number of public-housing units have led to two negative developments: Firstly, long waiting periods for persons who are basically entitled to live in a publicly supported flat. Quotas for non-German households in particular have affected migrant families. Secondly, the remaining housing units are characterised by a high concentration of disadvantaged households and social problems, as in many cases flats can only be allocated to the most disadvantaged households.

The overall trend towards privatisation and market-orientation on the housing market has led to a situation where low-income households, many of them migrant families, are finding it increasingly difficult to obtain adequate housing. The trend towards redeveloping real estate and transforming rented accommodation into owner-occupied apartments has also contributed to this increasingly difficult situation.

## **7.2 Link between housing standards and discrimination**

Several studies have shown that non-German tenants constitute a disadvantaged group on the housing market, e.g. they have to pay more rent for a comparable flat. Apart from open discrimination on the part of the landlords, the main cause of the disparity is probable to be found in structural mechanisms. As non-German residents for several reasons (e.g. lack of information, lower income levels, subjective orientation, discrimination<sup>30</sup>) only have access to some sectors of the housing market, these sectors are characterised by increased demand. Consequently, landlords can here ask for higher rents than it would normally be possible for flats of that standard (cf. Häußermann/Siebel 2001, p.26).

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<sup>29</sup> Quotas for migrant households do not include bi-national couples, of which one partner owns the German citizenship, Foreigners, who live in Germany on a legal basis for 15 years without interruption, and citizens of the EU.

<sup>30</sup> cf. Chapters 7.1 and 7.3.

### 7.3 Link between discrimination and other variables

Academic discourse has identified various factors contributing to discrimination against non-Germans on the housing market. One problem, for example, is that families with many children face particular difficulties in finding a flat. One of the groups which is affected most by this state of affairs are Turkish residents, who on average have a higher fertility rate than the German population (cf. Table 8 in the Annex)

The duration of residence constitutes another factor, as already mentioned in Chapter 6.2, since new arrivals tend to be faced with above-average rents (cf. Bremer 2000, p.167).

Thirdly, lack of information, e.g. due to the fact that local information media are not used, has been identified as another cause of being disadvantaged on the housing market. As migrants are less likely to read or place ads in newspapers, or use the services of real estate agents, they often acquire information about vacancies by hearsay, for example through friends and relatives who themselves only have a limited access to the housing market. The same is true if migrants support each other in finding suitable accommodation (cf. Häußermann/Siebel 2001, p.24; Bremer 2000, p.165).

Furthermore, if migrants lack information on publicly supported housing or the effect that renting public housing might have on their residence status, this lack of information may entail that non-German residents fail to take advantage of the possibilities offered by public support and housing programmes.

The factors mentioned so far do all contribute to being disadvantaged on the housing market, but they are not confined to migrants only. Large German families or German nationals moving within Germany often also face difficulties in obtaining adequate housing. Therefore these factors have to be distinguished from the impact of somebody's nationality or ethnic origin as such. Research has repeatedly revealed that individual groups of migrants face various degrees of unequal opportunities and discrimination (c.f. e.g. Straßburger 2001; p.193f.; 3B0010; Bundesministerium für Arbeit und Sozialordnung 2002; 1B0030). Among migrant groups that have been surveyed regularly, Turkish residents have repeatedly been identified as the group that is affected most severely by discrimination. On the whole, we can also assume that a link exists between being instantly recognisable as a migrant and being discriminated against (cf. Sen/Sauer/Halm 2001, S. 36).

These results have also been confirmed by research on social distance. Sinti and Romany people, for example, are among the groups that are affected most by the effects of social distance. According to a 1994 survey by the Emnid Institute, 68% of Germans would reject "gypsies" as their next-door neighbours (cf. Mihok/Widmann 2001, p.42). An analysis of the data provided by the General Population Survey in 1996 (ALLBUS)<sup>31</sup> has also shown that Italian residents are more welcome as neighbour than Turkish residents, both in East and West Germany (cf. Böltken 2000, p.166ff.). If one includes ethnic German immigrants (*Aussiedler*) and asylum seekers, the result is that even though *Aussiedler* face a higher level of rejection than Italians, they are still more accepted than Turks (cf. Illustration 1 in the Annex). These results have also been confirmed by another General Population Survey<sup>32</sup>, which was conducted by the research institute Marplan (cf. Steinbach 2003, p.100). In terms of social distance, Germans tend to accept Italians and Greeks, whereas levels of social distance are highest concern-

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<sup>31</sup> *Allbus* is a biennial long-term survey of population trends, focussing on attitudes and social change in Germany. The survey is based on a random disproportionate sample of West Germans (including residents of West Berlin) and East Germans (including residents of East Berlin), i.e. it surveys people who were born after 1<sup>st</sup> January 1978 and live in private households. In 1996, the survey also focussed on attitudes towards ethnic minorities and immigration (for further details, cf. <http://www.gesis.org/Datenservice/ALLBUS/Daten/all1996.htm>).

<sup>32</sup> The survey interviewed 2,544 persons, 5% of whom were non-German residents. Their responses were not included in the social-distance data.

ing Turkish and Vietnamese nationals as well as migrants from Africa, with *Aussiedler* taking again an intermediary position.

Other analyses of ALLBUS data have confirmed the positive correlation between perceived social differences (regarding somebody's lifestyle) and social distance (cf. Steinbach 2003, p. 103ff.; Böltken 2000, p. 166ff.): The survey found that perceived differences were most significant concerning asylum seekers. 82.1% of the people surveyed responded that their own lifestyle differed significantly from that of asylum seekers. Respective figures for *Aussiedler* were 44.2%, and for Italians 23.8%, i.e. Italian residents were perceived as different by less than half of respondents, compared to *Aussiedler* (cf. Illustration 2 in the Annex). The main factors determining the perception of cultural differences have been identified as follows: outer appearance, i.e. instantly recognisable differences concerning physical features, the size of the minority group as well as segregation levels in housing. The latter also affect *Aussiedler*, who face higher levels of social distance than Italian residents (cf. Steinbach 2003, p.107).

#### **7.4 Multi-ethnic residential areas: sources of integration or conflict?**

As already mentioned in Chapter 5.1, urban planning and housing policy in Germany has always aimed at desegregation and social redistribution, i.e. improving the housing standards of working-class and disadvantaged families and establishing socially and ethnically diverse residential areas.

However, political and academic discourse has failed to reach a consensus on whether segregation has to be accepted or avoided. In the following, we will summarise the arguments of both sides, the proponents and opponents of desegregation (for further details, cf. Häußermann/Siebel 2001, p.43ff.):

##### **1. Economic arguments**

Opponents of segregation have pointed out that residential areas with a high proportion of low-income and non-German households are characterised by a below-average level of goods and services, due to the limited purchasing power of residents. In effect, this disadvantaged status prevents that residents from other social classes move to these areas, or conversely, leave these residential areas. As a consequence, real estate owners cut back on their investment, reinforcing the tendency towards segregation.

Proponents of segregation, on the other hand, have expressed the view that segregation can be economically advantageous for migrants. For example, residents of an ethnic colony, i.e. members of the same ethnic group or even relatives, can support each other (e.g. provide employment or advice on housing and administrative matters). Furthermore, ethnic colonies are said to provide opportunities for migrants who want to start their own business, as they have no difficulties in finding employees and customers.

##### **2. Political arguments**

Proponents of desegregation argue that socially diverse residential areas are home to residents with a wide variety of social and political resources and competence. Consequently, local residents have the necessary resources to further their own interests, whereas residential areas with a high proportion of low-income and non-German households face great difficulties in making themselves heard, for example politically.

On the other hand, proponents of desegregation have expressed the view that multi-ethnic districts can pool the political clout of its various groups of residents. Consequently, local residents can further their interests and migrants find it easier to get organised.

##### **3. Social arguments**

Opponents of segregation have pointed out that residential areas with a high proportion of low-income and non-German households restrict social contacts between minorities and other

social groups, the effect being restricted opportunities and lack of social networks. In addition, segregated neighbourhoods contribute to the development of ethnic colonies, which could eventually lead to parallel societies and increase perceived differences and social distance. This in turn could lead to hostile attitudes on the side of German neighbours, and thus reinforce social distance and prejudices.

Proponents of segregation, on the other hand, have argued that ethnic colonies are “an attractive offer for the residents of a town or city” (ibid.; own translation) which, for example, offer exotic restaurants and shopping opportunities. Furthermore, non-German residents who have formed an ethnic colony are protected against isolation and alienation.

#### **4. Contact hypothesis / Conflict hypothesis**

The main assumption of the contact hypothesis is that the number of social contacts will increase if people live next to each other, and that increased contacts entail a learning experience which will lead to more mutual understanding. If people learn more about the other group, they will be more tolerant. Tolerance, finally, will foster integration.

The proponents of segregation, on the other hand, follow a completely different line of argumentation: “Having no social contacts, i.e. segregation, is seen as a means of avoiding conflicts. If proximity between foreign or even hostile population groups is forced, this will intensify conflicts. Therefore the problem is not too much segregation, but too little segregation” (ibid.).

How can this apparent contradiction, i.e. the assumptions that segregation does both prevent and contribute to the peaceful coexistence of different cultures and the integration of migrants, be resolved? And what are the consequences for urban planning and a housing policy aiming at socially diverse residential areas and integration. The answer is that it is not necessary to choose only one of the two options exclusively.

The Federal Government Commissioner for Foreign Resident Affairs (2002, p.324), for example, has pointed out that “all the problems faced by residential areas with a high proportion of non-German residents notwithstanding – particularly those areas that are also characterised by a large proportion of socially disadvantaged residents – positive integration effects occur.” Particularly as far as initial integration is concerned, inner-ethnic networks can provide support and emotional stability”. However, if migrants live permanently within an ethnic colony and lack an orientation, even in the second generation, towards the majority society, this can lead to isolation and exclusion (for further details, cf. Häußermann/Siebel 2001, p.55ff.

## **8. Strategies, initiatives and examples of good practice**

As illustrated previously in this study there is no adequate protection from ethnic discrimination on the housing market in German legislation yet. For that reason no examples for good practice can be given in the area anti-discrimination legislation and successful jurisdiction.

There is, however, a large number of initiatives and programs to decrease the discrimination against migrants in the area of housing as the living situation of migrants is considered the decisive starting point for social and economic integration. To simplify matters these measures can be categorised into “Improvement of the housing environment”, “Improving the availability of housing” and “Improving relationships in the neighbourhood”.

It is remarkable that – in contrast to the areas education or labour market – the target groups of these measures are very rarely only inhabitants with migration background. In most cases the initiatives approach German inhabitants, political persons involved and housing companies as well.

For that reason firstly an initiative will be described in the following which also includes other target groups, but which mainly focuses on reducing discrimination against migrants in housing. Following that, individual programs will be presented which main objectives are the improvement of relationships in the neighbourhood and the enhancing of the value of disadvantaged housing districts. Special emphasis here is in the program „Stadtteile mit besonderem Entwicklungsbedarf – die Soziale Stadt“ (City districts with special need for development – the Social City) which has been financed by the federal level as well as the federal states and is implemented in 357 individual projects in Germany. After a general description two selected projects within this program will be presented.

## **8.1 Anti-discrimination work in the area of housing**

### **The Planerladen e.V.**

The „*Planerladen – Verein zur Förderung demokratischer Stadtplanung und stadtteilbezogener Gemeinwesenarbeit e.V.*“ (Planerladen – Association for the promotion of democratic urban development and city district-related community work) has been existing since 1982 in the district Nordstadt in Dortmund. The non-profit association is politically independent and member of the Paritätischer Wohlfahrtsverband. The association’s objective is the improvement of living and housing conditions of the inhabitants of Nordstadt, with special emphasis on disadvantaged groups. Therefore migrants are an important target group.

### ***Anti-discrimination project in the area housing***

Since 1997 the “Anti-discrimination project in the area housing” has been carried out by the Dortmund Planerladen e.V., which has been financed by the federal state North Rhine Westphalia. The funding of this large-scale project was raised from the federal state program “Promotion of measures and initiatives against racism, xenophobia and discrimination as well as peaceful conflict management in city districts with special need for redevelopment”. It is the objective of the project to systematically record the living situation of migrants living in the Nordstadt of Dortmund, a city district with a reputation of a “social hot spot”. In addition, various measures against the discrimination of migrants on the housing market shall be developed and actively tested. For example, these measures include

- information campaigns
- public relations work
- information for tenants
- counselling for housing benefits
- counselling and organisational assistance of inhabitants’ initiatives and a neighbourhood forum.

Among others, the following activities of the Planerladen e.V. are described with regard to information for tenants and counselling for housing benefits as well as the modernisation project Uhlandstraße:

### ***Information for tenants and counselling for housing benefits:***

Due to language barriers and insufficient knowledge of the administrative structures migrants are often not able to assert legal possibilities or existing claims. For that reason they comparatively often become victims of arbitrary rent increases and discriminating practices of (private) landlords. Targeted and local information is therefore an important part of strategic measures against discrimination in housing. In co-operation with the Tenants’ Association Dortmund e.V. the Planerladen e.V. has carried out 18 information events until the end of 1999, in which an average of 10-15 inhabitants of the city districts in question participated. In the information events general information on the law of landlord and tenant was provided and this was illustrated by presenting concrete cases that happened to in the district.

The offer of counselling for housing benefits was carried out every three months between mid 1997 and fall 1998 in co-operation with the Housing Office of Dortmund. The first two of five information events in total were used to provide general information on the topic housing benefits, whereas the following events provided the opportunity of individual counselling. At the end of 1998 the local counselling service had to be stopped due to staff shortage from the Housing Office's side.

The counselling of tenants and the counselling for housing benefits was carried out in Turkish and, if need be, Croatian if the competence in German was not sufficient.

### **Modernisation project Uhlandstraße**

The Uhlandstraße is part of those areas in Nordstadt where there have been no redevelopment activities for years. Consequently, the buildings are dilapidated, more and more German tenants moved out as the structure of the buildings was in such a poor condition. At the beginning of the 1990s 95% of the tenants in this street were migrants. During the 1990s tenancy agreements for a large number of apartments in the Uhlandtstraße were foreclosed by the proprietors in order to push profit-oriented redevelopment and sales as luxury apartments or flats. The tenants were forced to sign new tenancy agreements or were offered more expensive flats elsewhere. Because of the large number of migrants the proprietors of the housing estate counted on little resistance from the tenants' side. Some of the tenants, however, fought against the proprietor's strategy with active support by the Tenants' Association of Dortmund and the Planerladen e.V. The Planerladen e.V. took over counselling services, accompanied the tenants' resistance by organisational activities and by providing advice and actively participated in public relations work addressing the administration, political persons involved and the media.

The Planerladen considers the abolishment of a foreigner's quota for housing with reserved occupancy one of its remarkable successes. After the implementation of projects in the Nordstadt further objectives for 2001 were formulated. Those were

- securing the migrants' freedom to choose their housing location, including an initiative to open housing locations which have been blocked out for migrants up to that time;
- promoting the purchase of real estate by migrants;
- starting a political discourse in housing administration, economy and politics which is not based on thinking in ethnic categories.

For its work in the area promoting democratic urban development strategies and city district-related community work the Planerladen e.V. has already won several awards, for example the „Robert Jungk Preis NRW“ in 1999, the „Bürgerumweltpreis 2001“ of the city of Dortmund as well as the „Preis Soziale Stadt 2000“ together with the Project Association Nordstadt. A documentation of the Planerladen's activities can be seen at [www.planerladen.de](http://www.planerladen.de).

## **8.2 Improving relationships in the neighbourhood as well as enhancing the value of disadvantaged city districts**

### **8.2.1 Individual projects**

#### ***„Habitat“ – International Living at the Kronsberg***

The housing project „Multicultural living in Habitat residential estates“ is part of the EXPO estate in Hannover-Kronsberg. The international neighbourhood was established after extensive preparatory work (Survey of the tenants in 1996, planning competition in 1997, construc-

tion 1998-1999). The project was funded by the neighbourhood association Habitat e.V. as well as the Housing company Gundlach GmbH & Co. Staff and people involved in the project are a district manager (part-time), the chairmen of the tenants' association (four volunteers) as well as the 93 families living in the residential estate.

In total, the residential estate comprises 93 apartments with 40 different layouts, ranging from one-room-apartments to three, five and seven room apartments. A mixture of apartment types was deliberately chosen in order to meet different housing requirements. The apartments were designed according to the migrants' wishes on the basis of the survey. For that reason in 10% of the apartments special requirements of Muslim religious belief have been considered (e.g. toilets not in south-eastern direction (Mekka), central kitchen and combined apartments, which is a normal flat combined with a smaller, cheaper apartment for grandparents or independent children). In addition, a multi-religiously used praying room, common rooms with a tea kitchen and a central Boule and playground were provided.

Two thirds of the residents are German and one third non-German residents who are entitled to social welfare and have appropriate certificates, whereas the low number of migrants was explicitly determined by the residents.

The positive effect of the project is reflected in the friendly and helpful way the residents treat each other and also in the number of awards the project has already won (among others the "Sustainable Future Award" by the Social Venture Network Europe, the State Award for Architecture of the federal state Lower Saxony, the German Playground Award of the Children's Protection Association).

### ***Creation of green space "Im Rad" – a construction project***

It was the objective of this project located in Wiesbaden to jointly create the green space "Im Rad" together with all inhabitants of this residential area. Part of the residential estate is a temporary housing estate for ethnic German migrants. The project was initiated in order to bring the inhabitants of the residential estates closer together and to increase the attractiveness of the surroundings.

In October 2000 the working group „Arbeitsgemeinschaft Sozialer Brennpunkt e.V.“ (“Working Group Social Hot Spot e.V.”) started planning and organising the project. This included the submission of funding applications, political lobby work and the preparation of the construction weekend (building material, catering etc.). The residents were motivated by four full-time staff of the project to collect and discuss ideas for the creation of the green space. By visiting people at home information on the state of the project was provided and residents were encouraged to participate in the construction weekend. Finally, the 2400 square feet green space was laid out in October 2001 with the help of about 100 residents and two people in charge of the construction. Later the working group in charge initiated a ceremony to thank all the involved residents, sponsors and supporters. Taking over responsibility for the community as well as crossing culture and generation barriers considerably improved the relationship among the residents.

### ***„Intercultural conflict management“***

In the project “Intercultural conflict management”, a model project funded by the federal state Hesse, the Central Office for Social Existence in Offenbach am Main cooperated with the commissioner for foreigners of the police and the migrant counselling service of the Arbeiterwohlfahrt (AWO).<sup>33</sup> It is the objective to establish a pool of mediators with members (Germans as well as non-Germans) trained for the compilation of conflict analyses as well as the moderation in conflicts. The qualification program comprises two training modules lasting 14 days each as well as six months practical instruction. The groups are mixed and include

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<sup>33</sup> The AWO is one of the independent welfare services in Germany.

trainees with migration background as well as Germans. In the mediation various methods of conflict management are applied. Participants of the mediator program are employees of administrative bodies (especially from Youth Offices), teachers (teaching in the language of the country of origin), the commissioners for foreigners of the police, urban social workers of the International Association, representatives of the district management of the program “Social City” and members of the Foreigners’ Council. At the moment the geographic scope of the project is limited to the eastern inner city (city district of the program “Social City”) as a very large number of migrants live there. It is planned, however, to extend the project to the whole city of Offenbach at a later stage. Another objective of the project are positive repercussions on the institutions of the participating mediators who pass on their experience by giving advice to colleagues or by supervision.

### **8.2.2 City districts with special need for development – the Social City**

The joint initiative “City districts with special need for development – the Social City” applies to town and city districts which are in danger of sliding to the fringe of society as a consequence of social-spatial segregation. These city districts are mostly densely populated in urban areas and have considerable deficits regarding the social structure, state of the buildings, the offers on the labour market, the level of education, the social and cultural infrastructure as well as the quality of the apartments, the surroundings and the environment.

The project intends to initiate development processes in the city district which will turn the problematic social areas into independent city districts with positive prospects for the future. In order to live up to these demands the federal states, in cooperation with the federal level, have to enforce the support for those city districts in various respects in order to achieve the desired change of trends.

Measures are, among others, activating the participation of residents, enforcing the local economy as well as establishing a social, educational and leisure infrastructure. It is also important to improve the standard of living within the district by redevelopment and modernisation. In this respect primarily the Offices for Urban Development, Planning Offices, Housing Offices, housing companies and the associations of housing economy are actively involved.

The initiative is a joint program by federal states and federal level. The number of program areas in 2003 amounted to 357 areas in 250 towns or districts.

As an accompanying measure the competition “Award Social City” has been offered since 2000. It will take place every two years. It is the objective to raise the awareness of the public for social problems, but also for activities in the city districts. In addition, people involved in cities, housing companies, charitable organisations and initiatives by citizens shall be encouraged to report and publish their own experiences in assisting various groups of residents.

The project has also been academically evaluated. The results of the evaluation can be found at <http://www.sozialestadt.de/veroeffentlichungen/arbeitspapiere/endbericht>. Aspects included in the evaluation were, among others, the cooperation and channelling of funds, the selection of program areas as well as the central fields of activity. Another important part of the evaluation was a number of good practice analyses. The evaluation criteria for the label “good” were primarily deduced from the objectives of the program Social City. The following criteria were considered, among others:

- The compilation of an *integrated action concept* e.g. by linking several fields of activity or by including the district-related concepts in development strategies for the whole city.
- An effective *district management* e.g. by efficient cooperation of the conceptual and operative level as well as by continuity of personnel and time.
- Successful *mobilisation and participation* e.g. by providing easy access to offers as well as a clear definition of processes and competences.



### ***Project 1: „Anlage von Mietergärten von Sintis“ (Laying out tenants’ gardens for Sinti people)***

The project “Laying out tenants’ gardens for Sinti people” is implemented in a district of Mannheim called “Frischer Mut”. In this residential area there is a high number of cheap apartments and council houses. Among the 1,200 people living there 34% receive welfare benefits and 39% receive housing benefits. The number of youths and children younger than 18 amounts to 40% and a large number of young people is without school leaving certificate. Almost 20% of the inhabitants belong to the Sinti people.

The project was started by a private initiative of several households laying out gardens in front of their houses. These activities were supported as part of the redevelopment project by the responsible housing company in cooperation with the district management (e.g. by providing soil and grass for the gardens in front of the houses). Although the project was organised by the district management and the housing company the residents were encouraged to organise themselves and participate actively in the decision-making process. Meetings were organised to give the residents the opportunity to state their opinion. The purchase of plants and gardening tools as well as the purchase of a small garden shed was mutually agreed. These purchases were financed by the residents.

By participating in the project the residents managed to organise themselves and to take over the responsibility for their gardens. The success of the initiative is of considerable importance as the majority of the residents is unemployed and therefore spends a lot of time at home.

### ***Project 2: „Nachbarschafts-TV“ (Neighbourhood TV)***

The project “Neighbourhood TV” which was originally initiated with funds of the Umlandverband Frankfurt and the city of Dietzenbach, was additionally financed by the Hessian Federal Office for Private Broadcasting later. Since 2001 it has been funded by the Hessian Ministry for Economy, Traffic and Regional Development as part of the program “Social City” and the Hessian Ministry for Social Affairs. The project is located in the residential estate “Rosenpark” in the district Dietzenbach, a small town south of Frankfurt am Main. The objective of the project is the mobilisation and encouragement of the residents to improve their own living situation. The residential estate is one of the so-called social hot spots: concrete blocs (Plattenbauten) house 3,300 people, a tenth of all people of Dietzenbach. Most of them are non-Germans from a variety of countries of origin, about 40% are younger than 16.

In 1996 the interest community of the proprietors initiated the project “TV by residents for residents” in order to inform the inhabitants about the situation in the “Rosenpark” estate. Printed paper was not considered the right medium of communication due to the residents’ lack of competence in German. After the cable company agreed to broadcast the program the Neighbourhood TV regularly broadcast multilingual information on refuse disposal, redevelopment projects and events happening in the residential estate. The film makers and translators were chosen among the residents. Since September 2001 two freelancers are contracted who are to produce programs together with the residents.

With the project described the existing potentials have been successfully activated and used in the district. In the residential estate “Rosenpark” the standard of living could be considerably improved by forging a stable alliance between the residents resulting from close cooperation.

### ***Partner programs of the “Social City”***

There are two partner programs on the federal level which explicitly relate to areas of the “Social City” program, the program „Entwicklung und Chancen junger Menschen in sozialen Brennpunkten (E & C)“ (Development and Opportunities of young people in social hot spots) by the Federal Ministry for Family, Senior Citizens, Women and Youth, as well as the pro-

gram “Integration von Aussiedlern“ (Integration of ethnic German migrants) by the Federal Ministry for the Interior. The cooperation of these programs is plausible as in the program areas of the initiative “Social City” a large number of young people as well as ethnic German migrants live.

The objective of the latter program is the social integration of ethnic German migrants as well as increasing the acceptance of this migrant group in the host society. This shall be achieved, among others, by establishing contacts between ethnic German migrants and local people, by introducing local existing institutions such as sport clubs, youth clubs or evening classes to the migrants as well as by strengthening the personality in order to prevent aggressions and danger of addiction.

Especially community-oriented projects are funded as well as projects that are initiated and accompanied by a local network for integration, as these networks ensure an optimum coordination of the individual programs. In 2001 about 1,300 projects could be supported, in cooperation with numerous associations, foundations, clubs, initiatives as well as administrative bodies on the local and federal level and in the federal states. The federal Agency for Administration is in charge of the program (see <http://www.soziale-stadt.de/programm/partnerprogramme/>).

## **9. Summary**

The access of most non-German residents to the housing market in Germany is not subject to any legal restrictions. Urban planning and housing policy in Germany have always aimed at preventing segregation and achieving a partial redistribution of wealth. In an international perspective, segregations levels on the German housing market are therefore relatively low, even though most cities have districts with a high concentration of non-German residents. However, experts have predicted that, mainly due to the cutbacks in publicly supported housing and construction, the situation is bound to deteriorate in future.

An analysis of available data has shown that even though housing standards of migrants have improved, the gap between non-German and German residents on the housing market persists. Migrants tend to live in smaller flats with fewer facilities, have to spend a larger proportion of their household income on housing, and are considerably less likely to live in attractive residential areas or to be homeowners.

This gap in housing standards is mainly due to differences in household income and social class. However, several studies have also drawn the conclusion that non-German residents face discrimination on the housing market. Some groups of migrants, above all Turkish residents and asylum seekers, seem to be particularly affected by discrimination. In general, the most disadvantaged groups are minorities who are perceived by the majority population as culturally different and who are faced with the highest levels of social distance.

Migrants can only integrate successfully into the housing market if the number and standards of available housing units meet the current demand. The supply of flats has to be sufficient for both German and non-German residents.

Apart from strengthening local economies and improving local infrastructure (support, education and leisure facilities), it is essential that housing standards in some residential areas are improved through modernisation, renovation and redevelopment. Apart from publicly supported housing, for example, the state could subsidise the renovation of older housing units if they are subsequently let to disadvantaged social groups. A positive example is the programme “The Social City”, which has been implemented by many municipalities all over the country (cf. Chapter 8.2).

Integration measures in disadvantaged residential areas should adopt a community approach, including both the resident German population and existing institutions and organisations. In order to foster integration, information campaigns and integration projects should also be opened inter-culturally, e.g. as far as institutions and administrations are concerned.

In addition, integration measures should not be restricted to one specific ethnic or cultural group, but should address specific problems faced by some social groups. Of course, exceptions to this rule are admissible in the case of minority groups that are highly segregated or excluded. Concerning these groups, the best approach would be to initiate preliminary measures addressing one particular ethnic group, in order to reach and mobilise these migrants. Similarly, integration measures should not be categorised according to the residence status of migrants, but address the entire resident population with a permanent residence status. Once again, there are exceptions to the rule if a specific target group cannot be reached that way.

Many municipalities have successfully implemented a cross-sectional integration approach in local residential areas, in line with the concepts supported by the programme “The Social City”. It’s important that Federal states evaluate local initiatives and extend successful integration projects to other districts with a high demand for social integration. Furthermore, they should institutionalise successful projects. New programmes should always be evaluated as to their sustainability and as to whether they can be institutionalised or put on a permanent basis. Regulations, subsidies and calls for initiatives should also focus on this aspect.

In general, integration measures should take advantage of existing resources of the target groups and follow an empowerment approach, i.e. use the abilities, resources and achievements of migrants and their organisations. For example, further training measures could be offered to migrants (language courses, time and project management, intercultural opening of migrant organisations).

In order to be able to evaluate integration trends on the housing market, regular surveys should be carried out, comparing the housing standards of the German and non-German population. In this respect, it is also essential that surveys compile data which is differentiated according to nationality or ethnicity, in order to be able to evaluate if some groups of migrants are particularly disadvantaged. In addition, data on residents’ and their parents’ place of birth should also be included, in order to be able to identify ethnic German immigrants and naturalised migrants as well as second-generation migrants. The latter is of particular importance as comparisons between first- and second-generation migrants are essential for evaluating inte-

gration success. In order to be able to assess the extent of discrimination, it is indispensable to control other social variables, above all income and social class.

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*Table 1: Development of publicly supported housing (in relation to total number of newly built housing units)*

Year	Housing units		
	completed units	publicly supported	
	absolute	absolute	in %
1950	371,900	319,400	85.9
1960	574,400	326,700	56.9
1970	478,100	165,100	34.5
1980	388,900	97,200	25.0
1990	256,500	90,700	35.4
2000	336,800	35,100	10.4

*Source: Datenreport 2002*

*Table 2: Distribution of asylum seekers among federal states*

Federal state	allocated quota
Baden-Württemberg	12.2
Bavaria	14.0
Berlin	2.2
Brandenburg	3.5
Bremen	1.0
Hamburg	2.6
Hesse	7.4
Mecklenburg-West Pomerania	2.7
Lower Saxony	9.3
North Rhine-Westphalia	22.4
Rhineland Palatinate	4.7
Saarland	1.4
Saxony	6.5
Saxony-Anhalt	4.0
Schleswig-Holstein	2.8
Thuringia	3.3

*Source: Asylverfahrensgesetz (AsylVfG: Asylum Procedure Act)*

Table 3: Comparison between actual distribution of ethnic German immigrants (Aussiedler) and allocated quotas 2002

Federal state	Total	allocated quota in %	actual quota in %
Baden-Württemberg	11,245	12.3	12.31
Bavaria	13,191	14.4	14.44
Berlin	2,461	2.7	2.69
Brandenburg	3,379	3.5	3.48
Bremen	768	0.9	0.88
Hamburg	1,942	2.1	2.10
Hesse	6,536	7.2	7.15
Mecklenburg-West Pomerania	2,636	2.6	2.55
Lower Saxony	7,872	9.2	9.14
North Rhine-Westphalia	20,018	21.8	21.88
Rhineland Palatinate	4,325	4.7	4.77
Saarland	1,307	1.4	1.42
Saxony	5,984	6.5	6.52
Saxony-Anhalt	3,544	3.9	3.88
Schleswig-Holstein	3,003	3.3	3.28
Thuringia	3,205	3.5	3.51
<b>Total</b>	<b>91,416</b>	<b>100</b>	<b>100</b>

Source: Bundesverwaltungsamt (Federal Administrative Office)

Table 4: Development of non-German population in cities

Year	Germans			Migrants		
	Total	of which: residents of cities		Total	of which: residents of cities	
		absolute	in %		absolute	in %
<b>1991</b>	74,392,333	22,862,133	30.7	5,882,267	3,014,847	51.3
<b>1993</b>	74,459,983	22,621,594	30.4	6,878,117	3,406,184	49.5
<b>1995</b>	74,643,634	22,282,702	29.9	7,173,866	3,550,568	49.5
<b>1999</b>	74,819,909	21,754,965	29.1	7,343,591	3,547,866	48.3

Source: Deutscher Städtetag, different volumes (German Association of Municipalities)

Table 5: Percentage of foreign population in federal states (as of Dec 31, 2001)

Federal state	Total population	Proportion of foreign nationals (absolute)	Proportion of foreign nationals (in %)
Germany	82,440,309	7,318,215	8.9
Baden-Württemberg	10,600,906	1,294,874	12.2
Bavaria	12,329,714	1,162,881	9.4
Berlin	3,388,434	440,777	13.0
Brandenburg	2,593,040	64,666	2.5
Bremen	659,651	80,097	12.1
Hamburg	1,726,363	261,108	15.1
Hesse	6,077,826	705,546	11.6
Mecklenburg-West Pomerania	1,759,877	35,142	2.0
Lower Saxony	7,956,416	532,797	6.7
North Rhine Westphalia	18,052,092	1,988,042	11.0
Rhineland Palatinate	4,049,066	308,169	7.6
Saarland	1,066,470	88,877	8.3
Saxony	4,384,192	110,185	2.5
Saxony-Anhalt	2,580,626	46,705	1.8
Schleswig-Holstein	2,804,249	153,328	5.5
Thuringia	2,411,387	45,021	1.9

Source: Statistisches Bundesamt (Federal Office for Statistics)

Table 6: Size of municipality and nationality (2001)

	Turks	Former Yugoslavs	Italians	Greeks
basis	1003	1005	1005	1009
Up to 2,000 inhabitants	0.8	0.1	-	-
2,000 up to 5,000 inhabitants	0.5	0.9	1.3	0.4
5,000 up to 20,000 inhabitants	6.6	8.3	8.0	7.1
20,000 up to 50,000 inhabitants	11.6	10.9	11.4	8.7
50,000 up to 100,000 inhabitants	3.2	3.1	4.8	2.7
100,000 up to 500,000 inhabitants	16.7	19.6	19.8	16.5
500,000 inhabitants and more	60.6	57.0	54.7	64.6
Sum	100	100	100	100

Source: Repräsentativuntersuchung 2001 (Representative Survey)

Table 7: Proportion of foreign population in residential areas according to nationality, 2001

	<b>Turks</b>	<b>Former Yugoslavs</b>	<b>Italians</b>	<b>Greeks</b>
<b>basis</b>	1003	1005	1005	1009
<b>yes</b>	44.2	32.3	20.2	27.2
<b>no</b>	49.5	60.4	71.8	62.6
<b>unknown</b>	5.9	7.3	7.8	10.1
<b>No information</b>	0.4	-	0.2	0.2
<b>Sum</b>	100	100	100	100

Source: Repräsentativuntersuchung 2001 (Representative Survey)

Table 8: Household size according to nationality (1995 and 2001)

	<b>Turks</b>		<b>Former Yugoslavs</b>		<b>Italians</b>		<b>Greeks</b>	
	2001	1995	2001	1995	2001	1995	2001	1995
<b>basis of survey</b>	987	991	976	932	984	1007	989	1008
<b>1 person</b>	11.5	12.8	21.4	18.4	28.8	24.4	24.1	20.5
<b>2 persons</b>	23.0	19.7	29.4	25.9	28.7	24.0	32.8	25.2
<b>3 persons</b>	18.7	16.3	18.6	22.8	16.1	18.7	18.1	19.9
<b>4 persons</b>	28.2	27.9	20.5	20.3	16.5	23.0	18.3	26.1
<b>5 persons</b>	13.8	15.2	7.2	7.7	7.4	6.8	5.1	5.7
<b>6 persons and more</b>	4.8	7.9	3.1	4.6	2.5	2.4	1.6	2.3
<b>no information</b>	-	0.2	-	0.2	-	0.7	-	0.3
<b>Sum</b>	100	100	100	100	100	100	100	100

Source: Repräsentativuntersuchung 2001 (Representative Survey)

Table 9: Living space in German and non-German households (1985 and 1998)

Year	<b>German households</b>		<b>Non-German households</b>		<b>Turkish households</b>	
	1985	1998	1985	1998	1985	1998
Living space per person (in square metres)	39	46	29	31	24	27
Rooms per person	1.6	1.8	1.5	1.3	1.0	1.1

Source: Clark/Drever 2001

Table 10: Facilities and equipment of German and non-German households (in %)

	German residents			Non-German residents		
	1984	1989	1998	1984	1989	1998
toilet	97.0	97.0	98.0	84.0	89.0	97.6
bathroom	97.0	98.0	98.2	76.0	85.0	97.3
central heating	81.0	84.0	92.9	53.0	58.0	83.7

Source: Häußermann/Siebel 2001

Table 11: Rent payments in relation to household income (East and West Germany)

Nationality	number of households	Monthly rent payments in relation to net household income (in%)							
		less than 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 35	35 - 40	more than 40
		%							
	1,000								
<b>Deutschland</b>									
Non-Germans	1,340	2.8	9.5	15.8	16.3	14.3	10.9	8.4	22.1
Germans	15,130	3.5	11.4	17.7	17.6	15.0	10.6	7.5	16.7
<i>total</i>	<i>16,470</i>	<i>3.4</i>	<i>11.2</i>	<i>17.5</i>	<i>17.5</i>	<i>14.9</i>	<i>10.6</i>	<i>7.5</i>	<i>17.2</i>
<b>West Germany</b>									
Non-Germans	1,300	2.8	9.5	15.9	16.4	14.3	11.0	8.3	22.0
Germans	11,337	2.5	9.2	16.4	17.7	15.8	11.6	8.2	18.7
<i>total</i>	<i>12,637</i>	<i>2.5</i>	<i>9.2</i>	<i>16.3</i>	<i>17.6</i>	<i>15.6</i>	<i>11.5</i>	<i>8.2</i>	<i>19.0</i>
<b>East Germany and East Berlin</b>									
Non-Germans	39	4.3	9.3	13.5	13.1	15.7	8.0	12.3	23.7
Germans	3,792	6.4	17.9	21.6	17.5	12.6	7.7	5.3	11.0
<i>total</i>	<i>3,831</i>	<i>7.2</i>	<i>20.1</i>	<i>22.2</i>	<i>16.9</i>	<i>12.4</i>	<i>7.0</i>	<i>4.8</i>	<i>9.4</i>

Source: Statistisches Bundesamt (Federal Office for Statistics)

Table 12: Duration of residence in current place of residence: Germans and non-Germans (East – West Germany)

Nationality	Total	year when household moved into flat			
		before 1981	1981 - 1990	1991 - 1995	1996 and later
		%			
	1.000				
<b>Germany</b>					
Non-Germans	1,752.5	14.9	20.3	26.9	36.6
Germans	32,065.0	41.5	20.4	18.4	18.6
<i>Total</i>	<i>33,817.5</i>	<i>40.1</i>	<i>20.4</i>	<i>18.8</i>	<i>19.6</i>
<b>West Germany</b>					
Non-Germans	1,707.6	15.1	20.6	26.9	36.0
Germans	25,796.3	45.7	20.3	18.6	18.1
<i>Total</i>	<i>27,50.9</i>	<i>43.8</i>	<i>20.3</i>	<i>19.1</i>	<i>19.2</i>
<b>East Germany and East Berlin</b>					
Non-Germans	44.9	6.2	9.1	24.5	59.7
Germans	6,268.7	39.9	20.8	17.3	20.9
<i>Total</i>	<i>6,313.6</i>	<i>39.6</i>	<i>20.8</i>	<i>17.4</i>	<i>21.1</i>

Source: Statistisches Bundesamt (Federal Office for Statistics)

Table 13: Proportion of homeowners according to nationality (1995 and 2001)

	Turks		Former Yugo-slavs		Italians		Greeks	
	2001	1995	2001	1995	2001	1995	2001	1995
<b>Basis of survey</b>	1003	1011	1005	1009	1005	1018	1009	1019
<b>own house /flat</b>	7.6	6.4	7.0	4.4	13.8	9.8	9.7	7.4
<b>rented flat / house</b>	90.8	91.7	90.1	88.0	84.1	89.1	88.4	91.5
<b>accommodation centre</b>	1.6	2.0	2.8	7.6	2.1	1.0	2.0	1.1
<b>Sum</b>	100	100	100	100	100	100	100	100

Source: Repräsentativuntersuchung 2001(Representative Survey)

Table 14: Proportion of German and non-German homeowners

Nationality	Total	of which					
		homeowners		tenants		subtenants	
	1,000	1,000	%	1,000	%	1,000	%
<b>Germany</b>							
Non-Germans	1,826.0	222.3	12.2	1,530.3	83.8	73.5	4.0
Germans	32,765.4	13,775.8	42.0	18,289.1	55.8	700.5	2.1
<i>total</i>	<i>34,591.4</i>	<i>13,998.1</i>	<i>40.5</i>	<i>19,819.4</i>	<i>57.3</i>	<i>774.0</i>	<i>2.2</i>
<b>West Germany</b>							
Non-Germans	1,778.6	220.1	12.4	1,487.5	83.6	71.0	4.0
Germans	26,380.3	11,784.7	44.7	14,011.6	53.1	584.0	2.2
<i>total</i>	<i>28,158.9</i>	<i>12,004.8</i>	<i>42.6</i>	<i>15,499.1</i>	<i>55.0</i>	<i>655.0</i>	<i>2.3</i>
<b>East Germany and East Berlin</b>							
Non-Germans	47.4	2.2	4.69	42.8	90.2	2.4	5.2
Germans	6,385.1	1,991.1	31.2	4,277.6	67.0	116.4	1.8
<i>total</i>	<i>6,432.5</i>	<i>1,993.3</i>	<i>31.0</i>	<i>4,320.4</i>	<i>67.2</i>	<i>118.8</i>	<i>1.8</i>

Source: Statistisches Bundesamt (Federal Office for Statistics)



Table 15: Institutions and situations in which discrimination has been experienced (multiple answers in per cent)

	% of mi- grants	males	females
Administrative body	37.5	37.2	37.7
Police	34.8	50.8	14.1
Looking for place to rent	33.5	30.8	37.7
School	32.4	28.8	37.2
Work place	31.5	36.4	25.1
In public transport	30.1	26.8	34.0
Looking for a job	28.8	31.6	26.2
Nightclub	26.6	43.6	5.2
others	22.8	22.8	23.6

Source: efms-Repräsentativbefragung 2000

Table 16: Difficulties in finding a new flat (according to nationality)

	Turks	Former Yugoslavs	Italians	Greeks
long duration	45.9	47.1	43.4	49.2
not enough offers	37.7	45.5	42.1	38.6
landlords reject non-Germans	43.6	30.8	17.8	22.4
landlords reject families with children	18.1	11.9	9.2	8.8
flat too expensive	77.0	78.9	76.5	77.6
inadequate facilities	5.7	4.9	11.1	9.8
others	2.4	4.1	4.1	3.7
no answer	-	-	0.3	-

Source: Repräsentativuntersuchung 2001 (Representative Survey)

Table 17 : Unemployment quotas of non-German employees according to countries of origin – West Germany (1991 - 2002)

Year 1)	Unemployment quota in total	Non-Germans in total 2)	Greece	Italy	Portugal	Spain	Fed. Rep. Yugoslavia 3)	Turkey
1991	6.0	10.6	10.1	11.2	5.8	6.7	6.5	11.0
1992	6.5	12.3	12.7	13.6	6.3	7.7	9.2	13.5
1993	8.3	15.3	17.4	18.3	9.7	10.8	11.0	17.4
1994	8.8	15.5	16.2	17.0	11.2	11.2	9.8	18.9
1995	9.0	16.2	15.8	16.2	12.3	10.6	8.8	19.2
1996	10.0	18.6	17.8	18.0	13.2	11.7	9.9	22.5
1997	10.7	19.7	19.0	18.9	13.4	12.6	9.8	24.0
1998	9.8	18.3	17.7	17.6	12.4	12.3	11.0	22.7
1999 <sup>4)</sup>	10.1	18.2	17.5	16.8	12.0	12.0	11.6	22.5
2000	9.0	16.0	15.4	14.7	11.1	11.3	10.4	20.2
2001 <sup>5)</sup>	9.0	17.4	15.6	15.7	12.5	11.9	13.7	21.9
2002 <sup>6)</sup>	9.5	18.4	16.3	16.6	12.7	12.5	13.9	22.7

Source: Federal Institute for Labour (Report of the Federal Government's Commissioner for Foreigner Affairs on the Situation of non-Germans in the Federal Republic of Germany)

1) in September

2) unemployed persons in % of the non-German employees

3) until 1991 the former Socialist Federative Republic of Yugoslavia (SFRJ), 1992 former SFRJ without Bosnia-Herzegovina, Croatia, Slovenia, from 1993 SFRJ without Bosnia-Herzegovina, Croatia, Slovenia. Information is provided on all persons that were registered in the Office for the Central Register of Non-Germans (Ausländerzentralregisteramt) with Yugoslavian nationality on the date of the data collection.

4) From 1999 to 2002 the data refer to East and West Germany

5) Annual average 2001; In the differentiation according to nationality the values are only comparable with the official unemployment quota to a limited extent, as the basis of reference only includes employees with occupation entailing the payment of insurance contributions plus unemployed persons.

6) In the differentiation according to nationality the values are only comparable with official unemployment quota to a limited extent as the basis of reference only includes employees with occupation entailing the payment of insurance contributions plus unemployed persons.

Table 18: Comparison of monthly net income of migrants and Germans per household: 1995 and 2001 (in %)

	West Germans		Turks		former Yugoslavs		Italians		Greeks	
	2001	1995	2001	1995	2001	1995	2001	1995	2001	1995
<b>less than 2500 DM</b>	19.4	20.9	22.8	23.7	29.2	32.3	23.7	24.1	21.3	22.3
<b>2500 – 3000 DM</b>	11.3	11.6	14.1	14.0	11.7	14.1	13.6	12.9	13.4	12.8
<b>3000 – 4000 DM</b>	22.1	22.7	28.1	24.8	22.7	19.7	23.6	21.8	24.0	22.2
<b>more than 4000 DM</b>	47.2	44.7	27.6	26.0	27.7	22.2	31.9	29.9	32.8	33.5
<b>No information /information refused</b>	*	*	7.3	11.4	8.7	11.8	7.2	11.4	8.5	9.3
<b>Sum</b>	100	100	100	100	100	100	100	100	100	100

Source: Repräsentativuntersuchung 1995 and 2001 (BMA 2002 - (Representative Survey))

1) 1 Euro = 1,95583 DM

Table 19: Monthly personal net income of non-German employees by nationalities, 2001

	Turks			Former Yugoslavs			Italians			Greeks		
	total	males	females	total	males	females	total	males	females	total	males	females
<b>basis (number of persons)</b>	467	382	85	559	389	170	643	473	170	620	423	196
<b>up to 630 DM<sup>1</sup></b>	1.7	1.2	3.8	1.0	0.0	3.4	0.4	0.0	1.6	0.7	0.4	1.2
<b>630 - 1000 DM</b>	3.3	1.9	9.7	4.6	2.7	8.8	5.4	3.0	12.0	3.3	1.2	7.8
<b>1001 - 2000 DM</b>	22.0	16.0	49.2	21.3	13.8	38.5	14.8	8.4	32.5	19.6	12.2	35.7
<b>2001 - 3000 DM</b>	48.3	53.4	25.5	47.2	52.5	35.1	48.4	53.2	35.1	45.6	49.9	36.4
<b>3001 - 4000 DM</b>	14.5	16.8	4.4	13.1	15.8	6.9	17.1	20.1	8.7	17.7	21.3	10.0
<b>4000 - 5000 DM</b>	1.9	2.1	1.0	3.5	4.9	0.0	4.0	4.5	2.9	4.0	5.3	1.0
<b>more than 5000 DM</b>	1.6	1.7	0.0	0.5	0.8	0.0	2.6	3.3	0.8	1.7	2.2	0.6
<b>No information</b>	6.7	6.8	6.5	8.7	9.4	7.2	7.3	7.6	6.5	7.4	7.6	7.0
<b>Sum</b>	100	100	100	100	100	100	100	100	100	100	100	100
<i>Mean value (DM)</i>	2,473	2,615	1,835	2,514	2,627	1,939	2,677	2,860	2,173	2,605	2,840	2,103

Source: Repräsentativuntersuchung (Representative Survey)

1) 1 Euro = 1,95583 DM

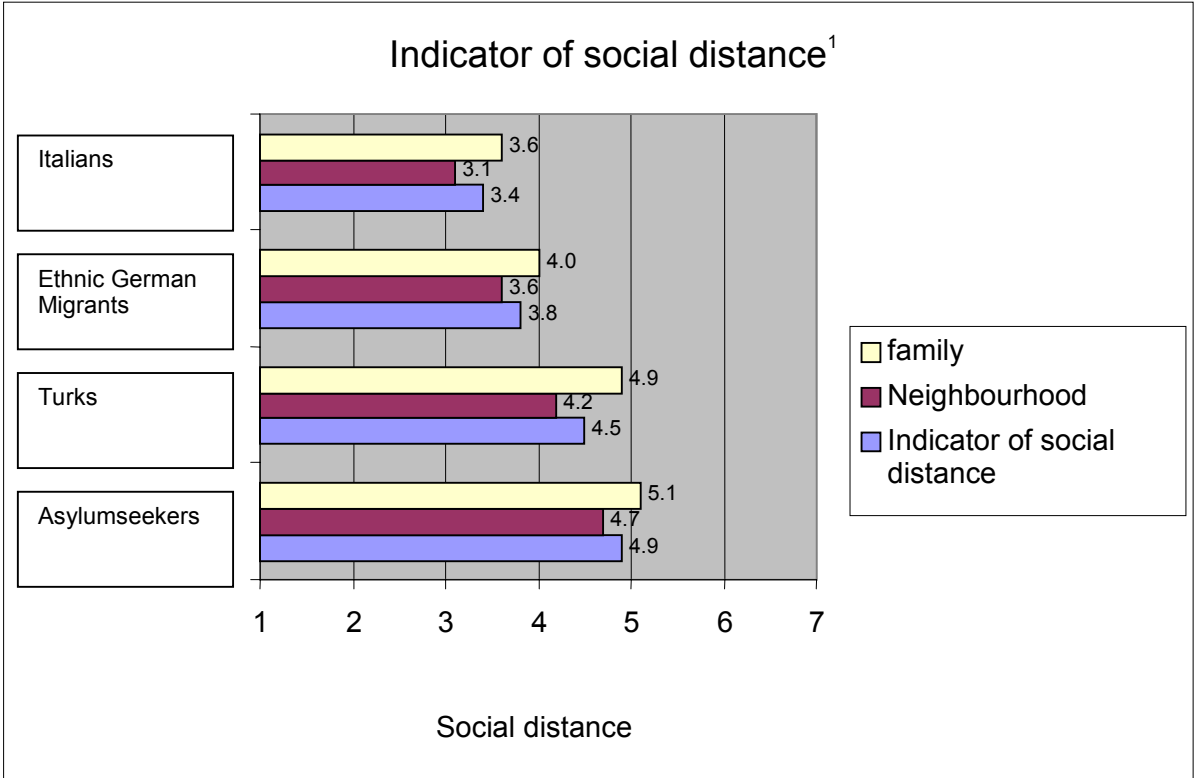
Table 20: Residency in publicly supported housing (in %): 1995 und 2001

	Turks		Former Yugoslavs		Italians		Greeks	
	2001	1995	2001	1995	2001	1995	2001	1995
<b>basis</b>	987	*	976	*	984	*	989	*
<b>yes</b>	17.9	25.6	24.8	25.2	10.2	11.8	13.1	10.6
<b>no</b>	81.2	73.5	74.5	73.6	89.6	86.6	85.8	87.9
<b>No information</b>	0.7	0.9	0.7	1.1	0.2	1.6	1.2	1.5
<b>Sum</b>	100	100	100	100	100	100	100	100

Source: Repräsentativuntersuchung 2001 (Representative Survey)

**12.4 Graphs**

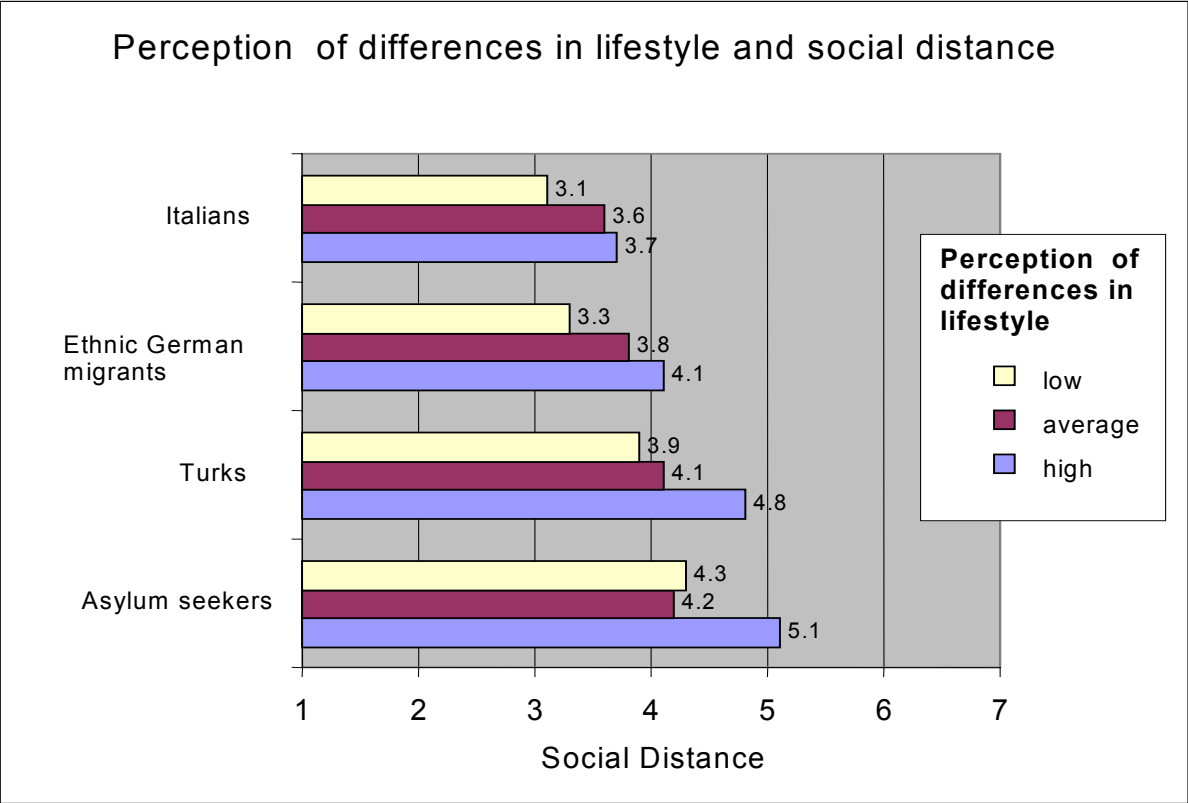
*Graph 1: Social distance towards different groups of migrants*



Source: Steinbach 2003, p. 102

<sup>1</sup>The social distance index measures the willingness of native Germans to get into contact with members of other ethnic groups. Higher figures correspond to greater social distance.

Graph 2: Correlation between perceived differences in lifestyle and social distance



Source: Steinbach 2003, p. 106

## 12.5 Background information

### 12.5.1 Non-German Population<sup>34</sup>

At the end of 2002 about 7.3 million people in total lived in Germany with a foreign nationality. This amounts to a share of 8.9% of the total population.

Table 21: Foreign nationals and total population of Germany 1991 - 2002

year	total population <sup>1</sup>	foreign population <sup>1</sup>	percentage of foreign nationals	change in foreign population (in %) <sup>2</sup>
1991 <sup>3</sup>	80,274,600	5,882,267	7.3	-
1992	80,974,600	6,495,792	8.0	+10.4
1993	81,338,100	6,878,117	8.5	+5.9
1994	81,538,600	6,990,510	8.6	+1.6
1995	81,817,500	7,173,866	8.8	+2.6
1996	82,012,200	7,314,046	8.9	+2.0
1997	82,057,400	7,365,833	9.0	+0.7
1998	82,037,000	7,319,593	8.9	-0.6
1999	82,163,500	7,343,591	8.9	+0.3
2000	82,259,500	7,296,817	8.9	-0.6
2001	82,440,400	7,318,628	8.9	+0.3
2002	82,536,700	7,335,592	8.9	+0.2

Source: Federal Statistical Office

1) as of 31<sup>st</sup> December. Registered as foreigners are all persons who do not possess the German nationality (including stateless persons and persons whose nationality is not clear). Persons with multiple citizenship, who are nationals both of Germany and an additional country, are registered as German citizens.

2) annual change, i.e. compared to previous year.

3) since 31<sup>st</sup> December 1991, data refers to German territory as of 3<sup>rd</sup> October 1990.

About a quarter of the foreigners (about 1.862 million people) come from a member state of the European Union, about a third of them Italians. 26% are Turkish nationals and about 14.5% had the nationality of one of the succession states of Ex-Yugoslavia.

Table 22: Non-German Residents in Germany according to the main nationalities 1990 - 2002

	Total	Turkey	Yugoslavia <sup>2</sup>	Italy	Greece	Poland	Croatia	Bosnia-Herzegovina	others
1990	5,342,532	1,694,649	662,691	552,440	320,181	242,013	-	-	1,870,558
1991	5,882,267	1,779,586	775,082	560,090	336,893	271,198	-	-	2,159,418
1992	6,495,792	1,854,945	915,636	557,709	345,902	285,553	82,516	19,904	2,433,627
1993	6,878,117	1,918,400	929,647	563,009	351,976	260,514	153,146	139,126	2,562,299
1994	6,990,510	1,965,577	834,781	571,900	355,583	263,381	176,251	249,383	2,573,654
1995	7,173,866	2,014,311	797,754	586,089	359,556	276,753	185,122	316,024	2,638,257
1996	7,314,046	2,049,060	754,311	599,429	362,539	283,356	201,923	340,526	2,722,902
1997	7,365,833	2,107,426	721,029	607,868	363,202	283,312	206,554	281,380	2,609,986
1998	7,319,593	2,110,223	719,474	612,048	363,514	283,604	208,909	190,119	2,831,702
1999	7,343,591	2,053,564	737,204	615,900	364,354	291,673	213,954	167,690	2,899,252
2000	7,296,817	1,998,534	662,495	619,060	365,438	301,366	216,827	156,294	2,976,803
2001	7,318,628	1,947,938	627,523	616,282	362,708	310,432	223,819	159,042	3,070,884
2002	7,335,592	1,912,169	591,492	609,784	359,361	317,603	230,987	163,807	3,150,389

Source: Federal Statistical Office

1) since 1991, data refers to German territory as of 3<sup>rd</sup> October 1990.

<sup>34</sup> Detailed „Data and Facts on the Situation of Foreigners“ can be found at [www.integrationsbeauftragte.de/daten/index.stm](http://www.integrationsbeauftragte.de/daten/index.stm).

2) Yugoslavia in 1992 comprises Serbia, Macedonia and Montenegro, from 1993 only Serbia and Montenegro.

Table 23: Residence status of non-German residents of selected nationalities (31st December 2002)

Nationality	Residence status <sup>3</sup>						
	Total <sup>2</sup>	Residence permit limited	Residence permit unlimited	Residence entitlement	Residence allowance	Residence authorisation	Toleration certificate
Turkey	1,912,169	634,920	652,176	450,830	10,298	31,244	15,032
Yugoslavia <sup>1</sup>	591,492	110,427	151,598	89,060	4,115	45,506	93,256
Croatia	230,987	40,398	93,347	77,414	7,819	1,455	1,830
Bosnia-Herzegovina	163,807	38,900	41,177	26,536	3,591	23,453	16,607
Macedonia	58,250	19,628	19,452	11,229	1,211	1,488	1,590
Slovenia	20,550	1,995	9,640	6,765	1,285	45	54
Poland	317,603	89,382	89,077	8,531	56,483	5,735	1,170
Russian Federation	155,583	53,536	62,852	482	11,581	2,502	3,340
Iran	88,711	17,452	29,946	7,097	2,599	9,114	3,425
Romania	88,679	22,333	18,350	740	15,989	2,156	931
Ukraine	116,003	22,357	73,735	129	8,212	959	815
Vietnam	87,207	27,025	22,649	5,896	1,820	9,575	8,795
Morocco	79,838	29,560	24,352	8,986	7,712	324	454
Afghanistan	69,016	9,630	14,123	256	297	21,675	9,606
Sri Lanka	43,634	14,432	9,753	3,353	353	4,996	2,359
Hungary	55,953	10,986	15,220	4,317	17,422	276	74
Lebanon	47,827	12,268	7,588	374	900	13,037	5,282
China	72,094	17,308	5,822	1,088	33,905	1,634	3,177
Tunisia	24,243	8,555	7,469	2,588	1,929	182	160
Bulgaria	42,419	7,498	5,805	1,077	16,490	226	170
India	41,246	13,657	7,040	3,334	4,902	324	2,085
Iraq	83,299	4,341	10,782	82	158	43,079	3,952
Kazakhstan	53,551	31,851	12,459	9	928	1,362	713
Pakistan	34,937	11,047	7,613	1,886	1,092	1,459	2,767
Syria	28,679	5,210	4,465	173	1,340	4,224	4,491
Thailand	45,457	18,310	18,718	2,449	1,982	81	125
<b>Total</b>	<b>7,335,592</b>	<b>1,648,949</b>	<b>1,996,799</b>	<b>783,048</b>	<b>325,061</b>	<b>264,032</b>	<b>226,547</b>

Source: Federal Statistical Office

1) Category includes all persons registered by the Central Register for Foreigners as Yugoslavian nationals (on a set date).

2) The difference between the sum of different residence titles and the category "total" is, at least partly, due to the fact that EU nationals are virtually exempt from residence regulations. About 397,282 EU nationals had a limited Residence Permit – EC, a further 516,075 persons an unlimited Residence Permit – EC.

3) Foreign-resident law in Germany differentiates between the following residence titles:

A *Residence Entitlement (Aufenthaltsberechtigung)* can be granted on application to foreign residents who have been legal residents of Germany for eight years, provided that further requirements are met (e.g. that applicants are able to earn their own living without resorting to welfare payments). Residence entitlements are the most secure residence title since they are unlimited, i.e. there are no restrictions concerning the duration and place of residence.

A *Limited Residence Permit (befristete Aufenthaltserlaubnis)* forms the basis for a subsequent permanent residence status. In accordance with the duration of the residence, the residence status becomes legally more secure. Residence permits are granted unrelated to the purpose of residence in Germany.

An *Unlimited Residence Permit (unbefristete Aufenthaltserlaubnis)* constitutes the first step towards a permanent residence status. The main condition is that the applicants have been legal residents (with a limited residence permit) for at least five years. If further requirements are met, applicants are entitled to receive this residence status.

A *Residence Allowance (Aufenthaltsbewilligung)* allows residence for a clearly defined purpose; consequently, it limits the duration of residence (e.g. for university students, contract workers).

A *Residence Authorisation (Aufenthaltsbefugnis)* is granted because of international law, or for humanitarian or political reasons. It can only be extended if these humanitarian grounds continue to apply. This residence status is granted to, among others, quota and civil-war refugees.

The *Toleration Certificates (Duldung)* constitutes a further legal title which, however is not classified as residence title. A toleration certificate provides temporary protection against deportation, without repealing the general obligation to leave the country.

59% of all non-Germans have been living in Germany for more than ten years. With regard to non-German employees and their families from former recruiting states this rate is even higher: 71.8% of the Turks, 76.4% of the Greek, 76.2 of the Italians and 78% of the Spanish people have been living in Germany for ten years or longer. Among the 7.3 million non-Germans 1.532 million (about 21%) were born in Germany; among the non-Germans under 18 years old the proportion of people who were born in Germany is more than two thirds (68.2%). How this is reflected in the **residence status** of the non-German population can be gathered from the table above.

Apart from considering the non-German population in Germany one must not forget that a large number of naturalized persons live in Germany, too. Looking at the naturalization figures makes clear that the number of migrants who naturalized between 1995 and 2002 has more than doubled. This development might also have been accelerated by the Law on the Reform of the Citizenship Bill from July 15, 1999 (in force since January 1, 2000) which makes it easier for migrants to obtain the German nationality.

Table 24: Naturalisation according to former nationalities 1995 - 2002

	Total	Turkey	Iran	Yugo- slavia	Afghani stan	Mo- rocco	Leba- non	Croatia	Bosnia- Herzogo- vina	Viet- nam
1995	71,981	31,578	874	3,623	1,666	3,397		2,637	2,010	3,430
1996	86,356	46,294	649	2,967	1,819	3,149	784	2,391	1,926	3,553
1997	82,913	39,111	919	1,989	1,454	4,010	1,134	1,789	995	3,119
1998	106,790	53,696	1,131	2,404	1,118	4,971	1,692	2,198	3,469	3,452
1999	143,267	103,900	1,863	3,608		4,980	2,515	1,648	4,238	2,597
2000	186,688	82,861	14,410	9,776	4,773	5,008	5,673	3,316	4,002	4,489
2001	178,098	75,573	12,020	12,000	5,111	4,425	4,486	3,931	3,791	3,014
2002	154,547	64,631	13,026	8,375	4,750	3,800	3,300	2,974	2,357	1,482

Source: Federal Statistical Office

### 12.5.2 Migration flows

Over the last ten years, migration flows to and from Germany have been influenced by several factors. One important factor was the **fall of the "iron curtain"**, which allowed migration outflows from the former Eastern-European bloc. As for Germany, it has led to an increase in migration inflows of ethnic German immigrants ("*Aussiedler*") and asylum applicants from Eastern Europe. Secondly, the **civil wars** in former Yugoslavia resulted in considerable migration inflows of war and civil-war refugees, especially in the early 1990s. Thirdly, labour migration from neighbouring states, particularly Poland and the Czech Republic, has increased, too. As for migration flows to and from Poland, a distinct culture of "commuter migration" has developed, i.e. Polish nationals enter Germany for a limited period of time in order to seek temporary work. In view of the planned expansion of the European Union toward the east, Germany will be in the centre of future migration flows involving Eastern-European nationals.



Table 25: Migration in- and outflows across the borders of the Federal Republic of Germany (1992-2002)

Year	Inflows			Outflows			Net migration (inflows – outflows)	
	Total	of which: non-Germans	Percent- age	Total	of which: non-Germans	Percent- age	Total	of which: non-Germans
1992	<b>1,502,198</b>	1,211,348	80.6	<b>720,127</b>	614,956	85.4	<b>+782,071</b>	+596,392
1993	<b>1,277,408</b>	989,847	77.5	<b>815,312</b>	710,659	87.2	<b>+462,096</b>	+279,188
1994	<b>1,082,553</b>	777,516	71.8	<b>767,555</b>	629,275	82.0	<b>+314,998</b>	+148,241
1995	<b>1,096,048</b>	792,701	72.3	<b>698,113</b>	567,441	81.3	<b>+397,935</b>	+225,260
1996	<b>959,691</b>	707,954	73.8	<b>677,494</b>	559,064	82.5	<b>+282,197</b>	+148,890
1997	<b>840,633</b>	615,298	73.2	<b>746,969</b>	637,066	85.3	<b>+93,664</b>	-21,768
1998	<b>802,456</b>	605,500	75.5	<b>755,358</b>	638,955	84.6	<b>+47,098</b>	-33,455
1999	<b>874,023</b>	673,873	77.1	<b>672,048</b>	555,638	82.7	<b>+201,975</b>	+118,235
2000	<b>840,771</b>	648,846	77.2	<b>673,340</b>	562,380	83.5	<b>+167,431</b>	+86,466
2001	<b>879,217</b>	685,259	77.9	<b>606,494</b>	496,987	81.9	<b>+272,723</b>	+188.272
2002	<b>842,543</b>	658,341	78.1	<b>623,255</b>	505,572	81.1	<b>+219,288</b>	+152.769

Source: Federal Statistical Office

### Groups of migrants

Groups of migrants can be differentiated, firstly, according to their legal status on entering Germany, and secondly, according to their residence title. These migration and residence regulations have a crucial impact on the living situation of migrants. For each migrant, it makes a huge difference whether he or she has entered Germany as an asylum seeker, contract worker or ethnic German immigrant ("Aussiedler"). In the following, we will outline the following **types of migration**:

- EU-internal migration
- labour migration
- asylum seekers and quota refugees
- ethnic German immigrant ("Aussiedler")
- Jewish migrants from the territory of the former Soviet Union<sup>35</sup>

<sup>35</sup> In addition to these types of migration, the following groups also have to be mentioned: Family and spouse migration of third-country nationals, war, civil-war and de-facto refugees, non-German university students. Further details on migration flows can be found on the following website: [www.integrationsbeauftragte.de/publikationen/migration2001.pdf](http://www.integrationsbeauftragte.de/publikationen/migration2001.pdf).

### ***EU-internal migration***

According to EU regulations (EEC Residence Regulations, as of 31st January 1980; EC Decree on Freedom of Movement, as of 17th July 1997) EU nationals enjoy freedom of movement within the European Union, provided certain requirements are given. First and foremost, gainfully employed persons (employees, self-employed persons and service providers) enjoy this privilege. In addition, spouses, direct descendants (children and grandchildren younger than 21 years) as well as parents and grandparents can accompany EU migrants, provided that the latter is able to provide for the maintenance of his or her family members. Europe's development from an economic community to a more deeply integrated European Union has given EU nationals and their family members the right to free movement within the EU, even if their migration to another EU-country is not economically motivated (EC Decree on Freedom of Movement, as of 17th July 1997). In 2001, a total of 120,590 EU citizens migrated to Germany. However, migration outflows of EU citizens leaving Germany amounted to nearly the same number of people (120,408). Consequently, there was no significant increase in EU citizens who are residents of Germany.

*Table 26: Migration in- and outflows of EU-nationals to and from Germany: 1990 -2001<sup>1</sup>*

	<b>total inflows</b>	<b>inflows of EU-nationals<sup>1</sup></b>	<b>percentage</b>	<b>total outflows</b>	<b>outflows of EU-nationals<sup>1</sup></b>	<b>percentage</b>
<b>1990<sup>2</sup></b>	1,256,593	118,421	9.4	574,378	85,108	14.8
<b>1991</b>	1,198,978	128,142	10.7	596,455	96,727	16.2
<b>1992</b>	1,502,198	120,445	8.0	720,127	94,967	13.2
<b>1993</b>	1,277,408	117,115	9.2	815,312	99,167	12.2
<b>1994</b>	1,082,553	139,382	12.9	767,555	117,486	15.3
<b>1995</b>	1,096,048	175,977	16.1	698,113	140,113	20.1
<b>1996</b>	959,691	171,804	17.9	677,494	154,033	22.7
<b>1997</b>	840,633	150,583	17.9	746,969	159,193	21.3
<b>1998</b>	802,456	135,908	16.9	755,358	146,631	19.4
<b>1999</b>	874,023	135,268	15.5	672,048	141,205	21.0
<b>2000</b>	841,158	130,683	15.5	674,038	126,360	18.7
<b>2001</b>	879,217	120,590	13.7	606,494	120,408	19.9

Source: Federal Statistical Office

1) Nationals of the following 14 EU member states: Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom (German citizens are not included).

2) as of 1990: the "old" Laender.

### ***Labour migration***

On principle, nationals of non-EU member states or other states participating in the EEA (European Economic Area) are not entitled to enter Germany for the sake of taking up gainful employment. However, there are some exceptions, as outlined in the **Decree on Exceptions to the Ban on Allocating Foreign Labour** (*Anwerbestoppausnahmeverordnung - ASAV*<sup>36</sup>). It is the goal of this decree to provide a legal channel for migrants from Eastern Europe and thus prevent illegal immigration. In addition, the programme helps to compensate for the labour shortage in some sectors of the German economy.

Under these regulations, Eastern European labour, especially from Poland and the Czech Republic, has been given an opportunity to take up employment in Germany. The majority of these labour migrants works as seasonal or contract workers. In 2001, the number of allocations of non-German seasonal workers amounted to 254,000, the number of non-German contract workers to 47,000. In addition, the passing of the so-called Green-Card regulations has opened up a new channel for migration inflows of **IT experts**. Under these rules, non-German information technology experts (who are not citizens of countries participating in the EEA) can be employed in Germany for a period of up to five years. Work permits can also be allocated to non-German graduates of German universities and colleges who take up employment after graduation. Up to the end of December 2002, a total of 13,373 work and residence permits (so-called “green cards”) has been granted to non-German IT specialists, most of them being nationals of India, Romania and Russia.

Foreign nationals that are residents of Germany and want to take up gainful employment have to apply for **work authorisation**, with the following groups being exempted from this obligation: EU nationals and citizens of EEA member states, persons holding a residence entitlement, and foreign nationals that were born in Germany and hold an unlimited residence permit. Work authorisation can be granted in two forms: firstly, in the form of a work permit in cases where job vacancies cannot be filled by German workers (or other European labour with a comparable legal status); secondly in the form of a work entitlement, which can be granted on condition that non-German residents have been legally employed in Germany for at least five years. Work permits can be temporary or limited to certain sectors of the economy. Work entitlements, on the other hand, are generally granted for an unlimited period of time.

### ***Asylum seekers and refugees under the Geneva Convention***

According to Art.16a Basic Law, non-Germans subject to political persecution have the constitutional right to asylum in Germany. Persons recognised as entitled to political asylum are granted an unlimited residence permit. In 2002, a total of 2,397 applicants were recognised as entitled to asylum (recognition rate: 1.8%).

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<sup>36</sup> According to §9, the following nationalities are exempted from the recruitment ban: nationals of EFTA states, the USA, Canada, Israel, Australia, New Zealand, Japan and small European states. According to §§2 to 5, the following professions are also exempted: contract workers, language teachers, specialist chefs, scientists, social workers and clergy for foreign nationals, nursing staff from Eastern European countries as well as artists and performers. Further exceptions exist for highly qualified specialists whose employment is in the national interest.

Table 27: Decisions of the Federal Office for the Recognition of Foreign Refugees between 1990 and 2002

year	number of decisions	entitled to political Asylum according to Art. 16/16a Basic Law	% <sup>1</sup>	protected against deportation according to §51 Par.1 Aliens Act	% <sup>2</sup>	impediments to deportation according to §53 Aliens Act <sup>3</sup>	%	rejected	% <sup>4</sup>	other completed cases <sup>5</sup>	% <sup>6</sup>
1990	148,842	6,518	4.4	n.a.	n.a.			116,268	78.	26,056	17.
1991	168,023	11,597	6.9	n.a.	n.a.			128,820	76.	27,606	16.
1992	216,356	9,189	4.2	n.a.	n.a.			163,637	75.	43,530	20.
1993	513,561	16,396	3.2	n.a.	n.a.			347,991	67.	149,174	29.
1994	352,572	25,578	7.3	9,986	2.8			238,386	67.	78,622	22.
1995	200,188	18,100	9.0	5,368	2.7	3,631	1.8	117,939	58.	58,781	29.
1996	194,451	14,389	7.4	9,611	4.9	2,082	1.1	126,652	65.	43,799	22.
1997	170,801	8,443	4.9	9,779	5.7	2,768	1.6	101,886	59.	50,693	29.
1998	147,391	5,883	4.0	5,437	3.7	2,537	1.7	91,700	62.	44,371	30.
1999	135,504	4,114	3.0	6,147	4.5	2,100	1.6	80,231	59.	42,912	31.
2000	105,502	3,128	3.0	8,318	7.9	1,597	1.5	61,840	58.	30,619	29.
2001	107,193	5,716	5.3	17,003	15.	3,383	3.2	55,402	51.	25,689	24.
2002	130,128	2,397	1.8	4,130	3.2	1,598	1.2	78,845	60.	43,176	33.

Source: Federal Office for the Recognition of Foreign Refugees (BAFl: Statistics on Administrative Cases)

1) In order to obtain the rate of approval, the total of individual cases is divided by the number of people entitled to asylum.

2) Percentage of asylum applicants that are protected against deportation, in relation to total of asylum decisions.

3) Since 1999, impediments to deportation according to §53 Aliens Act have been statistically registered as a separate category. In the years 1995 to 1998, respective figures were not included in the total of decisions.

4) Percentage represents quotient of rejections and total of asylum decisions.

5) This category comprises, among other things, withdrawn applications (e.g. because of return or transit migration).

6) Proportion of "other completed cases" to total decisions on persons.

7) Only since April 1994 have persons that are protected against deportation according to §51 Par.1 Aliens Act been statistically registered as a separate category. In previous years, their percentage amounted to 0.3% to 0.5% of all decisions (figures based on manual count).

In addition to the right to political asylum according to Art. 16a Basic Law, there is also the possibility of granting what is commonly referred to as the "little asylum" ("kleines Asyl") according to §51 Par.1 Foreigners Act (*Ausländergesetz*), based on the Geneva Convention for Refugees (Art.33). Persons recognised as convention refugees are granted a residence authorisation which is limited to a period of two years. This period can be extended if the persecution risk persists. In 2002, a total of 4,130 persons were recognised as protected against deportation. This equals a quota of 3.2%, in relation to all decisions passed by the Federal Office for the Recognition of Foreign Refugees (*Bundesamt für die Anerkennung ausländischer Flüchtlinge*) (c.f. table 7).

In addition, §53 Foreigners Act requires that persons are also **protected against deportation** if they are threatened by torture, capital punishment, inhuman punishment or other imminent dangers to life and limb or to their freedom. These foreign nationals can be granted a **limited toleration certificate**. Once this period of toleration expires, these persons are under a legal obligation to leave the country. If repatriation is not admissible, for the reasons stated above, toleration certificates can be extended. In 2002, 1,598 persons were recognised as protected against deportation according to §53 Foreigners Act (a quota of 1.2%) (c.f. table 7).

These two groups are thus legally protected against deportation, but their **residence status is relatively insecure**. Furthermore, they face restrictions in labour market access (a one-year waiting period and a subordinate status in comparison to EEA nationals).

The number of asylum seekers reached its peak in 1992, with almost 440,000 asylum applications, and has continuously decreased ever since. In 2002, the total of applications amounted to 71,127.

Table 28: Asylum applicants from selected source countries: 1990 - 2002

Year	Total	Europe	Africa	America and Australia <sup>2</sup>	Asia	Stateless persons and others
1990	193,063	101,631	24,210	402	60,900	5,920
1991 <sup>1</sup>	256,112	166,662	36,094	293	50,612	2,451
1992	438,191	310,529	67,408	356	56,480	3,418
1993	322,599	232,678	37,570	287	50,209	1,855
1994	127,210	77,170	17,341	214	31,249	1,236
1995 <sup>3</sup>	127,937	67,411	14,374	235	45,815	102
1996	116,367	51,936	15,520	380	45,634	2,897
1997	104,353	41,541	14,126	436	45,549	2,701
1998	98,644	52,778	11,458	262	31,971	2,176
1999	95,113	47,742	9,594	288	34,874	2,615
2000	78,564	28,495	9,593	338	37,239	2,899
2001	88,287	29,473	11,893	263	45,622	1,027
2002	71,127	25,631	11,765	187	32,746	792

Sources: Federal Office for the Recognition of Foreign Refugees, Federal Ministry of the Interior

1) Since 1991 figures are for the whole of Germany.

2) 1997 and 1998 America only (without Australia).

3) Since 1995, the BAFI statistics differentiate between initial and follow-up applications. For the years after 1995 data refers to initial applications.

### ***Ethnic German immigrants (Aussiedler)***

Under §4 Par.3 *BVFG* (Federal Law on Displaced Persons), *Aussiedler* are legally considered as **Germans** according to Art.116 Basic Law. The legal requirements are that they are German nationals or of German descent, living in one of the areas recognised in the *BVFG* as German settlement areas. Under the 1993 Law on Resolving Long-term Effects of World War II (*Kriegsfolgenbereinigungsgesetz*), most *Aussiedler* are former residents of territories within the former Soviet Union. In 1993, a **quota** was imposed on migration inflows of *Aussiedler* (following an amendment of the *BVFG* and a federal law on debt reduction, as of 22<sup>nd</sup> Dec. 1999). Since then, the Federal Administrative Office (*Bundesverwaltungsamt*) responsible for the admission of *Aussiedler* is not entitled to issue more entry permits than were granted in 1998 (i.e. a total of 103,080 persons, including applicants and other family members).

Due to the rising number **inter-ethnic marriages**, the ration between *Aussiedler* and their accompanying family members has been reversed: from slightly more than 77% in 1993, to about 22% in 2002. Consequently, the great majority of entries today are accompanying non-German family members. On arrival in Germany, they are also entitled to receive German citizenship<sup>37</sup> and have the same legal entitlements as *Aussiedler* themselves.

<sup>37</sup> On receiving their entry certificate, *Aussiedler* and accompanying family members (spouses and children) are automatically granted German citizenship. This amendment of nationality law (§7 *StAG*), which took effect as of 1<sup>st</sup> August 1999, has exempted this group from regular nationalisation procedures.

Table 29: Status of ethnic German immigrants (1993 to 2002)

Year	Spätaussiedler (according to §4 BVFG)	in %	Spouses and family members (according to §7 BVFG)	in %	Other family members (according to §8 BVFG)	in %
1993	169,638	77.5	48,374	22.1	876	0.4
1994	135,594	60.9	83,023	37.3	3,974	1.8
1995	120,806	55.4	90,795	41.7	6,297	2.9
1996	84,756	47.7	87,426	49.2	5,569	3.1
1997	53,382	39.7	75,033	55.8	6,004	4.5
1998	35,098	34.1	62,233	60.4	5,719	5.6
1999	30,944	29.5	64,599	61.6	9,373	8.9
2000	25,184	26.3	60,514	63.3	9,917	10.4
2001	23,992	24.4	62,645	63.6	11,847	12.0
2002	19,716	21.6	58,860	64.4	12,840	14.0

Source: Bundesverwaltungsamt

In 2002, approximately 91,500 persons entered Germany as *Aussiedler*. Since 1950, respective inflows of *Aussiedler* and accompanying family members have amounted to more than 4.2. million persons.

Table 30: Migration inflows of Spätaussiedler according to source territory: 1990 - 2002

Source territory	1990	1991 <sup>3</sup>	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Poland	133,872	40,129	17,742	5,431	2,440	1,677	1,175	687	488	428	484	623	553
Former Soviet Union	147,950	147,320	195,576	207,347	213,214	209,409	172,181	131,895	101,550	103,599	94,558	97,434	90,587
Yugoslavia <sup>1</sup>	961	450	199	120	182	178	77	34	14	19	0	17	4
Romania	111,150	32,178	16,146	5,811	6,615	6,519	4,284	1,777	1,005	855	547	380	256
(Former) CSSR	1,708	927	460	134	97	62	14	8	16	11	18	22	13
Hungary	1,336	952	354	37	40	43	14	18	4	4	2	2	3
other countries <sup>2</sup>	96	39	88	8	3	10	6	0	3	0	6	6	0
<b>Total</b>	<b>397,073</b>	<b>221,995</b>	<b>230,565</b>	<b>218,888</b>	<b>222,591</b>	<b>217,898</b>	<b>177,751</b>	<b>134,419</b>	<b>103,080</b>	<b>104,916</b>	<b>95,615</b>	<b>98,484</b>	<b>91,416</b>

Source: Federal Administrative Office (Bundesverwaltungsamt), Federal Ministry of the Interior

1) Including Croatia, Slovenia, Bosnia-Herzegovina and Macedonia, which all gained independence in 1992 and 1993 respectively.

2) "Other countries" plus inflows to Germany via a third country.

3) Figures after January 1, 1991 are for East and West Germany together.

### ***Inflows of Jewish migrants from the territory of the former Soviet Union***

In 1990, the last, democratically elected government of the GDR had started allowing entries of Jewish migrants from the Soviet Union by introducing of a fast-track procedure for this group. After German reunification, the united Germany decided to maintain this practice, based on a decision of the German Chancellor and the 16 state governors on 9<sup>th</sup> January 1991. According to this agreement, Jewish migrants are allowed to enter Germany on the basis of the Law on setting Quotas for Refugees (*HumHAG*, also called *Kontingentflüchtlingsgesetz*), which allows inflows of refugee groups during humanitarian crises. However, contrary to usual practice, no quota has been set for entries of Jewish migrants. Furthermore, they are

under no obligation to take part in the language test in their home country, in contrast to Spätaussiedler. In addition, state governors have agreed to distribute migrants among the *Laender* (federal states).

As of 15th February 1991, all entry applications are reviewed individually on the basis of the so-called Structured Admission Procedure (“*geordnetes Aufnahmeverfahren*”).<sup>38</sup> Under these regulations, Jewish migrants have to apply for an entry permit at a German consulate in one of the successor states of the former Soviet Union. In accordance with Foreign Ministry instructions to German consulates abroad (as of 25th March 1997), Jewish migrants are entitled to enter Germany if the following conditions have been fulfilled: they have to provide official registration documents stating that they are of Jewish nationality, or that they are a descendant of at least one Jewish parent. Unlike Germany, Jewish is recognised as a nationality in the territories of the former Soviet Union. Applicants have to provide proof in the form of passports or birth certificates. German consulates have to review the authenticity of submitted documents to ensure that applicants are entitled to enter Germany.

After reviewing applications, state authorities notify the Federal Administrative Office, which, in turn, passes on the decision to German consulates abroad. If entry permissions are granted, migrants receive entry visas containing information on the federal state they have been allocated to. Entry visas have to be collected at the respective German consulate within twelve months, and are then valid for three months.

*Table 31: Inflows of Jewish people from the former Soviet Union: 1993 - 2002*

<b>Year</b>	<b>Inflows</b>
1993	16.597
1994	8.811
1995	15.184
1996	15.959
1997	19.437
1998	17.788
1999	18.205
2000	16.538
2001	16.711
2002	19.262

*Source: Federal Ministry of the Interior, Federal Administrative Office (Bundesverwaltungsamtes)*

All in all, a total of 164,492 Jewish emigrants have entered Germany between 1993 and 31st December 2002. Since 1995, annual inflows have been stable at roughly 20,000 migrants. The majority of Jewish migrants originate from the European part of the former Soviet Union, the main source countries being the Ukraine, Russia, the Baltic States, Belarus and Moldavia.

Jewish migrants leave their home countries for three main reasons: Firstly, for fear of anti-Semitic discrimination and on-going civil wars in their home countries; secondly, because of the economic crises accompanying the transformation of former socialist societies. In addition, they also hope to ensure a better future for their children in the countries they migrate to. Some Jewish migrants already have relatives or friends living in Germany, consequently migrant networks play an important role in encouraging emigration, which is also true for other

<sup>38</sup> Jewish emigrants entering Germany before this agreement was reached were granted the same legal status, in accordance with the Law on setting Quotas for Refugees (HumHAG, also called *Kontingentflüchtlingsgesetz*).

groups of immigrants such as *Spätaussiedler*. Finally, the USA have reduced their annual quota for immigrants from the (former) Soviet Union to 50,000 persons since 1989, and Israel has become less attractive for migrants because of its internal conflicts.

In accordance with the Law on setting Quotas for Refugees (*Kontingentflüchtlingsgesetz*), Jewish migrants basically receive the same legal status as persons entitled to political asylum (e.g. entitlement to education benefits, permanent residence permit, work permit). On entering Germany, Jewish migrants are offered a German language course and are also entitled to receive integration benefits (*Eingliederungsgeld*) for six months, which are funded by the federal government. Even though this group of Jewish immigrants is characterised by a high proportion of university graduates, their integration into the German job market has proved to be difficult, as existing qualifications are frequently not recognised in Germany.

### **12.5.3 Brief overview on legislation and policies in the areas migration, integration and anti-discrimination**

Despite the continuously rising and permanently more diversifying immigration Germany stuck to the defensive self-characterization that it is no country of immigration until the change of government in 1998. Only the new government coalition faced the new social reality of immigration and introduced a **new era in migration policy**. As a consequence there have been several modifications of the migration and foreigners policies and legislation especially from 2000 to 2002. This step has also been assisted by the **demographical development** of Germany as well as by a diagnosed **lack of skilled workforce** in certain sectors of the labour market. This paradigmatic shift resulted, first of all, in the 1999 reform of German **nationality law**. Further steps were marked by the appointment of an Independent Commission on Migration in summer 2000, and the passing of the so-called **Green Card Regulations** in August 2000, which broadened the access of non-German specialists to the labour market in Germany.

In 2002, finally, German parliament passed the new **Migration Law**, which was to take effect as of 1<sup>st</sup> January 2003. However, as the law has been declared invalid for formal reasons by the Federal Constitutional Court on 18<sup>th</sup> December 2002, the government introduced the law, which has not been modified, again at the beginning of the year. As so far the bill has only been passed by the *Bundestag* (first chamber of the federal parliament), but not by the *Bundesrat* (second parliamentary chamber representing the federal states), it is up to a mediating committee of both houses of parliament to work out a **compromise** between the government and the opposition. The law aims at a comprehensive reform of foreign resident law. Contrary to the current Foreigners Law, the new law is to include regulations concerning the **gainful employment of non-German residents**, in order to simplify and structure the various legal residence and immigration titles. In addition, the legislation also aims at **fostering integration**. Under the new law, for example, new residents would generally be obliged to participate in integration courses.

On the whole, the passing of the Immigration Law has been **welcomed by a broad majority of organisations**, including trade unions, employers' associations, churches and charitable organisations, even though some of planned regulations have met with **criticism**. Human rights and refugee organisations, for example, have welcomed the law's extended protection for asylum seekers subject to non-governmental and gender-specific persecution, but also emphasised that some gaps would still remain in the protection of refugees.

Despite the fact that the goal of fostering integration has so far not been incorporated into law, local and state governments have already started to develop **new strategies in integration policy**. These efforts do not only aim at placing more emphasis on integration, but also at defining it as an **inter-departmental task**, e.g. by setting up new cross-cutting administrative departments.



Similar to integration, the issue of **discrimination** has so far not been regulated by one comprehensive anti-discrimination bill. However, several laws contain specific **discrimination bans**.

In the **public sphere**, protection is provided, first and foremost, by Germany's constitution, which stipulates in Art.3 Par.3 **Basic Law** (*Grundgesetz*) that it is illegal to discriminate against anybody because of their sex, descent, race, language, origin, belief, or their religious and political views. In addition, handicapped persons are also protected against discrimination. This article of the constitution applies directly to all state authorities (e.g. public schools and housing authorities), and everybody who charges public officials with discrimination is entitled to take legal action. In addition, there are detailed anti-discrimination regulations for all civil servants. For example, §8 Par.1 **Federal Civil Service Law** (*Bundesbeamtenengesetz*) bans all forms of discrimination based on sex, descent, race, religion and religious or political views. Similar directives are to be found in §7 of the **Civil Service Outline Legislation** (*Beamtenrechtsrahmengesetz*) and in §67 **Federal Staff Council Law** (*Bundespersonalvertretungsgesetz*). However, it is obligatory for civil servants to have **German citizenship**; exceptions to this rule are only admissible if there is an urgent public need to recruit non-German civil servants (e.g. for the police force).

The **private sector**, on the other hand, has no comprehensive legal protection against discrimination. In Civil law, in particular §611a **Bürgerliches Gesetzbuch** (*BGB*), there are regulations banning all forms of discrimination against employees because of their sex. However, the law comprises, up to now, no regulations against discrimination because of ethnicity. Detailed anti-discrimination regulations are only to be found in **subordinate laws**, for example in insurance supervision, public transport laws, telecommunication customer protection laws, or in the industrial relations law (including individual industrial relations agreements).

In February 2002, the Federal Ministry of Justice has presented a **bill for preventing discrimination in civil law** (Civil Law Anti-Discrimination Bill), in order to transfer, at least partly, two EU anti-discrimination directives into national law. The bill, however, only regulates contract law, whereas other areas, such as the membership and participation in trade unions and employers' associations, are to be regulated in a specific anti-discrimination labour law; respective bills have so far not been introduced into parliament. The amendments comprise, firstly, an explicit ban of discrimination based on "race", ethnicity, sex, religion and other beliefs, disability, age or sexual identity, and, secondly, a new **definition** for discrimination, which differentiates between discrimination and admissible forms of distinction, as well as a simplification concerning **burden of proof rules**. The federal government, however, has meanwhile shelved its anti-discrimination bill, and so far failed to publish a new legislative proposal. Currently it seems unlikely that the government coalition will present fresh proposals which are as far-reaching as those contained in its original anti-discrimination bill. Brigitte Zypries, the new federal justice minister, has expressed her support for restricting government proposals and excluding the discrimination features religion, belief and age from the government bill.

In addition to national legislative projects, Germany has also signed respective **international agreements** and founded an **Institute for Human Rights**, thus underlining its determination to fight racism, xenophobia and discrimination.